



JUDICIARY OF
ENGLAND AND WALES

In the Crown Court at Liverpool

THE QUEEN

-v-

STEPHEN DUGGAN

SENTENCING REMARKS OF THE HON. MR JUSTICE HOLROYDE

You have been convicted of the murder of Alison Wilson and of wounding Anthony Tomlinson with intent to cause him really serious injury.

These were very grave offences. On the night of the 7th March 2015 you had been at the home of your father with your partner Francesca Davies and your 6-month old baby. It was a social occasion which began well but turned sour. You left in an angry mood, pursued by your partner. You had with you a bottle of wine which you had taken from your father's flat. She was carrying the baby in a car seat. She caught up with you. There was an exchange of words, and you tried to take the baby seat from her.

Anthony Tomlinson and Alison Wilson were returning to their nearby home in a taxi. They saw you and Francesca Davies engaging in a tug of war as you tried to pull the baby seat from her. They were concerned for the baby who was in the middle of this tug of war. Mr Tomlinson asked the taxi driver to stop, and called through the window to ask if everything was OK. That had no effect. Mr Tomlinson and Alison Wilson were so concerned for the baby that he said he should go and intervene. Alison Wilson said that it would be better if she went. That was a sensible decision, reflecting their wish to avoid any confrontation. Mr Tomlinson then left the taxi and approached you. He had paid off the taxi so that the driver could move on and stop blocking other traffic. As a result, he had his hands full with their joint belongings from the taxi.

In the continuing struggle over the baby seat, the baby did in fact fall to the ground, suffering some injury which fortunately was minor. The jury have understandably acquitted you of a

charge relating to that injury. In temper, you punched your partner in the face, blacking her eye. At an earlier stage of these proceedings you pleaded guilty to an offence of assault occasioning actual bodily harm.

As Anthony Tomlinson was moving towards you, the taxi driver had noticed you turn away, open your coat and reach inside it before fastening it again. Having heard the evidence, I have no doubt that at that moment you took the wine bottle from an inside pocket. You then moved towards Mr Tomlinson and struck out with the bottle. He did not see it coming, and did not know what hit him. You first hit him on the forehead. You then stabbed or slashed the lower left side of his face with the broken end of the bottle. You caused a deep cut which ran downwards from the corner of his lip, and a horizontal cut which went right through the cheek, exposing the teeth and tongue to view. You then used the same fearsome weapon to inflict fatal injury to Alison Wilson, by stabbing the broken bottle into the side of her neck. It gouged into her neck over an area of about 5cm by 4cm, and penetrated to a depth of about 3.5cm. It cut through the internal jugular vein, and her blood haemorrhaged from her. The best efforts of the medical staff who attended her at the scene and at hospital could not save her life, and she died on 13th March.

So in a matter of minutes or even seconds you killed a thoroughly decent, public spirited young woman, herself the loving mother of young children, who was only motivated by a wish to save your baby from harm. You inflicted terrible injury and scarring on an equally decent and public-spirited young man, who had a similar motive. You inflicted much less serious injury on your partner. All this you did in drunken temper.

Every crime of murder ends one life but also affects the lives of many others. The court has read, and heard, moving statements from Anthony Tomlinson and from members of Alison Wilson's family, all of whom paint a very clear picture of the anguish and loss which you have brought to them, and in particular to her two young girls who have been orphaned of their mother. They will grow up struggling to understand why their mother was taken from them when she was only trying to help.

Anthony Tomlinson is left to suffer not only the loss of his partner but also his permanent facial scarring and a loss of sensation in that area of his face which still continues and may also be permanent.

The sentence for murder is fixed by law. There must be a sentence of life imprisonment. I must pass such a sentence, and must then set the minimum term which must expire before you can be

considered for release. Before I decide that minimum term, it is important to emphasise the two features of a life sentence which protect the public whatever the length of the minimum term. The first is that you will not automatically be released once you have completed your minimum term: a decision will have to be made at that stage as to whether it is yet safe to allow your release. The second is that even when you are released on licence, your life sentence will not then come to an end. You, and the public, must understand that a prisoner released on licence from a life sentence remains subject to the conditions of that licence for the rest of his life. If at any time you reoffend, or gives reason for those supervising you to think you are likely to reoffend, the Secretary of State has the power to recall you to prison to continue serving your life sentence for such period as may be necessary.

The court must set the minimum term which it considers appropriate taking into account amongst other things the seriousness of the combination of the offence of murder and the other two related offences of which you have been convicted. The approach the court must take is directed by Schedule 21 to the Criminal Justice Act 2003, which amongst other things states certain starting points, from which the court may move upwards or downwards according to the circumstances of the case.

In your case, I accept that you had not initially equipped yourself with the bottle intending to use it as a weapon. The starting point, accordingly, is a minimum term of 15 years. But the use of the bottle as a weapon is a grave aggravating feature. The fact that you were intoxicated is a further aggravating feature. So too is the fact that the incident began with your ill-tempered attempt to pull the baby seat from your partner, a crass and dangerous act which prompted your victims to intervene out of well-intentioned concern for the safety of the baby. Your previous convictions are by statute an additional aggravating feature, though your criminal record is not such as to have any significant impact on the sentence I must impose.

To set against that, there is mitigation in two respects. First, the prosecution has throughout rightly proceeded on the basis that your intention was to cause really serious injury to Alison Wilson, not to kill her. It must be said, however, that stabbing a broken bottle into the neck of your victim carried a very high risk that death would result. Secondly, there was no planning or premeditation: your loss of temper flared up very suddenly. Some further mitigation can be found in the fact that you did admit your responsibility for the death of Alison Wilson, and for the injuries to Mr Tomlinson, at an early stage.

There is however no doubt that the aggravating features outweigh the mitigating factors, and that as result the minimum term in your case must be higher than the statutory starting point.

In addition, the minimum term has to reflect your overall criminality. I must therefore take into account, when setting the minimum term, your other offences, for which concurrent sentences will be passed. It is important to emphasise that the offence against Anthony Tomlinson, even if it stood alone, would result in a prison sentence in double figures. However, I must of course have regard to totality.

Balancing these considerations, the sentence of the court is as follows.

On count 4, for the offence of wounding Anthony Tomlinson with intent, there will be a sentence of 12 years' imprisonment. On count 3, the offence of assault occasioning actual bodily harm to Francesca Davies to which you pleaded guilty, there will be a sentence of 8 months' imprisonment. Those sentences will run concurrently with the sentence on count 1 for the offence of murder of Alison Wilson. The sentence for that offence is one of life imprisonment. The minimum term which you must serve before being eligible for release on licence is one of 22 years. You will be given credit for the time which you have spent on remand in custody, which I understand will reduce that minimum term by 275 days.

Holroyde J

9th December, 2015