



JUDICIARY OF  
ENGLAND AND WALES

**R**

**-v-**

**Mohammed Diakite**

**In the Crown Court at Liverpool**

**21 March 2022**

**Sentencing remarks of Mr Justice Morris**

Mohammed Diakite, you are now aged 19. You have been convicted by the jury of the murder of N'Taya Elliott-Cleverley.

It is now for me to pass sentence upon you. I ask that you remain seated whilst I describe the circumstances of your offence.

**The Facts in outline**

At around 2am on 29 January last year, N'Taya Elliott-Cleverley was discovered at her home in Wavertree, lying in her bed in a pool of blood. Sometime between just after midnight and 150am Mohammed Diakite had subjected her to a vicious and sustained attack of punching and then strangled her. At the same time N'Taya and Mohammed Diakite's 4-month old baby daughter was lying asleep in a cot next to the bed. The emergency services were called. At just after 230am she was pronounced dead.

Post-mortem examination revealed 56 different sites of injury to her body. There was extensive bruising to her face and, significantly, injuries round her neck consistent with strangulation with a ligature. The cause of death was mechanical asphyxiation. A skipping rope with N'Taya's blood on it was discovered in the living room of the flat.

N'Taya Elliott-Cleverley was a healthy young woman in the prime of her life. She was a much loved daughter and sister. She was subjected to a brutal and terrifying attack which came about without warning. She leaves behind a very young daughter, who is now aged 18 months.

We have listened today to N'Taya's mother, Deborah Cleverley and her sister Chantelle Mason read their victim personal statements in court with courage and with dignity. We have also heard read the statements of her father Joseph Elliott, her brother Paul Elliott and her sister Samantha Elliott. Each has provided eloquent and moving testimony not only of their own personal grief and of the ordeal of sitting through this trial, but vividly of the present and future impact upon by N'Taya's young daughter of the loss of her mother at the hands of her father. We have heard too of the love and devotion now bestowed on her by Chantelle and her partner. The loss of N'Taya is a loss which will stay with each of them for the rest of their lives.

## **The background**

N'Taya Elliott-Cleverley was 20 years old when she died. She worked as a children's nursery nurse. N'Taya was by all accounts a happy and kind person and someone who loved her work; one witness described her as funny and cheeky.

Mohammed Diakite was born in the Ivory Coast on 12 October 2002. He left there due to war. Both his parents died when he was young. He travelled with his older sister, to Liberia, then back to Ivory Coast and left again and travelled through Mali, Algeria and Morocco. When he was about 13 or 14 he arrived in Europe, crossing first to Spain, then through France, and into the UK in February 2018, arriving in Liverpool when he was about 15. There is evidence that in the course of his journey he witnessed a number of traumatic events. In May 2018 he was subject to Merton compliant age assessment, finding his date of birth to be 12 October 2002. He claimed asylum and was supported by Bedspace, a local organisation helping vulnerable persons. Celia Cole was his allocated support worker. In March 2020 he moved to live at Flat 1, 43 Prince Alfred Road in Wavertree. From April 2019, his GP records refer to mental health issues. He was prescribed fluoxetine and, from September 2019 until November 2020, was provided services by Talk Liverpool, an NHS therapy service.

N'Taya Elliott-Cleverley and Mohammed Diakite met in 2019 and started a relationship. At some point N'Taya moved in to live with Mohammed at the flat at Prince Alfred Road. During the pandemic lockdown, from March 2020 onwards, they spent much of their time together in the flat. In the main they appeared to be a happy couple, although neighbours reported hearing arguments between them from time to time.

In early 2020 N'Taya fell pregnant by Mohammed Diakite. Their baby daughter was born on 22 September 2020. Due to the pandemic, N'Taya had gone into hospital on her own to have the baby, and she was discharged back home on the following day.

Whilst both were initially anxious, the evidence suggests that both N'Taya and Mohammed were thrilled at the birth of their daughter and were good parents. However it is clear that a combination of the new born child and the difficulties imposed by living conditions in the pandemic put pressure on their relationship and their arguments became more frequent.

On 6 October 2020 the police were called to an incident of domestic violence at the flat. Mohammed Diakite had assaulted N'Taya and put his fingers down her throat, so that she could not breathe. In an earlier incident that day, Mohammed had caused bruising to her arm, as he was trying to stop her going out.

Following that incident, N'Taya started looking in earnest to move to another property, where she and the baby could live. In December 2020, a property was found and she was due to move there on 29 January 2021. The plan was for her to move there with the baby. Mohammed would stay at the flat at Prince Alfred Road, although it was not intended that the relationship would end. The week before she was due to move, on 21 January 2021 Mohammed Diakite won his asylum appeal and was granted leave to remain.

## **The events of 28/29 January 2021**

At various times during the day on 28 January 2021, N'Taya (with the baby in the pram) and Mohammed went out from, and came back to, the flat. Mohammed Diakite returned to the flat in mid-afternoon. N'Taya was last seen returning to the flat with the baby in the pram just before 445pm. Throughout the day N'Taya was in telephone contact with her mother, sharing her excitement about the planned move to the new apartment. Mohammed was due to contact a friend of his to help her move her belongings. N'Taya and her mother were concerned that he hadn't made the arrangements. N'Taya's last message to her mother was sent at 18 minutes after midnight. Her mother's response four minutes later went unread.

It appears that N'Taya got ready for bed. Shortly thereafter, Mohammed Diakite killed her whilst she was in their bed, with their daughter in the cot next by. Whilst precisely what Mohammed did, and at what time, is not known, he subjected N'Taya to a persistent and violent attack, whilst she lay prone in the bed. At his hands, she sustained multiple blunt force injuries to her face, particularly around her mouth. She also sustained numerous injuries to her neck, which reflected manual strangulation and the use of a ligature. There was evidence of smothering too. The cause of death was mechanical asphyxiation. Other injuries suggested manual gripping by Mohammed Diakite, and were consistent with him restraining her whilst she was being violently assaulted. Mohammed Diakite sustained no injuries himself. I find that Mohammed Diakite strangled N'Taya both with his hands and then with a ligature, namely the skipping rope. In doing so, he intended to kill her.

Between 1240am and 115am Mohammed Diakite sent WhatsApp voice messages to two friends. In his voice message at 1240am to one of those friends, N'Taya could be heard, in the background, breathing heavily. By that time, whilst she had been beaten, she was still alive. She was then strangled. N'Taya must have been not only terrified by her own ordeal, but also tormented by the fact that this was all happening with her baby daughter sleeping in the cot beside her.

### **The aftermath**

Mohammed Diakite then contacted Celia Cole. He told her that N'Taya had gone and was not coming back. Celia Cole was concerned and went to the flat. By that time Mohammed Diakite had left. Before doing so, he destroyed evidence – he had smashed her mobile phone. Celia Cole, along with two neighbours, discovered N'Taya's body and called the emergency services, who arrived shortly.

In the meantime Mohammed Diakite made his way from the flat to Liverpool city centre. At just after 220am he called his friend, Ismael Donzo. They spoke for 36 minutes. In that call, recorded by Mr Donzo, Mohammed Diakite confessed to killing N'Taya. He acknowledged that he had done more than just beaten her. He realised he was going to jail for a long time and told Mr Donzo that he was going to kill himself. Mr Donzo came in his car to meet Mohammed Diakite in Liverpool city centre and found him down by the river. When he got into his car, Mr Donzo drove him to Police headquarters where he was arrested.

Later that day, on 29 January, and before being interviewed, Mohammed Diakite was assessed under the Mental Health Act by approved doctors. They concluded that, whilst he presented with symptoms consistent with Post Traumatic Stress Disorder, he did not present as acutely psychotic and was not detainable under the Mental Health Act. He was initially

remanded in prison. In February 2021 he was diagnosed as acutely psychotic and was started on anti-psychotic medication. In late April 2021 he was transferred to the Spinney Hospital, on the basis that he needed urgent treatment for his mental health. He has been resident there ever since. By January 2022 he had been diagnosed with paranoid schizophrenia.

At the trial, on the basis of his diagnosis of PTSD and subsequently of paranoid schizophrenia, Mohammed Diakite put forward a defence of diminished responsibility. This was rejected by the jury.

## **Murder**

In considering the sentence, I must first consider your age at the time of the offence and at the date of conviction. On the evidence before the court, I conclude that your date of birth was 12 October 2002 and so at the date of the offence you were aged 18 years and 3 months. At the date of conviction you were 19 years old.

The sentence for murder is fixed by law. It is a life sentence. The Court must impose this life sentence and must also specify the minimum term which must elapse before you can be considered for release on licence. Since you are under the age of 21, the sentence is custody for life pursuant to section 275(1) Sentencing Act 2020.

So that there is no misunderstanding, the minimum term is not the point in time when you will be released. It is the minimum term you must serve before you are considered for release. Whether you are released then, or indeed ever, is a matter for the Parole Board, not for me.

Schedule 21 of the Sentencing Act 2020 sets out the approach which I must adopt in deciding what minimum term you must serve. I must first identify the appropriate starting point for that term, before going on to consider, and balance, the aggravating and mitigating factors.

Paragraph 4 of Schedule 21 provides a starting point of 25 years where a knife or other weapon is taken to the scene which is then used when committing the murder. I have considered whether this applies in your case, in relation to the skipping rope. However, on the basis of the relevant case law, summarised in *Archbold 2022* para 5A-880, even if it is the case that you took the skipping rope from the living room to the bedroom, this did not constitute “the taking of a weapon to the scene” with paragraph 4(1). In these circumstances, I consider that the offence was not sufficiently serious to warrant a 25 year starting point. Accordingly, I find that the starting point for the minimum term is 15 years.

However, that said, both your fetching, and then your use, of the skipping rope as a weapon is a seriously aggravating factor which, of itself warrants a substantial increase to this starting point. In addition, there are a series of other aggravating features which further serve substantially to increase that starting point. First, the mental and physical suffering inflicted on N'Taya Elliott-Cleverley before she died, as evidenced, in particular, by the heavy breathing heard on the voice message and by the presence of her young daughter. Secondly, the fact that this was a ferocious attack committed in her own home. Thirdly, the fact that your own young baby daughter was in the cot beside the bed. Fourthly the background of previous domestic violence. However on the basis of your behaviour at the time and in the aftermath, I am not satisfied that there was a significant degree of planning or premeditation to your actions.

As regards mitigating factors, first, you were just over 18 at the time. In line with sentencing

guidelines for young people, this is a significant factor to be taken into account. Had you been a few months younger, the statutory starting point would have been 12 years. Secondly, whilst your responsibility was not diminished under the Homicide Act 1957, I take account of the fact that, on the basis of the evidence of Dr Grew and Dr Swift and of Dr Mirvis, at the time of the murder and for some time before, you were suffering from PTSD arising from your experiences before arriving in this country. Moreover those experiences themselves provide some personal mitigation. Thirdly, some mitigation is provided by the fact that you have no previous convictions, although this is to be balanced with your conduct on 6 October 2020.

Overall however the aggravating factors significantly outweigh the mitigating factors and, as a result, there will be a substantial increase from the starting point of 15 years.

### **The sentence**

Mohammed Diakite, please stand. For the murder of N'Taya Elliott-Cleverley, the sentence is custody for life. You will serve a minimum of 19 years less the period of 415 days you have spent on remand. After that, it will be for the Parole Board to determine whether and if so when you should be released. If and when you are released, you will remain on licence for the rest of your life and liable to recall if you commit any further offence or breach the terms of that licence.

You may go