



JUDICIARY OF  
ENGLAND AND WALES

**R v Viktoras Bruzas**

**Sentencing Remarks of Mr Justice Spencer**

**Central Criminal Court**

**1<sup>st</sup> April 2015**

Viktoras Bruzas, I have to sentence you for two brutal murders committed when you had broken into the home of your victims for the sole purpose, I am satisfied, of murdering one of them. For these grave offences there is only one sentence prescribed by law: life imprisonment. That is the sentence I shall pass in due course. However, I am required to determine the minimum period you should serve in prison before you are even eligible to be considered for release on parole.

You are 39 years of age. You have no previous convictions. You are a Lithuanian national. You came to this country in 1999, and you have proved yourself a skilled tradesman and builder, and made a good life for yourself and your family.

Your victims were Patrick Kettyle, aged 55, and his wife Gillian Kettyle, aged 54. They were a happily married couple. They lived with their 16 year old son at a house in Fetcham, in Surrey. It was a house you knew well because you had worked there in the past. You had also previously made a nuisance of yourself there. Some years ago your ex-wife began working for Mr Kettyle as a freelance bookkeeper, assisting him in his business as a roofer and builder. It

was a perfectly innocent business relationship, although there was some light hearted flirting between them. But you got it into your head that they were having an affair. You allowed this belief to fester and when your marriage ended you blamed Patrick Kettyle. From what I have read in the evidence before me, the reality is probably that your marriage ended because of your own violent and abusive conduct towards your ex-wife.

In September 2012 you visited the Kettyles' home at 6 o'clock one morning, the worse for drink, and made a scene, complaining that Mr Kettyle was trying to take your wife away from you. It seems that you had a physical confrontation with Patrick Kettyl on the lawn. The incident was reported to the police. Patrick Kettyle was sufficiently fearful of what you might do that in December 2012 he installed CCTV at his home and other security measures. In October 2013 you sent an abusive e-mail to Patrick Kettyle which contained what can only be construed as a threat of violence. As a result you were visited by the police in January 2014 and served with a harassment warning letter. Such was the extent of your fixation with your wife's infidelity that at that time you were complaining that your ex-wife had tried to poison you and had taken out insurance on your life so that she and her new partner would be able to pay off their mortgage with the proceeds of the policy after your death.

It is plain from other evidence that you have a jealous, controlling and possessive nature when it comes to women. A later girlfriend whom you were dating for three months or so between March and June 2014 says in her witness statement that you even demanded a sick note on one occasion when she failed to show up for a date with you. She had been ill with suspected appendicitis. You became convinced that she was seeing other men and she ended the relationship, although you had been in touch with her on the evening of the murders, wanting to see her again.

That night, Wednesday 26<sup>th</sup> November 2014, you drove 10 miles to the Kettyles' home, broke into the house and murdered both your victims in cold blood. Their 16 year old son was in the house at the time. You even spoke to him. You had spent that night at home in Walton-on-Thames, in the company

of your flatmate and another friend. You had been talking about an argument you had had the previous Sunday with your ex-wife. In the course of that Wednesday evening you drank two bottles of wine. Whether this was to give you Dutch courage is open to question. It seems from the psychiatric report that this had become your normal intake for an evening. But whatever the reason, your consumption of alcohol that night affords you no excuse or mitigation whatsoever. Quite the reverse. It is an aggravating factor.

You went to the side gate of the house. You climbed onto some bins and then climbed over the fence into the rear garden. You smashed the glass in the patio doors, entered the house and made your way upstairs. You knew the layout of the house. Patrick and Gillian Kettle had retired to bed early, at 10.15pm or thereabouts. Their son had also gone to bed, in the adjoining bedroom. He was awoken by the sound of shouting and screaming from his parents' bedroom. The time was now around 25 minutes past midnight. In all probability your victims were asleep in bed when you began to attack them. You were armed with a large kitchen knife. They were completely defenceless and in your power. You stabbed them both to death.

It is impossible to say with certainty in what order any of the knife blows were struck. What is clear is that Patrick Kettle put up a spirited defence of himself, and no doubt of his wife as well. The deep wounds to his hand and arms were defence injuries. The positioning of other stab wounds to his legs strongly suggests that he was curling himself into a ball for self-protection as he lay in bed, at least in the early stages of the attack. You stabbed him many times. There were stab wounds to the head, chest, back, both arms and both legs. The fatal wound entered the upper part of his chest below the collar bone and severed the jugular vein. There was another serious internal wound to the liver. It was a very violent and sustained assault. One of the stab wounds fractured a rib. The force you used was so great that the blade of the knife broke twice and the blade was recovered in separate locations in three pieces. The bulk of the blood staining on the knife was around the hilt, a further indication of how deep and forceful the stabbings were. There was also a

blunt force injury to his head, and there are indications that you may have struck him over the head with a table lamp.

You also stabbed Gillian Kettle repeatedly, to the front and back of the body, to the back of the neck, to both arms and both legs. Again, some of the wounds to the arms appear to be defence wounds and the wounds to the legs may well have been because she too was curling herself into a ball in bed to avoid the attack. A stab wound through her right breast into the chest penetrated her right lung. A stab wound from the back through the chest penetrated the left lung, diaphragm and liver. These were the fatal injuries. She survived long enough to shout, bravely, to her son who was on the other side of the door, and to tell him to call the police.

Having committed these dreadful murderous attacks you made your exit from the house. There was a trail of blood from an injury to your hand, caused when you smashed your way into the house. Before you left you spoke to the Kettles' son through his bedroom door, telling him you had no issue with him or with his mother, but that his father had ruined your life, this was your revenge on him, and that you were not scared of prison. The boy was terrified. He sat behind his bedroom door holding onto the door handle to stop you entering his room. You did not attempt to do so.

From the sightings on the CCTV cameras you were in the house for just six minutes but in that short time you snuffed out two precious lives, and ruined the lives of many more people for ever. You climbed back over the fence at the front of the house and were caught leaving on the CCTV cameras. You made your escape, discarding the knife, which was recovered next day from a grass verge. Within three minutes of receiving the 999 call the police were at the house. Everything that could have been done to save the lives of your victims was done, but to no avail. Their son suffered the additional trauma of seeing the bodies of his parents in their bedroom, where you had left them for dead.

Words cannot begin to describe the depth of the distress and desolation that you have brought upon the many innocent victims of this tragedy who mourn

the loss of their loved ones. I entirely understand the reluctance of the family members to add their own distress by making a victim personal statement recounting those feelings. That in no way lessens the impact of your crimes upon them and I take that impact fully into account.

Patrick Kettle was a skilled tradesman and successful builder who had built up a flourishing business through his own hard work and provided a good living for his family and for his workforce. He was a kindly man, always ready to help those less fortunate than himself. He was a devoted family man. Gillian Kettle was a talented and accomplished professional woman, utterly devoted to her family. I have no doubt that she died trying to protect her husband from your merciless attack.

When you were arrested by the police some 18 hours later you were calm and compliant. When your home was searched you asked the police officers: "How long do you get for murder in this country?" You claimed falsely that the cut to your hand had been caused by broken glass in a fall on the beach. You made no admission during the course of your lengthy police interviews, even challenging the police to double check if it was truly your blood at the property.

In fixing the minimum term you must serve I have to apply the provisions of schedule 21 to the Criminal Justice Act 2003. The first issue to decide is whether the starting point for your sentence should be a whole life order. Such an order is appropriate in a case where, reflecting on all the features of aggravation and mitigation, the court is satisfied that the element of just punishment and retribution requires the imposition of a whole life order. Applying the words of the statute, such an order would be appropriate if I were to conclude that the seriousness of these offences is "exceptionally high", in comparison with other very serious cases. Where the murder is of two or more persons the case will normally fall within the category of exceptionally high seriousness if each murder involved a substantial degree of premeditation or planning.

I have considered this issue anxiously and with great care, reflecting on the aggravating and mitigating features. I have no doubt whatsoever that the murder of Patrick Kettyle involved a very substantial degree of premeditation and planning. However, I cannot reach the same conclusion in respect of the murder of Gillian Kettyle. It seems to me far more likely that you attacked and killed her because she intervened to protect her husband. I do not believe that you entered that house intending to kill her. It follows that in my judgment this is not a case where a whole life order is required. The minimum term must nevertheless be very long indeed.

In my judgment this case falls squarely into the category one step below a whole life order. This is a case where the seriousness of the offences is “particularly high”, and where the starting point for the minimum term must be 30 years. That is the equivalent of a determinate sentence of 60 years. The statutory provisions specifically envisage any murder of two or more persons as meeting this threshold. It is worth observing that had you killed only one of your victims, the starting point under the schedule would have been 25 years, because you brought a knife to the scene.

Next I must consider the aggravating and mitigating factors in order to decide what adjustment is necessary from the starting point to arrive at the appropriate minimum term.

The first and most serious aggravating factor is that there was a very substantial degree of planning and premeditation in the murder of Patrick Kettyle. Paragraph 10(a) of the schedule speaks of a “significant” degree of planning or premeditation as an aggravating factor. This case goes far beyond that. The whole history of your groundless obsession with the idea that Patrick Kettyle had ruined your life demonstrates, in my judgment, that you were biding your time for an opportunity to kill him.

The second aggravating factor is the mental and physical suffering inflicted on your victims before death. On the assumption that you attacked and killed Patrick Kettyle first, it follows that his wife Gillian endured in her last

moments of life the agony of seeing and hearing her husband brutally stabbed and killed. Although the whole ghastly attack lasted no more than a few minutes, both your victims must have endured severe mental and physical suffering before they died. I have in mind in particular the very deep defence wounds to Patrick Kettyle's hand and arms.

The third aggravating factor is that, as you must have anticipated he would be, your victims' son was present in the house and liable to witness the murder of his father. These killings took place within his hearing if not, mercifully, within his sight. You had sufficient composure to speak to him and to lie to him in making out that you bore his mother no ill will even though you had just stabbed her to death.

The fourth aggravating factor, which must not be overlooked, is that your victims were murdered after you broke into their home late at night. That feature is in no way reflected in the bare fact of two murders, which is all that is required to meet the threshold of a 30 year starting point.

The fifth aggravating factor is the ferocity of the attacks, with multiple stabbings of both victims, the attack on Patrick Kettyle being particularly frenzied.

These are, in combination, very serious aggravating factors which would justify a substantial increase from the starting point of 30 years.

Turning to mitigating factors, there is no suggestion you were suffering from any mental disorder or disability which lowered your degree of culpability. Nor is there any suggestion that you were in any way provoked. In truth the only mitigating factors are, first, your previous good character and, second, your guilty plea, which at least avoided the final indignity of requiring your victims' son to give evidence before a jury. You have expressed no remorse other than by entering your guilty pleas, but often that is the best and most tangible indication of remorse. As your counsel rightly acknowledges, good character counts for little in a case of this seriousness.

I have considered the psychiatric report from Dr. Ian Cummings. That affords no real mitigation. You were not suffering from any significant mental illness. You claimed to the psychiatrist that you intended only to frighten Patrick Kettle, and that you had the knife with you only to ward off the family dogs. I reject that entirely. The facts speak for themselves. You claimed that having driven past the Kettles' home it was only on the spur of the moment that you took the knife from the tool box you carried in your car. I cannot accept that either. It is significant, for example, that the broken pieces of that knife, when recovered and fitted together, matched the knives you kept at your home. You claimed that there was a struggle with both your victims in the darkness of the bedroom, and that you did not really know what you were doing. I reject that as well. The indications are that the attack began when your victims were both in bed, and probably asleep. As Dr. Cummings points out in his report, it is not uncommon to encounter a partial or complete failure of recall but it is equally possible that you are in a state of denial as to your true intent.

The extent to which a defendant convicted of murder should receive credit for his guilty plea is dealt with in the relevant Sentencing Council guideline. A reduction must never exceed one-sixth of the period of the minimum term which would otherwise be appropriate, and the reduction must never exceed 5 years. Credit of that order will only be available, however, where there has been an indication at the first reasonable opportunity of a willingness to plead guilty. It was emphasised by the Court of Appeal in *R v Peters* [2005] 2 Cr App R (S) 101 that although sometimes the first reasonable opportunity will not arise until a defendant has had the benefit of advice from leading counsel, particularly if there are psychiatric issues to be considered, full credit will only be appropriate for a defendant who accepts, and makes clear early on that he accepts, responsibility for the killing: see paragraph 19.

That is not the position in this case. In interview you made no admission. At the preliminary hearing on 19<sup>th</sup> December there was no indication of any acceptance of the factual basis of the prosecution case. It was only at the plea and case management hearing on 20<sup>th</sup> February that your counsel indicated to



the prosecution that there would be no challenge to the fact that you were responsible for the stabbings. Had this been a charge of anything other than murder, the appropriate credit for a plea tendered at the PCMH would have been 25%. Applying this to a case of murder, that figure has to be halved. I also bear in mind, however, that this was, in truth a completely overwhelming case. Balancing those factors, in my judgment the appropriate overall reduction for your guilty pleas is in the region of 10%.

I have been referred by counsel to a number of decisions of the Court of Appeal which are said to give some idea of the appropriate level of sentence in this case. However, each case turns on its own facts, and there is nothing directly comparable to this case. I have, however, considered the decisions highlighted in prosecuting counsel's sentencing note.

Taking account of all the aggravating factors, and of such limited mitigation as exists, in my judgment the appropriate minimum term, before any credit for your guilty pleas, would be 37 years. In addition to giving you credit of around 10% for your guilty pleas, I also have to deduct from the minimum term, which starts today, the time you have already served on remand which will not otherwise count towards sentence. This amounts to 125 days, approximately 4 months. I shall therefore make a global deduction of 4 years for time served on remand and credit for your guilty plea, so the minimum term you will serve from today is 33 years.

Stand up:

Viktoras Bruzas, for each of these murders there will be a concurrent sentence of life imprisonment. You will serve a minimum term of 33 years from today. Thereafter it will be for the Parole Board to decide when, if ever, you should be released. If you are ever released, you will remain on licence for the rest of your life.