



JUDICIARY OF  
ENGLAND AND WALES

THE HONOURABLE MR JUSTICE MURRAY

**In the Crown Court at Lewes  
(sitting at Hove Trial Centre)**

***R v Tiffany Tate and Michael Roe***

**19 March 2021**

1. On 10 September 2018 Holly Roe, who was only 8 weeks old, died as a result of a severe head injury caused by shaking or catastrophic traumatic impact or both inflicted by her father, Michael Roe.
2. It falls to me today to sentence you, Michael Roe, for the murder of your baby daughter, Holly, and to sentence you, Tiffany Tate, for allowing the death of your baby daughter to occur at the hands of Mr Roe, contrary to section 5 of the Domestic Violence, Crime and Victims Act 2004 (“the 2004 Act”).
3. Michael Roe, you were 30 years old at the time of Holly’s birth, 31 years old at the time of her death and 33 years old now. You have a son from your previous relationship with Victoria Foster, of whom you had sole custody. He was four years old at the time of Holly’s death and lived with you, Tiffany Tate and Holly at your home in Crowborough.
4. Tiffany Tate, you were 19 years old at the time of Holly’s birth, 20 years old at the time of her death and you are 22 years old now. Holly was your first and only child.
5. Holly Roe was born on 14 July 2018, two months premature. Her expected due date was 7 September. Although Holly had the health difficulties one would expect of a baby born two months premature, she made good progress in hospital and, after 19 days, on 9 August Holly came home to your house in Crowborough. Despite having been born premature, she was a healthy baby. A month later, some time around midnight on 9/10 September, Holly was dead.
6. The undisputed medical evidence in this case showed that Holly died of a non-accidental head injury caused by an incident of forceful shaking, traumatic impact or both, and that she would have been unconscious, if not dead, from the time of that injury. The pathology evidence showed extensive bleeding in various areas in and around her brain, spinal cord and eyes, bruises and tears both in the outer areas of and deep within her brain and multiple rib fractures, front and back. The evidence also shows that in addition to the event that killed her on the night of 9/10 September, she had suffered similar injuries produced by forceful shaking and/or traumatic impact, plus rib fractures from her rib cage being squeezed by large adult hands, on at least one other and probably more than one other occasion.
7. There was a time, perhaps a week, possibly two, before Holly’s death, when you, Michael Roe, were alone with Holly downstairs giving her a night-time feed. Tiffany Tate was awakened by Holly’s screaming. She also heard three loud bangs downstairs. Tiffany Tate came down to find Holly extremely distressed and, in her words, “proper

screaming”. You told her to go back upstairs. The next day you told Tiffany Tate that you had been feeding Holly milk with a syringe through her nose because she was not taking her bottle. You also told Tiffany Tate not to mention this incident to anyone. The timing of this incident was consistent with the medical evidence that Holly had suffered non-accidental injuries consistent with forceful shaking and/or traumatic impact a few days or weeks before her death.

8. On the evening of 4 September, Holly had been alone with you, Michael Roe, while you gave Holly her 6:00 pm feed. Tiffany Tate had gone to the fish and chips shop to get your dinner. She arrived home just in time to hear Holly “barking like a seal”, suddenly going floppy and stopping breathing, with you, Michael Roe, immediately commencing mouth-to-mouth resuscitation. I am sure that she did stop breathing on that occasion and was not merely choking on saliva, as you had claimed.
9. Despite the seriousness of this incident, neither of you sought medical attention for Holly on that occasion. You, Michael Roe, told Tiffany Tate not to tell anyone about it because “it was not important”. The timing of this incident was consistent with the medical evidence showing that Holly had suffered non-accidental injuries consistent with forceful shaking and/or traumatic impact a few days before her death.
10. You, Tiffany Tate, knew that Michael Roe had told you to tell no one because he had done something wrong. You knew that something bad had happened to Holly and that she needed medical attention. You did mention this event to your mother and to Samantha Warner, and in an email to Sarah Beale, but you did not say anything to the Health Visitor or take Holly to the hospital or simply take Holly away to stay somewhere else. You knew that you could have gone to stay with Samantha Warner or with your mother. You knew that Sarah Beale would have found you somewhere else to live with Holly had you asked her to do so, just as she had previously helped you to find a flat in Polegate, before you met Michael Roe.
11. You, Tiffany Tate, told the court that, from 4 September onwards, you knew your baby daughter was ill and in pain. She was often cold, pale and floppy. We know that Holly had suffered very painful rib fractures. You saw her pained reaction to being picked up and how she cried. You have admitted in evidence that you knew the situation was serious, that you should have done something and that you did not take any effective steps to help Holly because you did not want Michael Roe to throw you out of his house.
12. You have both accepted that it must have been one of you who killed Holly. Each of you blamed the other.
13. Your efforts, Michael Roe, to pin the blame on Tiffany Tate began even before Holly’s death when you said a number of things to the Health Visitor on the Friday before Holly’s death that were clearly intended to create suspicion, and when you spoke to Tiffany’s close friend, Samantha Warner, two days after Holly’s death, saying things to her that were also clearly intended to create suspicion that Tiffany Tate had harmed Holly.
14. In my view, this shameful behaviour by you, Michael Roe, considerably enhances your culpability. Moreover, the fact that it began before Holly’s death shows that you knew you had seriously harmed Holly even before you finally killed her on the night of 10 September. I am sure to the criminal standard that at or around midnight on the night of 9/10 September when you carried Holly upstairs to her Moses basket, she was either already dead or in a coma, dying shortly afterwards. I am sure that your original account to the police is true, that you simply went to bed at that point. You hoped, perhaps assumed, that Holly would recover from the shaking you had given her, as she had

previously. The story about your having gone downstairs again after putting Holly in her Moses basket in order to have a smoke in the shed was another obvious and embarrassing lie, made up after you had heard the prosecution evidence at the first trial in March 2020, and clearly intended to divert suspicion to Tiffany Tate.

15. You, Michael Roe, were the last person to have seen Holly alive, when you gave Holly her last feed just around midnight on 9/10 September. You pretended to this court that, in contrast to Tiffany Tate, you were a calm and experienced parent, having been a single parent to your son. The evidence during the trial showed that, while you were apparently a good father to your son, you were no more patient than Tiffany Tate when you had difficulties feeding Holly and that you would get frustrated, lose your temper and lash out. Unfortunately for baby Holly, your lashing out proved fatal.
16. You each admitted telling lies on prior occasions, but your admitted lies, Michael Roe, were much more serious and more numerous, including lying under oath to the Family Court during care proceedings relating to your son in May 2019.
17. In addition, it is clear, Michael Roe, that you told lie after lie during your evidence at the last trial in the Crown Court as well as during this trial, changing and adding to your account of various incidents, but in particular regarding the events of the night of 9/10 September, with a view to casting suspicion on Tiffany Tate in respect of Holly's death. Unfortunately for you, your lies were clumsy and obvious, and the jury had no difficulty seeing through them.
18. Having presided over the last trial in October/November of last year, where the jury was discharged after all the evidence had been heard, as well as over this trial, and having heard a great deal of evidence about your family backgrounds, including the time that each of you spent in care as children, I have decided that I would not be assisted for purposes of sentencing by any additional reports about either of you. In your case, Michael Roe, I have had regard to the psychological report prepared by Dr Celeste van Rooyen in relation to you in August 2013.
19. Michael Roe, the sentence for Murder is imprisonment for life.
20. I must decide the minimum term that you must serve before you can be considered for release on licence. In this case, under the relevant legislation, the starting point for the minimum term is 15 years.
21. There are a number of aggravating factors. The first is the extreme vulnerability of your victim, a premature baby who at the time of her death had only just reached the normal gestation period for a full-term baby. There is also the physical suffering that you inflicted on Holly on at least one other occasion and probably two, if not more, occasions. I bear in mind that Holly was clearly suffering from the time she stopped breathing on 4 September until she died, having been observed to be in pain, more sick than usual, cold, floppy, her eyes rolling. In evidence, we heard that at her six-week check-up with the GP on 30 August, Holly showed that she could fix and follow with her eyes. As we heard from Dr Cleghorn, eye-rolling after that point was an indicator that Holly was seriously unwell. Clearly, you had a position of trust in relation to Holly – the highest possible as her father – which you abused. Knowing what you did to your daughter, you told lie after lie to avoid responsibility for the consequences of what you had done, and you tried hard to ensure that Tiffany Tate would take the blame.
22. I bear in mind all that I know about you. You have no previous convictions or other trouble or involvement with the police, apart from one caution for possession of cannabis. You have, however, admitted in these proceedings to lying under oath in the Family

Court proceedings in May 2019. I bear in mind your troubled family background, the years you spent in care, having passed through 14 foster homes over the course of 7 years, as well as the physical abuse that you suffered at the hands of your alcoholic father as a young child before you were taken into care. At times you were so badly abused that you had to be hospitalised. As a child you were assessed as having a mixed emotional and behavioural disorder, as well as learning difficulties. You have struggled with anxiety and depression.

23. I bear in mind your learning disabilities and difficulties with reasoning skills. Whilst I have noted these things and do bear them in mind as personal mitigation, I also note that many others have suffered similar difficulties in their early life without having gone on to commit murder, much less to murder a child.
24. I also bear in mind your medical condition, ankylosing spondylitis, a very painful condition from which you have suffered now for some years and which is apparently incurable.
25. I sentence you on the basis that you intended to cause Holly really serious harm, rather than that you intended to kill her, and that your assault on Holly ending in her death was not premeditated, although I also note that there was at least one other episode of shaking and probably two, possibly more, and that you knew that you had seriously harmed your daughter Holly a number of days before you finally killed her.
26. I understand that you have spent 555 days on remand in custody since your arrest. That number of days will count towards your minimum term. If I am wrong about the number of days, then that can be corrected administratively to give effect to my intention that each day that you have spent on remand in custody should count towards the minimum term.
27. Tiffany Tate, in relation to your sentence I have had regard to the Sentencing Council Guideline for the offence under section 5 of the 2004 Act, bearing in mind that you are being sentenced on the basis that you allowed, rather than caused, Holly's death. In my view, your culpability falls into the Medium category. Although the syringe-feeding incident was, itself, not an incident of the type that resulted in Holly's death and that I cannot be sure to the criminal standard that you observed Mr Roe shaking Holly on that occasion or any other occasion, you nonetheless knew from that time that Michael Roe was potentially dangerous to Holly.
28. I am sure to the criminal standard that you knew, rather than simply ought to have known, that Michael Roe was dangerous to Holly from 4 September onwards and that he had, in fact, harmed Holly, who was in pain and suffering from then until she died. There were multiple incidents of serious cruelty by Michael Roe. While you clearly had regard for Holly's welfare at earlier stages of her life, you deliberately disregarded her welfare during the period following 4 September because of your fear of being thrown out of Michael Roe's house. It cannot be said that you took no steps at all in that you mentioned the stopping breathing incident on 4 September to your mother and to Samantha Warner, as well as to Sarah Beale by email. But you were in the best position to judge the seriousness of what had actually happened, and you did not take the reasonable steps that you could reasonably have been expected to take to protect Holly from the risk of serious physical harm by Michael Roe after that incident on 4 September. Your responsibility is substantially reduced, however, by your learning and communication difficulties and your lack of maturity.
29. The harm of your offence is, of course, of the highest, namely, the death of your baby. Had you not allowed it, baby Holly would not have been murdered.

30. There are no aggravating factors for me to consider in relation to your offence.
31. In mitigation, I bear in mind your history of having been taken into care as a young child and the sexual abuse you suffered at different stages of your life at the hands of your half-brothers and your stepfather. I take into account that you are a “looked after person” who has been assisted throughout these proceedings by a representative of Social Services. I bear in mind that, in marked contrast to Michael Roe, you have open and cooperative from the time of the police investigation to the giving of evidence at this trial. You have admitted a couple of lies, of comparatively minor significance. You have made frank admissions during your evidence. The evidence during the trial indicated that you had some issues with depression after the birth of Holly, which is not unusual for a young mother, but I bear it in mind.
32. I have already taken into account your learning difficulty and lack of maturity in assessing your culpability. Your age at the time of Holly’s death, only having just turned 20, is another important mitigating factor.
33. I bear in mind that you have no previous criminal record. It is submitted on your behalf that, although you have difficulty displaying emotion, you have demonstrated remorse by your acknowledgement during the trial that you should have done something to protect Holly. I accept that.
34. I am also asked on your behalf to accept that, due to Michael Roe’s lies, you have been tried for Murder twice, before the charge of Murder was dropped at the end of the evidence at the last trial, and that again, through no fault of your own, you have faced trial on three separate occasions, as well as two weeks of Family Court proceedings. I bear these matters in mind. I note that these proceedings have last for more than two and a half years and that throughout that time you abided by your bail conditions with no breaches.
35. In relation to each of you, Michael Roe and Tiffany Tate, there is a statutory surcharge that applies, and that must be paid.
36. Michael Roe, for the Murder of Holly Roe, I sentence you to imprisonment for life.
37. The lowest minimum term that I can impose commensurate with the seriousness of this Murder before you can be considered for release on licence is 19 years.
38. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period that cannot be reduced in any way. After you have served that minimum term, there is no guarantee that you will be released at that time or at any time after that. It is only if the Parole Board decides that you are fit to be released that you will be released.
39. In any event, if you are ever released on licence, you will still be subject to this life sentence and to specific licence conditions. If you breach any condition, you will be liable to be returned to prison to continue to serve this sentence. It may be, in that case, that you will never be released again.
40. Tiffany Tate, for allowing the death of your baby daughter, Holly Roe, the least possible sentence that I can impose, having regard to the seriousness of the offence, is one of 2 years and 9 months’ imprisonment.
41. You will serve up to one half of your sentence in custody before you are released on licence. You must keep to the terms of your licence and commit no further offence, or

you will be liable to be recalled and you may then serve the rest of your sentence in custody.