

## **JULIE BEARDS: SENTENCING**

7<sup>th</sup> DECEMBER 2016

BIRMINGHAM CROWN COURT

MR JUSTICE GREEN

### **A. Introduction**

1. On Sunday 10<sup>th</sup> August 2015 Susan Whiting visited your home. She came to have a sleep-over with you. At some point during that evening or early the next morning Steven Beards, your husband, having drugged Susan so that she was sedated and unconscious violently raped her and then murdered her by a combination of strangling and a series of blows to her head with a hammer.
2. In May 2016 the Jury found Steven Beards guilty of murder and rape and I sentenced him to life imprisonment with a minimum term of 33 years before he could apply for parole.
3. Having deliberated the Jury found you not guilty of murder but guilty of manslaughter. The Jury upon that occasion was unable to reach agreement on the charge of rape in your case and I discharged the Jury from reaching a verdict on rape.
4. Today, the 7<sup>th</sup> December 2016, you have pleaded guilty to the rape of Susan Whiting. I now have to pass sentence upon you for the two offences of manslaughter and rape.

### **B. Susan**

5. Before doing that I wish to say just a few words about Susan, just as I did when I sentenced Steven Beards earlier this year. Susan was a vibrant and

loving 20 year old when she was brutally violated and murdered. She had an entire life before her. She has lost this and her mother, Maureen, and her family have lost Susan. Their grief and sadness will never leave them. And you played your part in this tragedy.

**C. The basis of sentencing**

6. What actually happened in relation to this shocking crime is in some important respects not clear. I must however sentence you only on the basis of facts that I am sure about.
7. Both Mr Evans QC, for the Prosecution, and your own counsel, Mr Sidhu QC, have agreed, in my view sensibly, that so far as you are concerned the most serious aspect of this matter is the rape. By their verdict in finding you not guilty of murder the Jury has concluded that you did not intend that Steven Beards should kill Susan nor did you intend that he should cause her really serious harm. The Jury's conclusion was that you agreed with Steven that he would cause her some lesser level or degree of harm. The Jury's verdict does, therefore, focus attention upon that which you have now admitted to, namely the rape.
8. In coming to an appropriate sentence I have had regard to the guidelines on sexual offences and to all the relevant factors set out in those guidelines which relate to the harm caused and to your culpability and to aggravating and mitigating features.

**D. Harm**

9. So far as harm is concerned your agreement with Steven Beards led to Susan's death. These were causally connected. The harm which arose was therefore the most serious of all. The agreement that you had with Steven also led to a level of violence which far exceeded that inherent in the rape itself. And all of this was inflicted upon an entirely innocent and blameless young woman who was extremely vulnerable because of her learning disability and her trusting nature. I do accept that the overwhelming cause of this harm was Steven Beards and your contribution was very secondary. Nonetheless I have to conclude that the harm caused was high.

**E. Culpability**

10. So far as your personal culpability is concerned the position is complex. I have considered, in particular, three matters. First, your personal circumstances and the extent to which they make you vulnerable. Second, the extent to which you were subject to pressure from your husband Steven Beards. Third, your actual involvement in the crimes that were committed.
11. I start by considering your personal position. You are now in your mid 30s. You spent your early life with an alcoholic and depressive mother and a father who physically and sexually abused you. You spent time with a series of foster parents. Your education was significantly disrupted. You have not had a stable or happy upbringing. You took a drug overdose in 1999. You have been assessed by both a psychiatrist and the intermediary, Ms Millie Burton. You have been described as babyish and in some respects having a mental age of a 9 year old and the education attainment of a nursery school pupil. It is a

reflection of your immaturity that pushing dolls around in a pram and watching children's Disney films such as Cinderella and Frozen are amongst your favourite activities. You are assessed as having a mild learning difficulty which refers to a person with an IQ of less than 70. The psychiatrist Dr Thirmumalai stated in his report that you experience difficulty in understanding actions and interactions with people from everyday life. You have been described as impressionable and suggestible. Dr Thirmumalai describes you as a "very vulnerable individual".

12. So far as your relationship with Steven Beards is concerned, having listened to the evidence during the trial I came to the conclusion that you were subject to considerable pressure from him. In your marriage to him you were the victim of physical and sexual violence. This included evidence of occasions when Steven Beards would seek to strangle you during sex in order to stimulate his own sexual pleasure. There is also the evidence, which I accept, that he controlled you. He would take your credit cards and money. He occasionally inflicted other physical violence upon you. There was also the evidence tendered by the Prosecution that on one occasion Steven Beards attempted to drug you and then to restrain you by tying you to a bed. He was prevented in fulfilling this plan by his brother. But I have no doubt that he was intending to sedate you and then sexually abuse in order to further his own sexual gratification and to maintain control over you. I am satisfied that you were genuinely scared of him and because, as the experts have stated, you were suggestible and impressionable, you were inclined to do as he asked you to do for fear of violence if you did not. I accept that to some significant degree your actions in this case were governed by fear of Steven.

13. I turn now to your actual involvement in these crimes. There are a number of matters to consider. First the level of pre-planning on your part. Second, whether you obtained the drugs which Steven Beards used to sedate Susan. Third, whether you were drugged yourself by Steven during the rape and murder.
14. So far as pre-planning is concerned the Prosecution say that you planned this rape along with Steven. There is some evidence of a circumstantial nature to support this. Your counsel, Mr Sidhu, says however that you genuinely wanted Susan to come over for a sleepover and that you only agreed to Steven raping Susan under pressure from Steven, on the Sunday itself. Precisely when you first entered into the agreement with Steven to rape Susan is a matter of conjecture. I suspect it was before Sunday 10<sup>th</sup> August 2015. Quite how long before that I do not know. For the purpose of sentence I will proceed upon the basis that your involvement was close in time to the date of the actual rape and murder but there was not a great deal of pre-planning.
15. I turn to the question of drugs. There are two aspects of this. The first is whether you procured the drugs that Steven used upon Susan; and the second is whether you yourself were drugged.
16. So far as the obtaining of the drugs is concerned there is, as Mr Evans for the Prosecution has argued, some evidence that you obtained the zopiclone from Matthew Herbert which Steven then used to sedate Susan with. This is a realistic possibility but I cannot be sure about this. I think there is, equally, a real possibility that Steven Beards obtained these drugs when Matthew was not present in his home. Evidence given in the course of the trial showed that Steven Beards had set out to obtain drugs from a number of sources and, as I

have already explained, he obtained drugs on a previous occasion which he intended to use upon you in order to assault and control you. I am sure that he had numerous chances to obtain the drugs and he had the incentive. Matthew was not always present in his home and he did not lock his doors and there was ample opportunity for Steven to go in and take the drugs. In these circumstances it would be wrong of me to conclude, and then treat as an aggravating factor, that I could be sure that you procured the drugs.

17. As to whether drugs were used upon you so that you were asleep during the attack there is some evidence for this. In particular there is the evidence given at trial by Steven Beards' brother that he in the past had sought to use drugs upon you to sedate and assault you. This is exactly what he did to Susan Whiting. It is therefore not far fetched to believe that he might seek to sedate you before he attacked Susan in order to prevent you stopping him or becoming distressed and calling for help or otherwise doing something which would have prevented him from assaulting Susan. There is also some evidence that at the same point in time as the rape and murder you ingested certain sedative drugs. The Prosecution say that you were not drugged and therefore you were present and alert during the attack. I am not sure about this. I cannot treat this as an aggravating factor. I think it is at least possible that you were sedated during the rape and murder.
18. In overall terms I consider your culpability to be low though I do conclude that on that Sunday in August you knew that what you were doing was very wrong and you did nothing to prevent Steven from harming Susan. On that day you could have done something to persuade Susan not to stay over.

**F. Steps to conceal the body and lie to police**

19. Next I consider the question of your involvement in concealing Susan's body after the event and in lying to police and to the Jury during the first trial. Notwithstanding your immaturity and learning disability I am clear that you know the difference between right and wrong. You knew that when you were involved with Steven Beards in concealing the body and when you were involved later in lying to police that what you were doing was wrong. You also knew that your attempt to conceal the truth and to lie would increase the anguish and grief of Susan's mother and family. You also lied to the Jury during the first trial in relation to the rape. These are not matters which go to the crime itself but they are aggravating factors which are relevant to the sentence that I must impose upon you. I take into account that to some degree at least your fear of Steven and your immaturity played a part in this behaviour. But they are not a complete explanation.

**G. The Guidelines**

20. I turn to the Guidelines themselves. The facts of this case do not easily fit into the Guidelines as all counsel have accepted. Those Guidelines are essentially directed at the actual perpetrator of the sexual assault. If I had been sentencing Steven Beards only for rape I would have had no hesitation in concluding that this was a Category 1A offence given that it involved on his part substantial pre-planning, the targeting of a very vulnerable young person, the sedation of that person with drugs, and the violent rape of that person causing some physical injury to her. I would also have considered it to be an aggravating

factor that his planning of these crimes involved another person who was vulnerable, namely you. A sentence substantially in excess of 15 years, which is the starting point under the Guidelines, would have been imposed.

#### **H. Sentence: Rape/Manslaughter**

21. It is not however easy to fit your case into the categories set out in the Guidelines. Mr Sidhu says that this is a Category 2B case with a starting point of 8 years and substantial mitigation to be taken into account. Mr Evans says this is a Category 1A with a starting point of 15 years. In my judgment the present case is somewhere between Categories 1 and 2 but subject to considerable mitigation. The Guidelines are guidelines and not rigid compartments. I must in this case have regard to totality. I must stand back and consider all of the facts in the round.
22. Taking account of all of the factors which have arisen in this exceptional case, which include both the rape and the manslaughter, I have concluded that the total sentence before credit for the guilty plea should be one of eight and a half years imprisonment. The most convenient way to express this is to impose a sentence of 8 and a half years for the rape and the same sentence for the manslaughter to run concurrently with the sentence for rape.

#### **I. Credit for plea**

23. As to credit for your guilty plea it has been explained to me that on the first day of the first trial an offer was made by leading counsel for the Prosecution, with the agreement of the police, that if Steven Beards pleaded guilty to the charges of rape and murder then the prosecution would abandon the charge of



murder against you provided you pleaded guilty to the charge of rape. I am instructed by Mr Sidhu QC that in those circumstances you would have pleaded guilty then to the charge of rape. However, Steven Beards refused to accept this offer. He contested both counts and in the course of his defence he said that he was not responsible and he left the jury in no doubt that in fact you might have committed those murders. The offer that I have referred to was only made at the beginning of the first trial but it opened up the possibility that the prosecution was prepared to accept a plea of guilty as the sole basis of the case against you. Mr Sidhu says that whilst he accepts that it would be wrong to seek a full one third discount, it is only fair and reasonable in such circumstances that you be given more than a 10% discount. He says that it was only Steven Beards' completely unreasonable approach which prevented you from pleading guilty at a much earlier stage. He says that once Steven Beards pleaded not guilty you were forced to defend yourself because to have admitted to rape on a joint enterprise basis then would have increased the risk that you might have been wrongly convicted of murder upon the basis of the agreement with Steven that you would have admitted to. The lateness of the offer and the fact that you were willing to accept that offer are factors which it is said put your late plea of guilty today into proper context.

24. I have decided that I will give you some credit for your plea which is more than 10% but significantly less than a full one third. I have concluded that it is fair and reasonable in all of the circumstances to reduce your sentence by 15 months to reflect the plea of guilty. I take into account also that your plea has saved Susan's family and Matthew Herbert having to give evidence once

again and being forced to relive what was inevitably very stressful first time around and would be so again.

25. In conclusion the sentence that I impose upon you is one of seven years and three months imprisonment. You will spend half of that time in custody before being released on licence. Time spent on remand will count against that sentence. You will also sign the sex offenders register.