



JUDICIARY OF  
ENGLAND AND WALES

**THE HON MR JUSTICE BLAIR**

**In the Birmingham Crown Court**

**Case No. T20138847**

**R v Harry Street**

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**Sentencing remarks**

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The defendant has pleaded guilty to an offence of making an explosive substance, three offences of possessing a prohibited firearm, and an offence of putting a person in fear of violence by harassment. Four other counts of possessing a firearm with intent to endanger life will lie on the file.

This is a case which has aroused considerable public concern. The defendant, Harry Street, is now aged 70. In 1978, when he was called Barry Williams, and aged 34, he was living with his parents in West Bromwich. He became convinced that his neighbours were harassing him. This was a complete delusion. His neighbours, the Burkitt family, were entirely law-abiding and highly regarded people.

It is clear that the defendant also had (and the evidence in this case shows that he still has) a fixation with weapons. He had assembled a number of improvised explosive devices, and had a number of handguns, for at least one of which he held a certificate.

On the evening of 26 October 1978, the defendant had been drinking heavily. Without provocation or warning, he shot dead his neighbour Mr George Burkitt and his son Philip on the front driveway of their home. Mrs Iris Burkitt and her daughter Jill came outside to find out what was happening. Both were shot, and Mrs Burkitt died. Another neighbour, a Mrs Chambers, was also shot, although like Jill, who was also seriously injured, she mercifully survived.

The defendant drove off, shooting at other houses on the estate. About an hour later, he arrived at a petrol station at Nuneaton. There he shot dead the proprietor, Mr Michele Di Maria, and his wife Elizabeta. He was arrested the following morning after a 30 mile car chase.

He was diagnosed as suffering from paranoid schizophrenia and pleas of guilty to manslaughter on the grounds of diminished responsibility were accepted by the Crown. Hospital orders committing him to Broadmoor for an unspecified period were made by the court on each count.

The treatment of the defendant appeared to progress, and in 1994-5, he was discharged subject to monitoring. He married in 1996, and a child was born later that year. The family moved into an address in Birmingham in 2005. The material before the court suggests that at that time, monitoring did not show evidence of relapse of symptoms of mental illness.

However, from perhaps as early as 2007, the defendant began to become obsessed with his next door neighbours, this time a Mr and Mrs Warren Smith and their daughter, believing that they were pursuing a campaign of harassment against him. This was similar behaviour to that which had preceded the terrible events of 26 October 1978. However, the material before the court is to the effect that paranoid or delusional thinking on the defendant's part was not detected at that time.

The defendant did not, of course, have a firearms permit, but at some point, he acquired and modified weapons which it is accepted by the defence are prohibited firearms under the Firearms Act 1968. He also acquired or modified ammunition. Material recovered from his house shows that he used these weapons to fire bullets into a thick Argus catalogue. He also assembled an improvised explosive device. All this was done in a small room in his house from which his wife and daughter were excluded.

By June 2013, matters had become so unpleasant for his neighbours the Smiths – who are ordinary, hard working people – that they decided to sell up and move, which they did. Because of the conditions upon which they had purchased the house from the council, they incurred a significant financial loss.

However, their treatment at the hands of the defendant did not terminate. He managed to find out where they were living. On 10 October 2013, Mrs Smith answered the door of their new home. The defendant told her, “I have found you, I know where you live. You did not know I could find you. Tell your friend who has moved in to stop banging the walls”. This was a reference to the person who had bought the house from the Smiths and moved in. Again, this belief had no basis in fact and resulted from the defendant's paranoia.

It is necessary to note that his version of what happened on 10 October 2013 given later to a psychiatrist is different. He said in effect that he wanted to tell them that he felt that “bygones should be bygones”. I reject that, and am quite satisfied that the conversation was as Mrs Smith relates it. She was understandably terrified, but at that point in time was unaware of the true facts. She did not know of the events of 1978, and her reaction on learning the truth can only be imagined.

These events gave rise to serious concern, and on 14 October 2013, the defendant was arrested on suspicion of harassing his previous neighbours, an offence to which he has now pleaded guilty. A search of his house followed. The police found guns and ammunition, and what the defendant now accepts was an improvised explosive device. The prosecution described it as an “arsenal of weaponry”. As well as the guns, there was an assortment of gun parts and other items.

In his interviews, he accepted that he had drilled a hole in the wall of his house so that he could put a piece of metal into it and strike it with a hammer, thereby maximising the noise inflicted on his neighbours which he considered was retaliation.

I have been referred to a number of authorities which indicate the approach the court should take to sentencing.

I have also received written and oral evidence from Dr Melanie Croy, a Consultant Forensic Psychiatrist at Ashworth Hospital, and a written report from Dr John Crosby, also a Consultant Forensic Psychiatrist at Ashworth Hospital. Ashworth Hospital is a psychiatric hospital like Broadmoor which provides treatment in conditions of maximum security.

The evidence of both psychiatrists is that the defendant suffers from paranoid schizophrenia, and that he should be made subject to a further order under s. 37 Mental Health Act 1983 together with special restrictions under s. 41 of the Act. Treatment needs to be in conditions of high security at present principally due to the nature of the offences in 1978, the defendant's ability to conceal information from his supervisors, and his ability to procure and modify weapons and explosives (which the facts of this case show).

It is pointed out on behalf of the defendant that no physical harm actually ensued in this case, and that the charges of possession with intent to endanger life were not pursued to a full trial, having been left on the file.

However, I do not think that this makes any practical difference, because weapons were collected, and an improvised explosive device constructed, in circumstances where harassment of his neighbours by the defendant is accepted, against a similar background to what happened in 1978. The defence recognises that the protection of the public must be the court's principal concern in this case.

I have considered whether a sentence of imprisonment would be appropriate with a hospital direction under s. 45A Mental Health Act 1983. However, counsel are in agreement that such a sentence would expire on expiry of the term of the imprisonment, and I am satisfied that this would not provide adequate public protection in this case.

I am satisfied that that the conditions of s. 37 Mental Health Act 1983 are satisfied, and that the defendant is suffering from a mental disorder the nature or degree of which makes it appropriate for him to be for him to be detained in a hospital for medical treatment, and that this is the most suitable method of disposing of the case.

However, it also appears to the court that having regard to the nature of the offences to which the defendant has pleaded guilty, the offences of 1978, and the risk of the defendant committing further offences if set at large, that it is necessary for the protection of the public from serious harm to order that the defendant be subject to the special restrictions set out in s. 41 Mental Health Act 1983. The effect of these orders is that the defendant may never be released.

The sentence of the court on each count is a hospital order under s. 37 Mental Health Act 1983 and a restriction order under s. 41 Mental Health Act 1983.

I have handed down these sentencing remarks in writing and in electronic form, so that they may be included in all further appraisals of the defendant's condition. I do so to record the narrow margin by which the risk of a further tragedy was averted.

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