

**In the Crown Court at Guildford**

**R v Lowe**

**Sentencing Remarks by Mr Justice Singh**

**31 October 2014**

[The defendant may remain seated for the time being].

1. You have been convicted by the jury of the murder of Christine Lee and Lucy Lee on 23 February 2014 at Keepers Cottage Stud near Farnham in Surrey. You have also been convicted of the possession of a firearm (a shotgun) with intent to endanger life.
2. You are and were at the time 82 years of age and a man of previous good character. You lived at the cottage for some 45 years and had been in the business of breeding dogs and dealing in horses as well as other work. Your partner of many years died in the spring of last year and this clearly had a traumatic effect on you.
3. You had known Christine Lee (aged 66) for some 25 years and had had a relationship with her on and off during that time. After the death of your partner, Christine Lee felt sorry for you and wanted to come to your cottage to look after you. She moved to the cottage in September last year and was staying there in February this year. Her daughter Lucy Lee (aged 41) was also staying from time to time at the cottage to help her mother and to help you look after the animals at your property.
4. You are a man well used to handling and firing shotguns. You had a licence to keep the shotgun in question.
5. On the morning of Sunday 23 February you lost your temper and took your shotgun out of its locked cabinet and used it to kill Christine Lee. She died of

a single shotgun wound to the chest fired at close range at an angle from above. Lucy Lee was able to use her mobile phone to make a frantic and desperate call to the emergency services on 999. She said that you had shot her mum and that she feared that you were going to shoot her as well. Nevertheless in an act of extraordinary courage, she went back; no doubt to see if there was anything she could do to help her mother. You then used the shotgun to shoot her twice, once to the back of the head and then fatally to the chest, again from an angle from above. In the meantime you must have had to reload your weapon because it had two barrels.

6. You then set about doing what you had planned to do all along, which was to put down four dogs at the premises.
7. I have taken into account the personal impact statements from Christine Lee's sister Julia and her daughter Stacey, in so far as they were read in court. It is clear that the murders of Christine and Lucy Lee have had a terrible and continuing impact on them and the other members of the family.

### Count 3

8. I will deal first with Count 3, possession of a firearm with intent to endanger life. The maximum sentence for this offence is life imprisonment. In the circumstances of this case I consider that the appropriate sentence is 10 years imprisonment and that sentence will be concurrent to the minimum terms which must be imposed for the two offences of murder in Counts 1 and 2.

### Schedule 21 to the Criminal Justice Act 2003

9. Turning to Counts 1 and 2, there is only one sentence which the law permits me to pass upon you: that is a sentence of life imprisonment. I am required to specify the minimum term which you must serve before you can be considered for release on licence by the Parole Board.

10. In setting the minimum term I must have regard to the provisions of Schedule 21 to the Criminal Justice Act 2003, in particular paragraph 5. Where the court considers (as I do in the present case) that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is particularly high, the appropriate starting point in determining the minimum term is 30 years. As paragraph 5(2) makes clear, cases that would normally fall within the category whose seriousness is particularly high include:

(b) a murder involving the use of a firearm; and

(f) the murder of two or more persons.

11. I also have to have regard to any aggravating or mitigating factors to the extent I have not already allowed for them in the choice of the starting point.

12. I make it clear for the avoidance of doubt that I do not regard paragraph 11(a) as being relevant in the present case as a potential mitigating factor. It was accepted on your behalf that it was not relevant. Having heard the evidence at your trial, I have come to the clear conclusion that you did have an intention to kill both Christine Lee and Lucy Lee rather than to cause them serious bodily harm. I form that view because of the close range with which you used the shotgun firing at their chests. I also form that view because in statements which you made to the police after the incident you said that you had had to “put them down.”

13. The presence of an intention to kill is not in itself an aggravating factor. However, in my view, your actions went beyond that in this case and had certain aggravating features. On the evidence heard at the trial I have formed the view that, having killed Christine Lee, you then shot Lucy Lee in the back of her head after she had made the 999 call, then reloaded your gun and pursued her outside the cottage, with the intention of making sure that this time she died.

14. By virtue of paragraph 11 of Schedule 21, the mitigating factors which may be relevant in the present case include:
- (b) lack of pre-meditation;
  - (d) the fact that the offender was provoked (for example by prolonged stress); and
  - (g) the age of the offender.
15. I accept that there was no pre-meditation in this case and take that into account.
16. I also accept that there were features in the background to the events in this case which need to be taken into account as tending to explain, but not justify, your loss of temper on 23 February. There was evidence at the trial, particularly from Mr Baddeley, whose statement was read, and the evidence of Mr Richardson, the partner of Lucy Lee and who was called by the Prosecution, to the effect that you felt that you were being controlled in what you could do, and that you felt frustrated and agitated as a consequence.
17. I turn to the question of your age. In this context I have been referred to several decisions of the Court of Appeal: R v Walker [2005] EWCA Crim 82; R v Archer [2007] EWCA Crim 536; R v Symmons [2009] EWCA Crim 1304; and R v Troughton [2012] EWCA Crim 1520. I have also considered the recent decision in R v Sampford [2014] EWCA Crim 1560.
18. It was common ground before me that the position was accurately summarised as follows at paragraph 15 of the judgment in Sampford:
- “...clearly age is a mitigating factor. It is a statutory mitigating factor, as is apparent from schedule 21 paragraph 11(g) of the Criminal Justice Act 2003. Advanced age will be relevant in a sentencing exercise such as the one facing [the Judge]. The schedule establishes that, as does Troughton and the other cases cited in Troughton. Neither Troughton nor any other case, nor the schedule, suggests that a court has to do what it can to ensure that a defendant does not die in prison. If nothing else, no court would be in a position to conduct the necessary actuarial exercise. Even if it were, it would not override the requirement of the sentencer to reflect the circumstances of the killing in setting the

minimum term. If those circumstances require a minimum which may result in the offender dying in prison, then that will be the minimum term.”

19. In my view the gravity of the offences committed by you in this case needs to be properly reflected in the minimum term imposed while taking into account your old age.
20. I have taken into account everything else that has been said on your behalf in mitigation. In particular it is clear that you have many health problems and that you had experienced personal and financial difficulties in the last few years before these tragic events. I have also read and considered the character references that have been placed before the court.
21. I make it clear that I have not had regard to anything that was not in evidence at your trial or otherwise placed before me by either of the parties.

#### Time spent on remand

22. The minimum term you will serve will have the number of days you have spent on remand deducted: on the information before me that is 248 days.

#### Statutory surcharge

23. The legislation on surcharges applies to this case and an order will be drawn up accordingly.

[The defendant should now stand]

24. John Lowe, the sentence of the court is 10 years imprisonment on Count 3, to be served concurrently with the other sentences. The sentence of the court is life imprisonment on Counts 1 and 2, also concurrent. The minimum term that you will serve is 25 years.

[The defendant can now be taken down]

Postscript

25. I would like to thank all counsel for their assistance.
  
26. I would also like to express my sympathies to the family of Christine Lee and Lucy Lee for their sad loss.