



JUDICIARY OF
ENGLAND AND WALES

R -v- Aaron Barley

Birmingham Crown Court

Sentencing remarks of the Honourable Mrs Justice Carr

4th October 2017

Introduction

Aaron Barley, in the early morning of Thursday 30th March 2017 you carried out a vicious and unprovoked attack on 3 members of the Wilkinson family: Mr and Mrs Wilkinson and their son, Pierce. You stabbed Mrs Wilkinson and Pierce to death upstairs in their bedrooms whilst Mr Wilkinson was out walking the family dog. When he returned you launched another ferocious attack on him, again with a knife. You have admitted that you intended to kill him, although in the event he survived what were nevertheless very serious injuries. Mrs Wilkinson was 50 years old at the time, Mr Wilkinson 47, and Pierce only 13, with his whole life ahead of him.

You have now pleaded guilty to the offences of murder of Mrs Wilkinson and Pierce and the attempted murder of Mr Wilkinson and fall to be sentenced accordingly.

The Facts

You first came into the lives of the Wilkinson family in the spring of 2016. Mrs Wilkinson found you sleeping rough outside a supermarket in Stourbridge and wanted to help you. She took you home for a meal. You became a regular visitor, doing odd jobs in return for food and cash. You were introduced to Atlantic House, a rehabilitation centre, for support. By the end of the summer Mr Wilkinson had arranged a job for you with his company in Newport docks. He paid for your flat there, and bought and paid for a mobile phone for you. After initial success, you started failing to attend for work. You were evicted from your flat. By the autumn you were back in the Stourbridge area and once again Mrs Wilkinson was there to help you. You stayed in the family home before finding council accommodation. But you continued to visit and eat with the Wilkinsons, even for Christmas lunch. You then found a new job and moved to a new flat. You ceased contact with the Wilkinsons who, after some 3 weeks, cancelled your mobile phone contract. In the weeks before the killings, you hung around the local area, drinking and socialising.

I turn against this background to Thursday 30th March 2017. Mr and Mrs Wilkinson and Pierce were all at home. Lydia, the Wilkinsons' daughter, was away at university. As was his

habit, Mr Wilkinson went out at around 7.30am to walk the family dog. He left through the back kitchen door which he left unlocked. Mrs Wilkinson and Pierce were still in bed. Unbeknown to Mr Wilkinson or anyone inside the house, you had been hiding since the early hours in the garden and driveway of the house. Security cameras on the house tracked your movements. Whilst hiding by the cars in the driveway you removed your light coloured jacket, no doubt in an effort to minimise your visibility. You entered the garden shed at about 4am. 35 minutes later you left the shed, taking a claw hammer with you which you left on the patio. You can then be seen, crawling back and forth across the lawn. It makes for chilling viewing. You finally waited behind some bushes until Mr Wilkinson left the house at about 7.30am.

Once Mr Wilkinson had gone out you entered the kitchen and removed at least 1 knife from the kitchen. You went upstairs and stabbed both Mrs Wilkinson and Pierce multiple times in what were violent and sustained assaults involving severe force. The stabbing injuries led to the collapse of Pierce's lungs and one wound almost divided his spinal cord. Mrs Wilkinson had at least 17 stab wounds consistent with a violent assault, some penetrating to a depth of 10-15 cm. You stabbed her through the bedding and the dirty footprints that you left on the sheets suggest that you climbed on the bed to carry out your attack. You abandoned one knife on her bed. I have no doubt that you intended to kill each of them.

When Mr Wilkinson returned just before 8am and went to open the kitchen door he was confronted by you dressed in black wearing gloves and a balaclava. You stabbed and slashed at him too with a knife. Some of the attack was again caught on the security camera footage as you drove Mr Wilkinson into the garden, your right arm clearly raised above him, knife in hand. As he pleaded with you, you responded: "Die, you Bastard". For whatever reason, you then suddenly left, driving off in the Landrover Discovery parked on the front driveway. You must have taken the car keys whilst in the house, such was the degree of your control and forward planning.

Mr Wilkinson managed to telephone the police who attended with paramedics shortly after 8.15am. Mrs Wilkinson was found dead. Pierce was alive but went into cardiac arrest and tragically could not be saved. Mr Wilkinson was operated on for 2 incised wounds in the abdomen and 2 in the bowel. He spent a week in critical care in enormous pain, having received over 100 stitches and staples. He has permanent scarring. He is only now able to go back to work part-time.

The police followed you as you drove increasingly dangerously, endangering the lives of police officers – indeed you collided with one police car injuring 2 officers - and finally crashing hard into a driveway wall. The footage from the in vehicle camera system makes for shocking viewing as you mounted the car on pavements in built up areas at a busy time of day. You were apprehended, medically assessed and arrested. Another of the knives that you used was found in the front footwell of the car.

The Wilkinson family, and in particular Mrs Wilkinson, had done nothing but their best to help you. Mr and Mrs Wilkinson were both financially and emotionally generous to you. You betrayed their trust in every way, exploiting the knowledge of their household that you had gained through their kindness to perpetrate your crimes. It is difficult to imagine what went through Mrs Wilkinson and Pierce's minds when you attacked them, but they must have been bewildered and terrified. One of them at least must have been aware of the stabbing of the other.

The court has read and heard the victim personal statements of Mr Wilkinson and Lydia, who herself was only 18 years at the time of these offences. The family's understandable anger and distress has been obvious to all. Mr Wilkinson says that words cannot express the devastating and traumatic effect your actions have had on his family. They showed you love and respect which you had not enjoyed before. He has been left with a void in his life that is permanent. He cannot understand how Pierce was taken at such a young age. Mr Wilkinson carries not only the physical but also the emotional effects of your actions. He has weekly counselling and suffers from post traumatic stress disorder. He has only recently been able to return to what was a much loved and happy family home. His life has, in short, been shattered in a way that he cannot understand. Lydia cannot comprehend living without her mother and brother. Her mother was her closest confidante and Lydia would do anything for her little brother. She is haunted by the fact that she was not there to protect him. She will never forget her traumatic return to Stourbridge. She is a shell of her former self, lacking concentration having formerly been achieving at university, confident and enjoying life. She has anxiety attacks and cannot be left alone. She too is receiving psychological treatment. She read her statement with a maturity and courage well beyond her years.

The court has also heard from Mrs Wilkinson's parents in law and her 84 year old mother. Mrs Moore states how much she misses her last surviving child and the support that she provided. Mr Wilkinson senior speaks of the family's deep distress and how his health and that of his wife have been adversely affected by these brutal murders. Mr Wilkinson's aunt has lost Mrs Wilkinson's support and contact and feels unable to continue in her work as a social work team manager as a result of what she describes as this senseless attack. Many neighbours and colleagues of the family have spoken of the generosity and decency of this family and also of the huge loss felt in the local community by these tragic events.

Aggravating factors

Your conduct involved a very significant degree of planning and premeditation, at least so far as the attack on Mr Wilkinson was concerned. You broke into the grounds of the house in the very early hours. You emerged from the garden in black disguise, even covering your coloured trainers with black socks. You wore gloves and a balaclava. You took the care to remove your cream jacket and hide it under a car. You lay in wait for hours. It has been suggested on your behalf that your killing of Mrs Wilkinson and Pierce was opportunistic: you have said in the past that you only intended to kill Mr Wilkinson at the outset and decided to kill Mrs Wilkinson and Pierce only when you were apprehended or startled in the house by someone upstairs and you panicked. I am sure that either by the time that you walked so purposefully into the house (as can be seen on the footage) or at the very latest after you had armed yourself and were standing in the kitchen that you had formed the intention to kill Mrs Wilkinson and Pierce. Ignoring the question of why you would not otherwise have run after and attacked Mr Wilkinson as he went out to walk the dog, there is no other plausible explanation for you being upstairs in the bedrooms where the attacks on Mrs Wilkinson and Pierce undoubtedly took place. You took the car keys whilst in the house in anticipation of a later escape. You abused your knowledge of the family home which you had only gained through the Wilkinsons' extraordinary kindness and generosity to you. Mrs Wilkinson and Pierce, only 13, were in bed at home, where they were entitled to feel and should have been safe. You have shown no remorse – indeed only regret that Mr Wilkinson survived his injuries and at times satisfaction in what you did achieve. You knew that you were destroying the family. It is what you intended.

You have 14 previous convictions for 21 offences dating back to when you were only 12 years old, including for assault, arson, possession of a prohibited firearm and inflicting grievous bodily harm contrary to s. 20 of the Offences against the Person Act 1861. This last offence involved a domestic assault.

Mitigating factors

You are relatively young, now 24 years old and 23 at the time of these events. You had a very badly disrupted education and childhood. There is evidence nevertheless that you are intelligent and academically able. Your parents sadly died when you were young, as did your brother. You were placed in foster care and you spent time in care homes. You were physically and sexually abused and your adult life has been marked by emotional instability. You have used illicit substances, particularly cannabis, on a regular basis.

I have seen various psychiatric and neuropsychological reports. A neuropsychologist says you have significant memory impairment. More significantly, it is common ground that you have an emotionally unstable personality disorder. Your disorder and the traumas that you have suffered cause you to react with behavioural explosions to abandonment and breakdown of relationships more extremely than would a normal person. These are all relevant matters for me to take into account.

I will give you full credit for your guilty pleas, although I regret that the family and witnesses have had to prepare for a possible trial until yesterday. But you have always accepted responsibility for the killings and the attack on Mr Wilkinson with murderous intent. It has taken you a long time to plead guilty but this is as a result of your lawyers investigating the possibility of a partial defence to murder, in the shape of diminished responsibility, as they were duty bound to do. The final psychiatric report on that issue was not available until yesterday. None of the final expert reports support the availability of a partial defence.

Sentence

I am obliged by law to sentence you to **imprisonment for life** on the counts of murder of which you now stand convicted. I then have regard to Schedule 21 of the Criminal Justice Act 2003.

I have considered carefully whether or not it is necessary to make a whole life order by reference to the authorities, including *R v Jones (Neil)* [2006] 2 Cr App R (S) 19, and to the particular facts of this case. The seriousness of these offences – involving two murders and an associated attempted murder with multiple aggravating features that I have identified – could be said to be exceptionally high. However, principally because of your youth, I am not satisfied that the considerations of just punishment and deterrence require a whole life order.

The correct starting point in determining the minimum term under Schedule 21 of the Criminal Justice Act 2003, not to be applied mechanistically, is 30 years. I bear in mind the principle of totality and the need to pass sentences which reflect the seriousness of the offences and the overall criminality of your offending in the round.

Having regard to your overall offending, all the aggravating features and the mitigating features in your case including your youth and background, a minimum term of 35 years is in my judgment appropriate before giving credit for your guilty pleas. After such credit (of 5

years), the minimum term in each case is therefore **30 years**. Time spent on remand in custody, which is now 187 days, will be deducted from this minimum term, producing the final minimum term of **29 years and 178 days**. This is the minimum period before which the Parole Board can consider you for release.

On the count of attempted murder, I have regard to the relevant Sentencing Council Guideline. This is level 1 offending with serious and long term physical and psychological harm. You attacked Mr Wilkinson intending to kill him shortly after you had just murdered his wife and son. I also consider dangerousness. You clearly represent a very significant risk of serious harm to members of the public through the commission of further specified offences. The seriousness of the offence and associated offences is such as to justify the imposition of a life sentence. I sentence you to **imprisonment for life** on the count of attempted murder as well. I give you full credit for your guilty plea by reference to a starting point of 30 years, producing what would be a determinate sentence of 20 years. The minimum term will therefore be **10 years**. After deducting time spent on remand, the final minimum term is **9 years and 178 days**.

All sentences will run concurrently. In my judgment they fairly reflect the seriousness of the offences and the totality of your offending. No sentence of course will ever bring Mrs Wilkinson and Pierce back to their family and friends.

It is important that you – and everyone concerned with this case – should understand what these sentences in fact mean. The minimum terms are not a fixed term after which you will automatically be released but the minimum time that you will spend in custody before your case can be considered by the Parole Board. It will be for the Parole Board to say at that time whether or not you will be released. If it remains necessary for public protection, you will continue to be detained after that date. You may therefore never be released. If you are released you will be subject to licence and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.

There will be no order for compensation or costs. The victim surcharge order will apply as appropriate.