



JUDICIARY OF
ENGLAND AND WALES

The Queen-v- Darren McKie

Sentencing remarks of Mr Justice Spencer

Chester Crown Court

28th March 2018

1. Darren McKie, I have to sentence you for the murder of your wife, Leanne McKie, the mother of your three children. You strangled her to death in the family home. It was a cruel killing. Then, abusing your knowledge of criminal investigations, and abusing the public's trust in you as a senior police officer, you set about disposing of your wife's body in a callous and despicable way. It was only through an exceptionally thorough and painstaking investigation by the Cheshire Constabulary that an overwhelming case was proved against you. For many months up to the end of the prosecution case at your trial you brazenly continued to deny that you were the killer. Just before you were due to give evidence you changed your plea to Guilty on count 2, manslaughter, and for the first time admitted that it was you who had killed your wife, but without the intent for murder. The jury were sure, in convicting you of murder, that you strangled her intending either to kill her or cause her really serious bodily harm.

2. For the offence of murder there is only one sentence, life imprisonment. That is the sentence I shall pass in due course. But I am also required to decide and fix the minimum term you must serve before you are eligible even to be considered for parole.

3. You have robbed your children of their mother. You have robbed Leanne's parents of their beloved only child. They were very close to her indeed. Her mother's harrowing impact statement has been read out in court. Leanne was kind, loving and generous, a wonderful daughter, and a wonderful mother. Her parents will never get over their loss. They cannot comprehend why their daughter has been taken from them so cruelly. It is only the need to be strong for their grandchildren that still gives them any purpose in life. Your own parents too have lost their daughter-in law, the mother of their grandchildren. Because of the sentence you must now receive, your parents will be losing their son for many many years to come, and your children will be losing their father. It is a desperately tragic case. What brought it about?

4. To all outward appearances, you and your wife Leanne had a perfect marriage and a perfect family. You were doing well in your career as a police officer and had risen to the rank of Inspector with the Greater Manchester Police. Leanne was also a much valued and respected Detective Constable with the Greater Manchester Police, serving in the sexual offences unit. You both had the support of loving and caring parents who were generous in helping you financially as well as looking after their grandchildren whenever called upon to do so.

5. In the background, however, was the spectre of serious and constant debt. You were both living beyond your means. In the past your parents and Leanne's parents had provided, between them, in the region of £90,000 towards the cost of improvement work at your previous home, and to help you pay off your credit card debts of £40,000. By the time you sold that house in September 2016 a similar debt had arisen again, which was paid off from the proceeds of sale. The improvement work had, however, been a good investment, and you were able to put £149,000 from the proceeds of sale into the purchase of your next house, 1 Burford Close, Wilmslow.

6. That house was in need of renovation too, but not necessarily all at once, and not to the extravagant extent which led you into further spiralling debt. For example, a granite worktop costing £3,570 was beyond your means. New windows throughout the house, costing £5,800, could have waited. No doubt the money spent on the house would eventually have been recouped when it came to be sold. But the immediate problem was how to pay for all this work, not least because for six months whilst the work was in progress you were having to pay not only the mortgage on the new property but also rent and outgoings for the house you had leased in the interim. Your combined monthly income was greatly exceeded by your monthly expenditure. Despite this you took an expensive family holiday in Portugal that summer, costing over £6,000. There was bound to be a day of reckoning.

7. The seeds of marital disharmony and mistrust over financial matters were evident from your exchange of messages with Leanne in November 2016. The situation became much worse in the summer of 2017 whilst the building work at the new house was in progress. You made numerous applications to borrow money to get you out of

the financial hole you were in. By the end of August 2017 your joint HSBC bank account was seriously overdrawn. You falsely led Leanne to believe that you were dealing with it and had it under control. The reality was that you were making increasingly desperate attempts to obtain loans through on-line applications, most of which were declined.

8. You resorted to subterfuge and fraud in order to hide the truth from Leanne. I strongly suspect that it was largely pride on your part that led you to this, not wanting to lose face, coupled possibly with anxiety that the future of the marriage would be put in jeopardy

9. On 31st August 2017 you applied to borrow £10,000 from AA Loan. The loan was to be unsecured and in your name. The application was declined. Leanne knew nothing about it. When the rejection letters arrived at your home and she opened them she e-mailed you to ask why you were applying for a loan. You denied doing so and insisted that you were telling her the truth. You pretended you were worried that someone had obtained your details fraudulently. On that basis she spoke to the loan company who treated it as a case of fraudulent impersonation, sending you a letter which, this time, you intercepted before Leanne found it, a letter that was recovered from your office following your arrest for murder.

10. On the same day, 31st August, you applied to Fluent Money for a loan of £54,000 by way of a second charge on the house. You did so behind Leanne's back but because the house was in joint names that application had to be made in joint names. You spoke at length to the broker and in principle the loan was approved, subject to completion of the necessary application form and the provision of supporting

documentation, including payslips for both of you. Instead of discussing with Leanne what you were proposing and getting her approval, you resorted to downright dishonesty, all the more serious as you were a senior police officer. You forged her signature on the application form and on a number of other documents. You misused the police computer in order to obtain copies of her payslips, deceiving her into providing you with her log in details and password so that, without her knowledge, you could access the documents you needed in support of the loan application. You provided the broker and the loan company with a false e-mail address for Leanne, and a mobile number for a phone she no longer used which you kept in your office at work.

11. The application may well have been granted had it been properly made with Leanne's consent. But it is unlikely even then that it would have done more than plug the hole in your finances on a temporary basis, because you were saddling yourself and Leanne with more expensive borrowing which, on top of all the other debts, could not be supported by your income.

12. In fact, however, it was a wholly fraudulent application which would have exposed you to criminal liability as well as police disciplinary proceedings. To complete the application you had to send the loan company your passport and Leanne's. When the passports were returned by special delivery the following day, 28th September, Leanne signed for the envelope and opened it. You were at work. She was due to work an 8 hour shift beginning at 3pm. She immediately texted you. She called you a liar and told you what she had found. She demanded to know what was going on: "Are we in such a mess? Why again?" She tried repeatedly to ring you but

you ignored her calls and subsequently deleted them from her phone as well as from your own phone, as part of the cover up.

13. At 11.32am you texted her that you were coming home. Within the hour you had killed her. You were coming home anyway to meet the loan company's surveyor who was due to carry out a mortgage valuation. You had arranged to meet him at the house at 1.30pm. It is plain on the evidence from CCTV timings that you must have killed your wife in the house whilst the two of you were alone soon after you returned home at midday. She was small in stature and lightly built. She would have been no match for you. There must have been a confrontation. On the evidence of the pathologist I am quite sure that in strangling her you applied significant pressure to her neck for at least a minute, fracturing two bones in the structures of the throat as well as causing extensive bruising. She would have been aware that she was being strangled to death. You put your hand over her mouth to stop her screaming. The damage to the inside of her lips confirms that. It was a brutal killing.

14. Anyone with an ounce of decency who had killed his wife unintentionally would have called the emergency services in the hope that she could be revived. This was the mother of your children. Instead, because you knew it was murder, you selfishly set about concealing the offence you had committed, taking advantage of your experience as a senior police officer. You had to get her body away from the house before the valuer arrived an hour later. You put your wife's body in the boot of her red Mini Countryman, drove it a short distance away within the surrounding housing estate and parked the vehicle until you had time to dispose of the body for good. For the next 9

hours you calmly carried on with the things you had planned to do, apparently quite unconcerned.

15. The valuer called and carried out his inspection. When he left you had an hour or so before you needed to pick up the younger children from school. You returned to the red Mini and drove out into the surrounding countryside looking for a suitable spot to dispose of the body later on, under cover of night. You had Leanne's phone with you as well as your own. Cell siting confirms that both phones were in the vicinity of Paddock Hill Farm near Mobberley for a few minutes around 2.40pm. It was near a public house you had visited as a family in the past where there was a sign warning of deep water in a wooded location.

16. You left the red Mini somewhere else in the estate near your home, and returned to the house on foot by 3pm, in time to collect the children in your own car. You talked and joked with other parents at the school gate as if everything was normal. When your son came home and asked where his mum was, you told him she was at work. You took the children to their after-school activities and made them their tea.

17. At 10.30pm, when all the children were in bed asleep, you put into action your plan to dispose of the body. You had no compunction in leaving your three young children at home alone while you did so. You walked the short distance to where you had parked the red Mini. Leanne's body had been crammed in the boot now for 9 hours or more. You returned to the area you had identified earlier, near Paddock Hill Farm, only to discover that there was no deep water in which to dispose of her body after all. You made the mistake of leaving Leanne's phone at the scene, either because

you deliberately threw it away, or because you accidentally dropped it. You had been careful this time not to take your own phone with you, in order to minimise the risk of cell site detection. You must then have driven around for a while looking for an alternative place to dump her body before deciding upon Poynton Lake.

18. I am prepared to accept that at this point you probably lost your nerve. You were running out of time. You parked as near to the lakeside as you could. You dragged Leanne's body 140 yards or so along the path to the spot where you dumped her body in the water, face down, within reach of the shore. You doubtless hoped that when the body was found it would be thought that she had drowned or been the victim of a random attack by a stranger.

19. You parked her Mini a mile from the lake, then set out to walk the 6 miles home. At 1.30am two police officers on motor patrol looking for burglars came across you and spoke to you. You assured them you were on your way home, close by. You carried on walking but you knew that you had to get rid of the trainers you were wearing, probably because you had seen that one of them was heavily stained with Leanne's blood. That blood was not from any wound you had inflicted but was part of the body's natural early decomposition process, purging blood through the mouth and nose when you had moved and manoeuvred her body.

20. When you were only a short distance from home you discarded the trainers in a wheelie bin put out for collection next day, confident that within a matter of hours, as bin day dawned, the incriminating evidence on your shoes would be removed for ever. You carried on walking home in just your socks. Fortunately the same two

police officers stopped you again before you reached home. Had they not done so, it would have been difficult if not impossible to prove that you had left the house at all that night. This time they were highly suspicious. You pretended you had gone out on foot looking for your wife, fearing that she might have been in a car accident when she failed to return home at the end of her shift. You pretended you had not wanted to risk driving because you had drunk half a bottle of wine earlier. In fact, of course, you had been quite prepared to take any such risk in driving her red Mini. By now you had left the children at home alone for nearly 4 hours.

21. You had no option but to reveal to the officers that you yourself were a police officer. They took you home. You played the innocent husband, anxious for his wife's safety. At their suggestion, and in their presence, you rang Leanne's phone and left a message for her. They left the house to make further enquiries. You calmly went to bed, but not before you had put the clothing you had been wearing into the washing machine and started the cycle, in order to remove any further incriminating forensic evidence.

22. When the same police officers returned at around 4am PC Spowage had the presence of mind to ask you to use the "find my i-phone" application linking your phone and hers. Fortunately there was still 5% charge on her phone, just sufficient to provide a signal and thereby reveal its location. Meanwhile Leanne's body had been discovered in the water at Poynton Lake, quite by chance given the time of night, and the net was closing around you.

23. When you were arrested and interviewed you lied determinedly and shamelessly for hour after hour, denying that you had any knowledge of your wife's death. As more and more incriminating evidence was disclosed to your solicitor, you elected instead to make no comment. You continued to deny you were responsible for the killing when the case came to the Crown Court. You even put in a false defence statement, changing tack from your account in interview. You now claimed that Leanne had been there when you arrived home, that you had argued, and that you had both driven away from the house in the red mini where you had left her and returned to meet the valuer alone because she did not want to get involved with the financial problems. You had never seen her again after that and knew nothing of her death.

24. Only when it became painfully obvious during the trial that the prosecution's circumstantial case was overwhelming did you finally ask for the count of manslaughter to be put again, and enter a guilty plea. I am quite sure that you did so not out of remorse but simply as a damage limitation exercise, leaving the jury to consider the sole issue of intent, without the assistance of your own evidence from the witness box on which you knew you would be relentlessly cross-examined.

25. I do not add to your sentence for your not guilty plea to murder and the shameful way in which you have conducted yourself, lying to your family and friends in maintaining the deceit that you were an innocent man. However, it means that there can be no credit at all for your late acknowledgement of responsibility for the killing. You have expressed no remorse.

26. The first question I have to decide is what the starting point should be for your minimum term, applying the provisions of Schedule 21 to the Criminal Justice Act 2003. The normal starting point for a murder such as this would be 15 years, the equivalent of a 30 year determinate sentence. It has been submitted on behalf of the Crown that I should consider whether the case contains an element of “murder done for gain”, within paragraph 5(2)(c) of the Schedule, making it an offence whose seriousness is particularly high, for which the starting point would be 30 years not 15. It is submitted that this murder was motivated by your fear of discovery that you had made a fraudulent application for the second mortgage without your wife’s knowledge, forging her signature and misusing the police computer to obtain the necessary supporting documents. It is said that the discovery of these criminal offences would have threatened if not ended your career as a police officer, with the consequent loss of salary and pension, and that arguably the murder was done in the expectation of gain as a result of your wife’s death, to avoid that loss, thus providing the necessary element of a murder “done for gain”. My attention has been drawn, by comparison, to the case of *Cooper* [2017] 4 WLR 165, and to the case of *Taylor* [2008] 1 Cr App R(S) 37.

27. I have considered the prosecution’s submission carefully, but I am satisfied that this was not a murder done for gain in that sense. I certainly cannot be sure that when you set off home from work that morning after receiving her texts you intended to kill her. However, in the heated confrontation which must inevitably have taken place as soon as you arrived home, I have no doubt that the repercussions for your career of the dishonesty she had uncovered was something that went through your mind. In strangling her so long and so hard, as you must have done, I am sure that you must

have realised her life was ebbing away and for that reason I am sure that you intended to kill her, not just cause her really serious harm. In any event, and alternatively, the serious harm you must have intended by strangling her to the point that her life was in such danger as to cause her really serious bodily harm, means that on the facts of this case there is little or no distinction in terms of culpability between an intent to kill and an intent to do her serious bodily harm.

28. I therefore conclude that the starting point for your minimum term is 15 years, not 30 years. There are, however, several aggravating features which demand a significant increase, well exceeding any counterbalancing mitigating features.

29. First and foremost there was deliberate, callous and determined concealment of the body. That is a statutory aggravating factor. In itself that would have amounted to a serious criminal offence. It is all the more serious an aggravating factor because you were a senior police officer, and you took advantage of your professional knowledge and experience of police investigations in acting as you did. It is therefore more serious an aggravating factor, in my judgment, than other similar examples in cases considered previously by the Court of Appeal, including *Ibe* [2010] 1 Cr App R (S) 72.

30. Second, although death would have come fairly swiftly, I am satisfied that there was mental and physical suffering inflicted on your wife before death. That too is a statutory aggravating factor. She must have been aware that she was being strangled to death, in the family home, by the father of her children. It was an awful way to die.

31. Third, in addition to concealment of the body itself, which is a statutory aggravating factor, you went to despicable and cynical lengths to cover your tracks and lay the ground for denying any knowledge of her death. In particular, you sent five messages to her phone in the hours after her death in terms of endearment designed to create the impression, for future use, that you believed she was still alive and all was well between you. By the same cruel deception you led her parents to believe the same thing when they texted you enquiring anxiously after her that evening because she had not returned their calls and texts. You took further significant steps to conceal your involvement in her death and avoid detection. You disposed of her phone, having first deleted potentially incriminating call data. You disposed of your trainers, confident they would never be seen again because it was bin day. You abandoned the red Mini. You changed and washed the clothes you had been wearing, as a precaution against further incriminating evidence being recovered.

32. Finally, although this was not a murder done for gain, it is an aggravating feature of the background to the killing that you, a senior police officer with important public responsibilities, resorted to fraud, forgery and computer misuse in order to alleviate your financial difficulties. That background cannot be untangled from the overall circumstances of the murder, and increases the seriousness of the case.

33. I turn to the mitigating factors. The murder was not premediated. The prosecution have never suggested it was. I accept that the murder arose and developed from the confrontation which must have taken place when you arrived home that lunchtime. However, for the reasons I have already explained, I am sure that you strangled her to death with an intent to kill, not just to cause really serious harm.

34. I cannot accept that there was any degree of provocation such as to amount to a mitigating factor under the schedule. You were stressed by the house move and by the continuing debt crisis, and your attempts to address the crisis. But none of that could begin to amount to the sort of prolonged stress envisaged by the schedule. It was not for example, stress resulting from the way your wife had been treating you, or from her response to the debt crisis. It was your choice not to tell her the true position. It was your choice to conceal the truth from her by fraud. It is hardly surprising that her reaction, on discovering the truth, must have been a mixture of anger, disappointment, anxiety, and hurt. She had trusted you, and you had breached that trust.

35. Your otherwise impeccable character as a police officer affords some mitigation, but it is double edged, for the reasons I have already explained. Your counsel, in mitigation, described your good character as neutral, neither aggravating nor mitigating the murder. I accept that the fact that you were a senior police officer does not aggravate the act of killing in itself. But your conduct beforehand surrounding the fraudulent loan application, and your conduct after the killing in abusing your knowledge and experience as a police officer to cover your tracks, mean that the mitigation of your good character is far less than it would otherwise have been. You grossly abused the trust that the public is entitled to place in the example set by senior police officers. Public confidence is undermined and eroded by behaviour such as this.

36. The overriding duty of the court, guided by the broad principles Parliament has laid down in Schedule 21, is to assess the seriousness of the offence, having regard to

the facts of the case and, here, the unusual combination of facts. Balancing all the relevant factors in the Schedule, and your high culpability, I have concluded that the appropriate minimum term in your case is 19 years. You have already served 179 days on remand, which will count towards that term.

Stand up please

37. Darren McKie, for the murder of your wife Leanne I sentence you to imprisonment for life. You will serve a minimum term of 19 years less 179 days before you are eligible even to be considered for parole. Thereafter it will be for the Parole Board to decide whether and if so when it is safe to release you. If and when you are released, you will remain on licence for the rest of your life, and liable to be returned to prison if you commit any further offence or breach the terms of your licence.