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IN THE CENTRAL CRIMINAL COURT

No 720037189

Old Bailey  
London  
EC4M 7EH

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Wednesday, 23rd April 2003

Before

**THE COMMON SERJEANT OF LONDON**

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**R E G I N A**

**-v-**

**ROBERT NOBLE**

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MR J REES appeared on behalf of the Prosecution

MR R TANSY QC and MR T PRICE appeared on behalf of the  
Defendant

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**PROCEEDINGS**

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Wednesday, 23rd April 2003

PROCEEDINGS

THE CLERK OF THE COURTQ Are you

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Robert John James David Noble?

THE DEFENDANTQ Yes.

THE CLERK OF THE COURTQ Thank you. Does the prosecution wish the defendant to be arraigned?

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MR REESQ Yes, my Lord -- may he be arraigned?

THE CLERK OF THE COURTQ Robert John James David Noble, you are charged on this indictment with murder, and the particulars of offence are that on

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31st day of January 2003, you murdered Alyson Kaplan.

Robert John James David Noble, do you plead guilty or not-guilty?

THE DEFENDANTQ Guilty.

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THE CLERK OF THE COURTQ You plead guilty. Thank you. Please sit down.

MR REESQ My Lord, I appear on behalf of the prosecution.

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Mr Noble is represented by my learned friend, Mr Tansy, assisted by my learned friend, Mr Price.

My Lord, the facts are theseQ The deceased, Alyson Kaplan, was 20 years old when she died.

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Miss Kaplan was an American citizen who hailed from California, who had travelled to this country to meet a long-time friend, Amanda McDonald, who was studying at

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Bristol University. The pair had planned to travel around Europe together --

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THE COMMON SERJEANT OF LONDONQ Could you go a little bit more slowly, please?

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MR REESQ Certainly. Does my Lord have a copy of an opening note that I prepared for this case? If not, it might assist. I think I have a further copy and I can provide one to the court if it will assist --

THE COMMON SERJEANT OF LONDONQ No, I do not.

PThe opening note was passed to the Judge)

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THE COMMON SERJEANT OF LONDONQ Thank you very much.

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MR REESQ My Lord, Miss Kaplan arrived in this country on 17th January of this year and she travelled to Bristol to stay with Miss McDonald. On 21st January, they flew to Italy. They visited Rome, Florence and Venice before Miss McDonald returned to England whilst Miss Kaplan went to Naples for a couple of days to stay with family friends. On Thursday, 30th January -- so the day before she died -- Alyson Kaplan flew into Stansted Airport.

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She was planning to go by bus from Stansted to Bristol University to meet up with Miss McDonald, as they were due to fly from Luton Airport to Amsterdam on the following day. However, during the afternoon and evening of that Thursday, many parts of the country, as my Lord may well recall, including London, were affected

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by severe snowfall which caused havoc with both road and rail travel.

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At approximately 8.00 pm on that evening, Miss Kaplan telephoned Amanda McDonald using a mobile phone that she had borrowed from someone on a coach. She told Miss McDonald that she was unable to catch a bus to Bristol and so they discussed the various options, and it was decided that the best plan was for Alyson to go to Victoria Station in London to see whether she could catch a train to Bristol.

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Late that evening at about 11.00 pm, Miss Kaplan rang Amanda McDonald again, this time from a payphone at Victoria Station. During this call she informed her friend that she had missed the last bus (sic) to Bristol, and so Miss McDonald suggested that it would be best if Alyson travelled directly to Luton Airport. According to Miss McDonald, her friend seemed distraught. She told Miss McDonald that she had £80 cash on her, and the evidence shows that she also had possession of Amanda McDonald's Automatic Telling Machine cash card which Miss McDonald had lent to her in Italy after Alyson had lost her purse in Rome.

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Miss McDonald travelled to Luton Airport the following day as planned. She arrived at 9.00 am on Friday, 31st January. Her friend did not show up and it

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is now clear that by this time Miss Kaplan had already been strangled to death by the defendant and was lying on a bed in Room 42 of the Rama Hotel in Belgravia.

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My Lord, the defendant is 28 years of age. He was born in Scotland. In the early part of January 2003, he was doing some bar work in Plymouth. However, by 23rd January he was living rough in the Victoria area of London and he was referred to Project Workers for the charity called 'The Crime Reduction Initiative'. The purpose of that charity is to remove the homeless from the streets of Westminster and to place them in suitable accommodation. After the defendant had been assessed, he was found accommodation, first in a Bed & Breakfast hotel and then in a shelter in the N1 area of London.

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On Tuesday, 28th January, one of the Project Workers spotted the defendant living back in Victoria. The defendant said he left the shelter because it had too many drug users in it, therefore, that evening he was booked into the Rama Hotel pending other suitable accommodation being found. The Rama Hotel is situated in Belgravia Road and provides basic Bed & Breakfast accommodation. The defendant was initially allocated Room 31 but later he was moved to Room 42 which is on the fourth floor. My Lord, it is a small room. It contains a double bed, a wardrobe,

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a lavatory, a shower, a fridge and a television on the fridge, and I will show the Court some photos in due course.

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At about 9.15 pm on that Thursday, 30th January, the defendant returned to the hotel and he was noticed by the hotel's proprietor, Mr Sharma, who was on duty in the Reception area. Mr Sharma formed the view that the defendant was intoxicated. He could smell alcohol on his breath and he was slurring his speech. The defendant told Mr Sharma that he wanted to bring his girlfriend to the hotel because she was

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three months' pregnant and it was very cold and snowing outside. He said that she would leave by 10.00 am the following morning. Although Room 42 had only been let as a single room, Mr Sharma agreed to the request probably because of the weather conditions. The defendant then went up to his room and re-appeared shortly afterwards when he left the hotel. Mr Sharma stayed on duty until 11.00 pm that evening, the time at which my Lord will recall Alyson Kaplan made her last phone call to Miss McDonald, and he did not see the defendant again that night.

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Before Mr Sharma left the hotel, he informed the night duty receptionist of the agreement he had made with the defendant, and at approximately 2.30 am on the

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morning of Friday, 31st January, that night duty receptionist, Mr Yadav, saw the defendant return to the hotel. He was accompanied by

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Alyson Kaplan. This event was caught on the hotel's CCTV video. My Lord, both my learned friend Mr Tansy and I have had an opportunity of watching the brief shots of the couple returning to the Rama Hotel on that particular morning, and it is quite clear that although it is only a short stretch of film, there is no hint of any coercion of any sort -- that is the defendant coercing Miss Kaplan to come into the hotel with him.

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The following morning at about 8.05 am, the CCTV captured the defendant leaving the hotel. The defendant deposited his room key at Reception. At 11.00 am that morning, Mrs Sharma, the wife of the proprietor, thinking that the room was empty and hoping to clean it, entered the room. She saw that there was someone lying in the bed but at that stage she did not realise that anything was wrong, so she apologised, closed the door and left. She informed her husband that someone was still in the room and he in turn complained to the Project worker who offered to come to the hotel and ask that person to leave.

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Mrs Westblade, a Project Worker, and another colleague arrived at the hotel at about 3.45 pm that

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Friday afternoon. Mr Sharma allowed them access to Room 42 where they discovered Alyson Kaplan lying on her back in bed, covered by a duvet, with a pillow over her head. It was clear to them that she was dead and they called the emergency services. My Lord, at this stage may I hand out, please, a copy of the photographs which give your Lordship some indication of what the scene looked like when Mrs. Westblade attended.

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PA set of photographs was passed to the Judge)

THE COMMON SERJEANT OF LONDONQ Thank you.

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MR REESQ My Lord, the police arrived shortly after the 999 call was made and it was noted, as my Lord sees from the photographs, that Miss Kaplan was naked apart from the socks on her feet and two scarves which were around her neck. The television in the room was still on and it appeared as though the contents of a lady's handbag had been scattered over the floor. Amongst the items discovered were Miss Kaplan's American passport which provided the police with her details.

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My Lord, the post mortem examination was carried out by Dr Djurovic on 1st February. The important findings and conclusions can be summarised as followsQ first, the examination revealed that there were two scarves around the victim's neck. One was dark grey in colour and appeared to be loose around the neck. This

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was found to be lying over a brown scarf which was tied tight around the neck in a simple knot located on the left-side of the back.

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The post-mortem appearances were consistent with ligature strangulation, effected by the tightening of the brown woollen scarf around the neck, and it was Dr Djurovic's opinion that the other scarf played no significant role. She found that the ligature was tight around the neck suggesting use of considerable force. The scarf was relatively wide and soft and had produced marking of the skin but no significant underlying deep bruising or fractures.

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Dr Djurovic noticed that the presence of petechial haemorrhages on the facial skin and conjunctivae suggested that there was a sustained compression for a minimum of 15 to 30 seconds.

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She also noticed small bruises on the neck which are indicative of being gripped by a hand. However, these were relatively minor, and in Dr Djurovic's opinion were not instrumental in the fatal strangulation. There were also abrasions to the nose and a bruise to the jaw which were consistent with the face having been pushed against a hand or some material. There was no evidence of defensive injuries.

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There were also abrasions to the hips and the

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knees which indicated to Dr Djurovic that at some point the victim was face down against a flat surface with pressure being applied to her back. There was no pathological evidence of any sexual assault although there was one non-specific injury noted to the vagina.

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Having reviewed all of the material, Dr Djurovic gave as the cause of death compression of the neck.

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It was after leaving the Rama Hotel on Friday morning -- your Lordship will recall, it was about 8.00 am or shortly thereafter -- the defendant travelled to Brighton. At about 3.30 pm on that afternoon, he entered a pawnbrokers and pawned a Gucci watch for some £10. This watch was later identified by Miss McDonald as having belonged to Miss Kaplan. She had been with her when it was purchased in America for a sum in excess of \$1,000.

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Later that afternoon at about 5.25 pm, the defendant then rang an uncle who lived in Gretna. He asked that his uncle pass on a message to his mother, and he explained to him that he had murdered somebody and that he was going to hand himself in to the police. He was anxious that his mother be told before the police informed her. He told his uncle that it was not an accident and that he had done it in a cruel and nasty way, although he would not elaborate. The defendant

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said that he was responsible and that he would pay for what he had done. He asked his uncle to tell his mother to ignore what they would say about it in the newspapers because it did not happen the way they would say it did.

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He was as good as his word effectively.

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Approximately half an hour after that phone call was made, the defendant walked into Brighton Police Station and told the assistant at the front desk that he had killed a woman. He also produced the cash card

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belonging to Amanda McDonald, of which the victim had been in possession -- my Lord will recall that it had been lent to the victim. He said repeatedly, 'I'm sorry'. The assistant then contacted detectives who

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attended on the defendant and they conveyed him to a custody centre. When he was booked in with the Sergeant, he said, 'I'm guilty as charged', and a little later he made an unsolicited comment saying, 'I left my scarf

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around her neck'. Amongst the items recovered from the defendant at the stage when he was searched was a silver/grey holdall which was later identified as belonging to the victim.

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At 10.30 pm that same evening, the defendant was examined by a doctor to see whether he was fit to be interviewed and detained, and the doctor asked him at

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that stage whether he had any psychiatric history and he replied that he had seen a psychiatrist at the age of about 14 or 15 due to family problems. He also mentioned that he had been taking tablets at that stage and it was because of that, the past psychiatric history, that the doctor recommended that an appropriate adult be present during the police interviews.

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The following day, 1st February of this year, the defendant was taken to London, to Belgravia Police Station, where he was interviewed in the presence of an appropriate adult. He declined the services of a solicitor, saying, 'What good is a solicitor? I'm guilty'. He then gave his account of the circumstances surrounding Miss Kaplan's death, which can be summarised as followsQ He began by explaining how he had been placed in the Rama Hotel after sleeping rough. He then described his movements on that Thursday, 30th January, and having described them, he said that in total he had drunk about seven or eight pints during the day and had had a couple of draws off a cannabis cigarette. He said that he did return to the hotel at some point. My Lord will recall that there was evidence that he returned at about 9.00 pm that evening, and he said that was to put on a jacket as it was getting chilly.

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He was then asked about the request he made to the proprietor about letting his girlfriend stay the night, and he said thisQ He said that the request was in respect of a mate called, 'Taff', a male friend, who had asked whether he could stay at the defendant's for a night. He said that he was hoping to blag Pinaudible) Taff into the hotel because Taff wears his hair in a long blonde ponytail and looks like a girl from the back.

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He then went on to describe the circumstances in which he first spotted Miss Kaplan in the Victoria area between about midnight and 1.00 am on 31st January. He said that he saw a man who in his view looked a bit iffy approach her and ask directions to a kebab shop. He thought that the man might rob her because it was clear that she was not from the area, so he stepped in and gave the man directions. He said that Miss Kaplan thanked him for his help and asked whether she was going in the right direction for the coach station and he said that she was and offered to carry her bag. She accepted his offer. She was carrying a holdall and a handbag and she informed him that she had just flown in that day. He walked around the coach station with her. He found out that she was trying to catch a bus to Luton. He said that he sat with her for three quarters of an hour

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until he spotted a notice stating that buses were cancelled due to the snow. He then said that he invited her back to his room and that she had accepted and they talked as they walked to the hotel. He said that he had called her Amanda because that was the name she had given him when he first met her, and of course my Lord knows that was not her name, although it was the name on the cash card which she had in her possession, being the first name of Miss McDonald. She told him that she was American and that she was due to meet a friend at the airport the following day. When they arrived at his room, he told her to dump her stuff down and said that she could have the bed and that he would sleep on the floor. She told him there was no need for that and that he could sleep at the bottom of the bed. He said they chatted for a couple of hours. He said one thing led to another, she was talking about having money and items from Gucci, and he said he asked her what the pin number was for her card. When he asked for the pin number, he said that she said, 'Why?', and at that point it seems that the trouble began. He felt her pull away from him. He said that she tried to turn to face him but he grabbed her by the neck and she started to struggle and scream. He said that he prevented her from turning over by sitting on her back and he then grabbed the pillow

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and put it over her face. She passed out, although she was still making noises, and so he said he took his scarf, tied it around her neck and pulled it tight until

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she stopped moving. He said it took minutes. She was still wriggling and gasping, and he said that he had only stopped when he saw her hand turn blue. He then

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said he panicked. He put her back on the bed and covered her with the duvet and pillow because he did not want to look at what he had done to her. He then took

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the contents out of her adidas bag, the one that he was found in possession of, so that he could use it to pack his stuff. He said he took from her £70 in cash, her

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cash card and a Gucci watch. He then described how he left the hotel at about 8.00 am and caught a bus to Brighton. He said that whilst on the bus he thought to

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himself that they, no doubt -- the police -- were bound to find out who had done it. He walked around Brighton and said that he had a couple of pints to drink. He

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accepted that he had pawned the watch and stated that he gave his real name when doing so, which is the case. He then described how he phoned -- he said his

cousin -- and asked him to pass a message on to his nan to say what he had done and that he was going to hand himself in, and this is what he actually did.

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My Lord, he was then asked why this had happened, and he said that he did not really know. He provided a contrast. He said that he was classed as homeless, that she had this, that and the other, and he said he just lost it. At one stage during the interview, he said he felt angry when he was squeezing her, although he later indicated that he was not angry. He said that when he was strangling her with his hand, he was scared about getting caught. He thought to himself that he had started it and he could not stop. He said that if he knew why he had done it, he would have told the officers. He just put it down to him wanting her money and panicking when he asked for the pin number and she pulled away.

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He was then asked how he knew that she had a card, a cash card, and he replied that she had spoken about her mother sorting out money for her on the ATM, the telling machine cash card -- but of course we know that the card belonged to Miss McDonald.

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He said that he had thought about what it would be like to kill someone. At one stage, he appeared to indicate that it was his understanding that everybody had probably had the same thought at some stage, but he thought he would never be able to strangle or stab somebody, although he had envisaged probably shooting

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somebody. He said that he had not gone out that evening with the intention of looking for a girl, and he also denied that there was any sexual aspect to the killing.

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He said the main motive was money. He added that he was not into bondage of any sort, and indeed there is nothing -- no significance in the evidence from former girlfriends to suggest the opposite.

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My Lord, he gave further information about his background and where he came from, and he went on -- and I am over the page -- to tell the officers a little more about the circumstances in which he saw the psychiatrist when he was 14 or 15. He told officers that his mother and stepfather were heavy drinkers, who allowed him to miss school for six months, and as a result he had to go and see a psychiatrist as part of an assessment by the Child Panel, when he was placed in a home for six or eight months at that stage. He denied later on that he had ever assaulted a woman before.

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My Lord, he was charged with the offence of murder on 2nd February.

My Lord, those are the facts.

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The defendant does have previous convictions. I do not know whether my Lord has a copy, but there is a spare one for the Court. My Lord, as I have already informed the Court, he is now 28 years of age. He has a

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number of previous convictions dating back to February 1991. They are predominantly for offences of

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dishonesty, and include offences of burglary, or housebreaking as it is described in Scotland. He has

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been dealt with in a variety of ways including being fined and placed on probation, ordered to perform

community service, and imprisonment. His last conviction was on 3rd January 1997, when before the

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Lancaster Crown Court in respect of an offence of attempted robbery, an offence of aggravated vehicle

taking, and various driving matters, he was sentenced to a total of 21 months' imprisonment, and he was

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disqualified from driving for two years. As far as the attempted robbery was concerned, that occurred when he

was 22 and I understand it related to a threat that he made to the car owner with a screwdriver in order to try and steal some goods.

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My Lord, you should have received this morning -- I am afraid I have left it at a late stage

and I apologise for that -- a bundle of what can be described as impact letters from various members of the

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deceased's family and friends and the community in California. My Lord, I know you have had a chance to

glance at them and I do not propose to go through them

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in detail, but can I just mention one or two recurring themes?

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THE COMMON SERJEANT OF LONDONQ I had an opportunity to do more than just glance at them --

MR REESQ I am grateful for that indication.

THE COMMON SERJEANT OF LONDONQ But you take your own course.

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MR REESQ Thank you. My Lord, it is clear, summarising the material before the Court, that the deceased was a loving and caring young woman who was both intelligent and compassionate. Her younger sister, Tara, describes her in this way, thatQ 'Aly was not only my best friend and guardian angel for the last 18 years but also my personal mentor'.

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It is clear that her personality touched a number of people. My Lord has read about the candle-lit vigils that were held outside the family home, my Lord, and it goes without saying that her death has had a profound and dramatic effect -- a traumatic effect would be a

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better description -- on those who knew her, and her father says thisQ 'I cannot put into words the enormous emptiness that is left in our lives. We miss Alyson so very much'. He describes the effect on the rest of the family, Pinaudible) reflect on the fact that because she was taken away from them in these circumstances, they

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will miss various stages of her life that they were looking forward to, and as far as Miss McDonald, her friend, is concerned, she describes how she cannot sleep at night or feel comfortable around men, and the events of those two days keep running around in her head.

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My Lord, that does not do it justice, but that is a flavour of the sort of material that is before the Court.

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THE COMMON SERJEANT OF LONDONQ Yes.

MR REESQ My Lord, unless I can assist further, those are the facts.

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MR TANSYQ May it please your Lordship. My Lord, Mr Noble is aged 28. He is unmarried but has had several relationships over the years and he has two children.

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As your Lordship has heard, he has a number of convictions, but nothing in any way resembling the gravity of this offence. As my learned friend said to your Lordship, the last sentence was at Lancaster Crown Court in 1997, the sentence of 21 months' imprisonment, and that is the longest term that he has ever had to serve.

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My Lord, as far as the killing is concerned, he is extremely remorseful for what he has done. He could not live with what he had done and he appreciated not long afterwards that he had done a terrible thing, and he

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decided within 24 hours to go to the police station as your Lordship has heard. My Lord, before he went, he contacted a cousin to inform his mother and he then went voluntarily of his own account to the police station and he made a full and frank confession to the killing, and when in fact he was informed properly of his rights, he said, 'What good is a solicitor? I'm guilty'. My Lord, that was the position he made very clear right from the outset. When he came to this court on the first occasion, he indicated then that he was guilty. My Lord, he would then have pleaded guilty, but effectively -- for we as his lawyers -- because we felt that before we could allow him to enter such a plea, bearing in mind there was a reference to psychiatric history in the background, it was imperative that we checked to ensure that there were no potential psychiatric issues relevant either to his plea, or alternatively to his disposal. we have obtained a psychiatric report, and having considered that report, there are no relevant psychiatric issues in this case.

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It is clear that he has had for some years a significant drinking problem. He drinks to excess, but, my Lord, on the day in question, though he had had a fair amount to drink, there is no suggestion it was in any way causative of the killing of the victim. He also

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has used drugs and he has used drugs to excess on occasions, but again he has made it clear to us that in no way was that the cause of what he had done. He has

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also in the past suffered from depression, and in recent years I think he visited his general practitioner who offered him medication but he was unwilling to take it.

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My Lord, those appear, may I say, to be a brief summary of the general background problems, but they do not in any way undermine, it appears, his personal and legal responsibility for the killing of Alyson Kaplan.

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My Lord, so far as the facts are concerned, my learned friend has outlined the position very fairly and frankly, and there is nothing else that I can usefully add to them for your Lordship's benefit.

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My Lord, he appreciates that the only sentence your Lordship can pass is one of life imprisonment, and in determining the recommendation your Lordship will make, I would ask your Lordship to take into

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consideration the following pointsQ one, his plea of guilty, we submit, at the earliest possible stage, and I have said to your Lordship, but for his lawyers, he would have pleaded on the very first time he came to

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this courtR my Lord, two, he was totally cooperative with the police and he voluntarily surrendered to the police within 24 hours of this awful, tragic eventR

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my Lord, three, his clear remorse for what he has done, and your Lordship may recall my learned friend saying that when he went to the police station, he kept on saying to them, 'I'm sorry', repeatedly, and he does sincerely regret the pain and the suffering, which by his actions he has inevitably inflicted upon the parents and the family of Alyson KaplanR my Lord, fourth and finally, he has never served a long sentence in the past. As I said to your Lordship a short while ago, the longest sentence was one of 21 months' imprisonment in 1997, when sentenced at Lancaster Crown Court.

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My Lord, those are the matters I would ask your Lordship to take into consideration. My Lord, is there any other matter on which I can assist you?

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THE COMMON SERJEANT OF LONDONQ No. Thank you very much.

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Robert Noble, you took a life in circumstances of violence, and what was the life of a young woman who had every expectation that life would be happily fulfilled. She was furthermore a visitor to this country, entitled to believe that she could travel here in safety. She was helpless in a situation that was not of her making. Her loss has left a family shattered.

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For that, the law permits but one sentence, which is the sentence I pass upon you, of life imprisonment.

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You will hear shortly what the minimum term for that will mean -- that is to say the period before which consideration can be given to returning you to society, on life-licence. The recommendation that I make to the Home Secretary will reflect the matters that Mr Tansy has urged on your behalf, and which can properly be taken into account.

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Do you understand?

THE DEFENDANTQ Yes.

THE COMMON SERJEANT OF LONDONQ Thank you.

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