



JUDICIARY OF
ENGLAND AND WALES

THE HON. MR JUSTICE COOKE

IN THE CROWN COURT, LEEDS

R -v- SARAH LOUISE CATT

SENTENCING REMARKS

17 September 2012

1. You have pleaded guilty to administering Misoprostol to yourself with intent to procure your own miscarriage. You are entitled to credit for that plea and generously, I give you the full 1/3 credit although you maintained your innocence during police interviews, since you entered a plea at a relatively early point following charge. The starting point for my sentencing before discount for plea takes account of the aggravating features of this matter.
2. Whilst this is an offence which is rarely charged these days, the facts underlying it are unusual. The critical element of your offending is the deliberate choice made by you in the full knowledge of the due date for the birth of your child, to terminate the pregnancy at term or very close to it, in the full knowledge that termination after week 24 was unlawful and in the full knowledge that your child's birth was imminent. This is so serious that only an immediate sentence of imprisonment will suffice. The sentence will be one of 8 years.
3. You ordered the Misoprostol on 14 April 2010 and it was delivered on the 10 May 2010. On the 21 May 2010 you enquired on the internet as to what would happen if you took Misoprostol at term. On the 26 May you enquired again on the net as to how soon the drug would take effect. As you also took an afternoon off work on the 25 May, it is a fair

inference that you must have taken the drug somewhere around that time. You went on a family holiday on about the 27 May.

4. You told the man with whom you were having an affair of your pregnancy back in October 2009 and your last menstrual period would, on the basis of other evidence, including your own enquiries on the internet, have been about 19 August 2009. You were concerned to keep the knowledge of your pregnancy and your affair from your husband, but you had intermittent contact with the Marie Stopes Clinic website in January and February 2010 with a booking on the 16 March 2010 based on your statement to the clinic that your last menstrual period was in late November. You did not attend on the 16 March because on the previous day, you attended the British Pregnancy Advisory Service and were told that the scan showed pregnancy of 26 weeks and 3 days and that the 24 week period for lawful abortion had passed. You challenged this calculation and then attended a hospital where more sophisticated equipment produced a figure of 29 weeks and 5 days. A termination on the 12 May would be at about 38 weeks and 2 weeks later would be as near to term as makes no difference.
5. You told the Psychiatrist that you acted alone and took the drug whilst your husband was away, delivering the baby induced by the drug at home. You told the Psychiatrist that the child was a boy, was not breathing on birth and did not move – in other words it was still-born. You said you buried the body but have refused to disclose the location. You delivered the afterbirth and cleaned up the bathroom on your own, telling no-one what had taken place.
6. According to the pre-sentence report: “on discovering that she had exceeded the legal limit, Mrs Catt said she still pursued the abortion avenue, knowing that it was illegal. I discussed other possible options that Mrs Catt could have taken, such as keeping the baby; having the baby adopted; making a decision sooner. Mrs Catt said she explored all other possible options and discounted them.”
7. You are a woman who obtained sufficient A Levels to attend Newcastle University although you gave up your course in Mathematics there in your second year. You have experience of childbirth and of abortion and must have full knowledge of the developmental stages of the child in the womb as well as the lawful limits on abortion of

which you were expressly told. You do not suffer from any mental disorder of any kind, as appears from the 27 page psychiatric report that I have read. I see no need for a report from a psychologist. This was a cold calculated decision that you took for your own convenience and in your own self interest alone.

8. In the past, when at University, you became pregnant but concealed this from your parents until delivery, after you had given up your university course. You attended hospital without receiving any antenatal care and gave up your daughter for adoption immediately on birth.
9. You entered into a relationship with your current husband, whom you married after 10 years in May 2009. In 2000, pregnant by him you had the pregnancy terminated, with his agreement, at about the legal limit. In 2002 you again sought a termination but you were told the pregnancy was too far advanced and you were duly delivered of a child on the 1 July 2002. In 2004 you attended hospital for delivery of a child, having concealed that pregnancy from your husband as he now is. That child was born in April of that year. You therefore are no stranger to the issues which surround childbirth, abortion and adoption.
10. Despite marrying your long-term partner in May 2009, it seems, on your own say-so, that you had an on/off 7 year affair with a work colleague before becoming pregnant. You clearly thought that the child was his as you told him, but not your husband, of the pregnancy in October 2009. He offered to leave his wife to start a family with you but you declined. You broke off the relationship in January telling him that there was no child and it was none of his business. You told the Probation Officer that it was not until March 2010 that you decided you wanted to remain with your husband and to have an abortion. You resumed the casual relationship with the man whom you considered had fathered your child in this affair, in June 2010 following the termination. You concealed the pregnancy from your husband as you had done once before, though he had been both supportive and understanding following the delivery of that child, unexpected as it was to him. He is still supportive of you now.
11. Concealment and deceit have played a part in your relationship with your parents, with previously employers from whom you stole in 1999 and with your husband. Throughout the police investigation, including 9 ½ hours of interview, you maintained the lie that you had undergone a legal termination within the period allowed by the Abortion Act, by the

Marie Stopes Clinic and that you had destroyed the papers relating to it. You have also suggested that, when you took the Misoprostol, you thought that the birth would involve essentially blood and excrement – a suggestion I have to reject. A person of your intelligence, education and experience would know just how early on, a child's characteristics and features are seen in the womb and the extent of a child's development at 38-40 weeks, however inexact the calculation of the due date.

12. You could well have been charged under Section 1 of the Infant Life (Preservation) Act 1929 for destruction of a child capable of being born alive. Section 1(2) of that Act provides a presumption in law that if a woman is pregnant for 28 weeks, the child *en ventre sa mere* is capable of being born alive.
13. It makes little difference that you have been charged with a different offence, since the gravamen of your conduct is the same and the maximum sentence for each offence is identical – life imprisonment. The question I have to consider is where on the scale or calendar of criminal offences your conduct lies.
14. What you did was to end the life of a child that was presumptively capable of being born alive, by inducing birth or miscarriage. I am not able to accept anything much that you have told others about what occurred but I bear in mind all that has been said on your behalf in mitigation, in particular the fact that you are a good parent to your 2 children. However, but for the drugs intentionally taken, there is no reason to believe that you would not have been delivered of a healthy boy. Had he been born safely within a matter of days, and had you killed him after birth, you would be facing a charge of murder. Had that been the case you would have faced life imprisonment and I would have to set a minimum term to be served in prison with a starting point of 15 years, less discount for the plea and any mitigating factors.
15. There is no mitigation available by reference to the Abortion Act, whatever view one takes of its provisions which are, wrongly, liberally construed in practice so as to make abortion available essentially on demand prior to 24 weeks with the approval of registered medical practitioners. What you have done is to rob an apparently healthy child *en ventre sa mere*, vulnerable and defenceless, of the life which he was about to commence. You are not charged with murder and I would be wrong to treat it as such a matter of law. Equally this

is not manslaughter nor akin to it where the intention is not to cause death. Nor is it on a par with causing death by dangerous driving either, with its maximum sentence of 14 years, bearing in mind the calculated intentionality here.

16. In English Law, none of those offences could be committed in respect of an unborn child, but the gravamen of this offence is that, at whatever stage life can be said to begin, the child in the womb here was so near to birth that in my judgement all right thinking people would consider this offence more serious than manslaughter or any offence on the calendar other than murder.
17. With no real mitigation, no remorse that I can detect, though suffering emotional distress that any woman might suffer from the sequence of events which have taken place, I have to sentence on the basis that a substantial period of imprisonment is required, regardless of the effect on your family which I know will be considerable. As a matter of public policy and bearing in mind the need for deterrence, a long determinative sentence is required. There is no reason to believe that you would not act in the same way should similar circumstances arise but fortunately the chances of that are small, so that I do not consider it necessary further to consider the dangerous offender provisions of the 2003 Act.
18. I have had regard to the authority cited to me, namely the decision of Mr Justice McKinnon in 2007 in relation to the termination of a pregnancy at 7 ½ months. It is not comparable and I take a different view of the criminality involved here. I have had regard to Appleby and sentencing decisions in relation to manslaughter of a child but, as I have said, I see no analogous offence and must proceed on the basis of the seriousness of the offence as I see it in terms of culpability and consequences.
19. In my judgement the starting point taking into account all aggravating factors is 12 years, to which I apply a discount of one third which results in an 8 year determinative sentence.
20. Of this you will spend half in custody and half on licence subject to recall should you break the terms of that licence at any stage. Your counsel will further explain the effect of this to you.