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REDVERS BICKLEY

Mold Crown Court

Sentencing Remarks of Mr Justice Picken - 18 April 2018

1. Redvers Bickley, you have been found guilty of murdering Tyler Denton and of attempting to murder her sisters, Cody and Shannen Denton, and their father, Paul Denton.
2. Tyler Denton was your housemate, the two of you having started living together at 6 Llys Aderyn Du in Rhyl in May last year, some four months or so before the incident which took place on the night of 9-10 September 2017 and which resulted in her death and other members of her family suffering serious injury.
3. Tyler Denton had been a very good friend of yours. You and she had lived together (in separate bedrooms) for some years. Tyler had lived with you and your family, both in Wrexham and also in Tenerife, for some years. Tyler had become a part of the family with you. Several witnesses described you, indeed, as being like a brother and sister.
4. So, why did you do what you did that night last September? The answer is not clear. The prosecution suggested that it was because you resented the fact that Tyler was getting closer to her sisters. I am somewhat doubtful about that. The objective evidence rather suggests that you had accepted that whatever romantic relationship might have existed between you and Tyler had come to an end. It follows that I do not accept that this was the reason why you did what you did.
5. Another suggestion made by the prosecution is that you were acting out a fantasy when you started the stabbing spree by stabbing Cody simply because she was nearest to you when you got up from the stairs with the knife in your hand. The prosecution point in this regard to the various things you had written, on your version of events at the dictation of your alter ego 'James',

and to what you told the police about your visualising in the months before last September stabbing Tyler in the throat. It seems to me that this might very well provide the explanation. Your interest in fantasy is clear. So, too, is your interest in knives and swords. In the absence of any other plausible explanation for the horrific behaviour in which you engaged on 9-10 September 2017, I am inclined to conclude that that is probably the reason why you did what you did although the reason will probably never be known for certain.

6. The fact remains that a girls' night-in which involved, as Cody put it, she and the others (Tyler, Shannen and Hayley) having a good laugh and a giggle, ended in the most appallingly brutal fashion - specifically, in Tyler's case her death at the age of just 25. She had suffered four stab wounds and two further knife cuts to her back. There were four more stab wounds to the front of her body. There were further cuts to both hands and the left forearm. There were multiple abrasions over her body. The eight stab wounds were significant penetrating wounds. One of the frontal stab wounds, to the neck, however, had cut the left subclavian artery and vein, resulting in shock and haemorrhaging and causing catastrophic internal bleeding with a litre of blood in the lung. This was the cause of Tyler's death.
7. After going on a short walk, the others having returned from a drive to find that you had cut yourself and left blood around the house which needed to be cleaned up, you returned to the house and sat on the stairs with your hands on your head. Cody was perched on the sofa and the girls were talking about going home when you stood up and said "*Let's begin*" in a voice which Cody described as being weird. You walked towards Cody. You grabbed her and pulled her back, scraping her face with a knife. The attack came out of nowhere. Cody fell down. Tyler went to help Cody. Shannen did the same. You stabbed her to the back of the head, knocking her to the floor.
8. The girls scuffled to get out of the house. Shannen ran out of the house through the front door. She saw Cody, Tyler and you on the floor outside as she ran out. You were on top of Tyler and Cody attacking them and, as Shannen put it, "*going for gold*". Shannen ran off. She turned left towards

Maes y Gog. She was screaming *“he’s got a knife, he’s stabbed us”*. Hayley was with her as she ran away. She ran towards the exit of Maes y Gog whilst Shannen went to the door of the house straight in front of her. She ran as fast as she could. You were chasing her. You threw her to the floor. You started stabbing her to the head, back, arm and neck. You were saying *“Red’s revenge, Red’s return”*. When you were attacking her, it was controlled. You knew where you wanted to hit her. You were trying to kill her. The final stab blow was to the back of Shannen’s neck. She played dead which meant that you stopped apparently because you thought that you had killed her.

9. Shannen then rang her father on her mobile. She said *“Dad, help us Red has stabbed everyone, we’re dying”*. She told him that you had a knife. He told Shannen to ring the police. She did not do that because she could hear you coming back. She heard you saying the same thing – *“Red’s revenge, Red’s return”*. She hid in a bush. You walked in front of the bushes. You could not see her. A window opened in the house nearby and she was taken in and given help.
10. At some point you walked down the cul de sac and found Cody and Tyler who had banged on doors of neighbouring houses, screaming and shouting, seeking help. Tyler was covered in blood. A neighbour, Mathew Campbell, described looking out of the window and seeing you standing behind Tyler with your hands on her neck or shoulder area. It looked like you were gripping or shaking her. He then saw you move past Tyler and lunge towards Cody. Tyler fell to the floor. Cody went to help Tyler on the ground but you lent over them as if to punch one or both of them. Your shoulder and body were moving. Your arm was moving forward as though you were beating one or both of them up. As you left, he saw Cody desperately dragging Tyler between the trees and plant pots as though she was trying to hide her in case you came back. Mathew Campbell then went downstairs to help. He opened his front door. Cody was stood in front of him covered in blood. She was pleading for help. He then heard you come back, making a growling noise which he had heard you make before. You came towards Cody and your fist, or so it seemed, came down. He heard a loud punching noise.

11. Another neighbour, Dennis Whitlow, described something similar. He saw you appear from the entrance of the cul de sac walking with purpose in the direction of Tyler and Cody and growling like an animal. He then saw you bend forward and rain blows with both hands either on someone smaller than you or someone on the floor. You then walked past the side of his house, only then to walk back quickly again and with purpose – growling and grunting. You went through a gap in the conifer trees. There were more screams.
12. The next thing was that a vehicle drove into the cul de sac. It was Paul Denton arriving on the scene after being called by Shannen. He had been at home when he received her call. He drove straight to Llys Aderyn Du. He parked outside no. 6, blocking the entrance to the cul de sac. He could see that the front door of no. 6 was open. He could not see anyone inside. He heard Cody screaming, saying “*Dad, we’re over here*”. He ran over into the cul de sac to where he could hear that Cody was – in the bushes close to no. 4. He saw you kneeling on the floor. Tyler was on the floor and Cody was stood over her. You were to Tyler’s right about a foot or so from her head. You were making grunting noises. It looked like you were stabbing yourself in the chin. You noticed that Paul was walking over. You jumped to your feet and moved towards Paul, lunging at him but missing him. As you turned round and were going back towards his daughters, Paul ran and jumped on your back. You hit him to his head as he tried to wrestle the knife from you, telling him that, if he wanted you to stop, he was going to have to kill you.
13. After Paul managed to get the knife, with the assistance of Cody, you then ran off only to hand yourself in to the police after you had been cornered in an electricity substation. Asked about your injuries, you wanted to know if Tyler was dead, explaining that you did not matter as “*what’s important is them*”. You went on to say things such as “*I confess to murder, 3 degrees*” and “*bodily harm on four*”, as well as “*I could die and that’s justice*” and “*You shouldn’t look after me, I killed someone*”.
14. At trial you did not dispute stabbing Tyler, Cody, Shannen and Paul. You maintained that you had no recollection of stabbing Tyler and Shannen but accepted that you must have done so. Your evidence was that you got up from

the foot of the stairs, walked to Cody and stabbed her in the neck. You did not know why. You did not feel hatred or anything like that. You remember stabbing her twice. You knew that where you stabbed her was a vulnerable area of the body. You do not know why you did that. Your next memory was that you were around the corner of the house, on the street, walking away. You stopped and saw that your hands were covered in blood and so you thought that you needed to check on Tyler. You explained that you have no recollection of stabbing either Tyler or Shannen and that you have no recollection of attacking any of the women outside of the house. You remember going back and finding Tyler curled up. She said *"I'm dead now"*. You could see that she was covered in blood and realised that you must have stabbed her. Asked if you felt that you acted as you when you did what you did, you said 'no' as it is just not who you are as you do not get violent. You said that, were it not for the influence of your alter ego 'James', you could not conceive of circumstances where you would have done what you did. You denied, in short, having any intention to kill or cause Tyler Denton serious harm and put forward a diminished responsibility case which saw you attribute what you did to schizotypal disorder. You denied also intending to kill Cody, Shannen and Paul Denton. The jury rejected these defences.

15. Tyler Denton was one of five children – three sisters and two brothers. Her parents are Paul and Nicola Denton. Four victim impact statements have been read out in Court today – from Cody, Shannen, Paul and Nicola Denton. They make for very sad reading. It is clear that the family members' lives have changed forever. The Denton family is clearly closely knit and, as Mr Harrington put it, thoroughly decent. The effect on them of what has happened is, again as Mr Harrington put it, horrendous. I should record that throughout the trial the family have attended. It must have been extremely harrowing for them to have to listen to such distressing evidence as was heard in this case. This included evidence from Cody, Shannen and Paul Denton themselves which was given with admirable restraint and considerable dignity.
16. There is only one sentence that the law allows to be passed for the offence of murder. That is a mandatory sentence of imprisonment for life. I am required

to specify the minimum term, pursuant to Section 269 and Schedule 21 of the Criminal Justice Act 2003, which must elapse before you can be released on licence.

17. Pursuant to paragraph 5A of Schedule 21, Parliament has set the starting point for the minimum term for anyone who takes a weapon to the scene of a murder intending to commit any offence or have it available as a weapon and used that knife or weapon in committing the murder, and that starting point is 25 years. There is no issue in this case that this is a case in which a knife was taken by you to the scene (certainly inasmuch as the attacks were carried out outside the house), and so that the appropriate starting point is, indeed, 25 years. Mr Harrington has expressly accepted this. Had the only attack been in the house, there might have been an issue as to the appropriateness of a 25-year starting point, but the stabbings in this case took place both inside and outside the house.
18. Having chosen that starting point, I am required then to take into account aggravating and mitigating factors in your case.
19. It has been submitted by Mr Harrington on your behalf that there are no statutory aggravating factors pursuant to paragraph 10 of Schedule 21. I agree with that submission. I am clear, in particular, notwithstanding the prosecution's submission to the contrary, that this is not a case where there was a significant degree of planning or premeditation: see paragraph 10(a) of Schedule 21. This may not have been a wholly spontaneous attack. It may be, in particular, that, when you went on the walk shortly before you began the attack, having earlier changed into black clothing, you decided to do what you did when you got back to the house. However, even if that was the case, I fail to see how the planning or premeditation can properly be described as significant.
20. I am satisfied that there are no other statutory aggravating features in this case. Clearly, however, in arriving at the appropriate minimum term in the case of the murder of Tyler Denton, as acknowledged on your behalf by Mr Harrington, it is appropriate to take into account the fact that you have not only been convicted of murder but have also been convicted of three

attempted murder offences. In such circumstances, the appropriate course is to impose a concurrent sentence in respect of the lesser offences but to take account of the fact that these were committed in arriving at an increased minimum term in respect of the murder offence.

21. I am clear that, had the Court been sentencing you for those offences separately from the offence of murder, it would have been appropriate to have taken as a starting point a sentence of at least 12 years' custody, and a sentencing range of between 9 and 17 years' custody, on the basis that this is a case falling within Category 3 of the Attempted Murder: Definitive Guideline (a spontaneous attack with some physical or psychological harm).
22. It was submitted by the prosecution that this is a Category 1 case (one of the most serious cases involving serious and long term physical or psychological harm) and so attracting a sentencing range of between 27 and 35 years' custody. This submission takes as its premise a point concerning paragraph 7 of the Attempted Murder: Definitive Guideline which I shall come on shortly to address. In short, however, I am not convinced that it would be right to group a paragraph 5A case with the scenarios covered by paragraphs 4 and 5 of Schedule 21 and so to treat Category 1 (or, more accurately, Level 1) as though it includes reference not only to paragraphs 4 and 5 but also paragraph 5A. It follows that I cannot accept that this is a Category 1 case.
23. Nor can I accept that Category 2 applies since, as I have explained, I do not consider that you made a plan to kill – at least not to any significant degree.
24. The real question, in these circumstances, is whether, in the context of Category (or Level) 3, the attempted murders involving Cody, Shannen and Paul involved “*some physical or psychological harm*” (with a sentencing range of between 9 and 17 years and a starting point of 12 years) or “*serious and long term physical or psychological harm*” (with a sentencing range of between 12 and 20 years and a starting point of 15 years). This is not an easy question to answer and I make it abundantly clear that in no way do I underestimate the appalling experience which Cody, Shannen and Paul went through that night last September and the inevitable lasting consequences which each of them must have endured since and will continue to endure

hereafter. Whether this elevates your case to the higher level and so attracts a sentencing range of between 12 and 20 years' custody (with a starting point of 15 years' custody) is, however, something about which I am unsure. In a sense, nonetheless, the point is academic for two reasons. First, I must bear in mind that you have been convicted not of just one attempted murder but three attempted murders and, secondly, I must also bear in mind that the Attempted Murder: Definitive Guideline was published before the introduction of the 25-year minimum term into Schedule 21 to the 2003 Act through paragraph 5A. As to that second matter, it should be noted that paragraph 7 of the Attempted Murder: Definitive Guideline states:

“The most serious offences of attempted murder will include those which encompass the factors set out in schedule 21 to the Criminal Justice Act 2003, paragraphs 4 and 5 that, had the offence been murder, would make the seriousness of the offence ‘exceptionally high’ or ‘particularly high’. ... “.

I am clear that, had paragraph 5A been in place at the time that the Attempted Murder: Definitive Guideline was published, this paragraph would have included a reference also to paragraph 5A. It follows that the Court should have regard in a case such as the present to paragraph 5A in determining the appropriate sentence for attempted murder (counts 2, 4 and 6). It should nonetheless be appreciated that the references in paragraph 7 to *“exceptionally high”* and *“particularly high”* are references to the words used in paragraphs 4 and 5 of Schedule 21. Similar language is not used in paragraph 5A and it would be a mistake to approach the matter of sentence in a manner which is inconsistent with how paragraph 5A is expressed.

25. Taking these two matters into account, had the Court been sentencing you for the three attempted murders and not doing so at the same time as sentencing you for Tyler's murder, I am satisfied that the sentence would have been at the upper end of the 9 to 17 year sentencing range for a case involving *“some physical or psychological harm”* and on the border of the higher (12 to 20 year sentencing range) where there is *“serious and long term physical or psychological harm”*. The fact that you have been convicted of three attempted murders leads me to conclude that the likely sentence would have

involved a sentence of something in the region of 20 years' custody were the Court to have decided that a determinate term was appropriate.

26. It would, however, have been open to the Court to have imposed a life sentence. The prosecution submit that this would have been appropriate in a case such as yours. I agree. It follows that, had the Court been sentencing you in respect of the three attempted murders and not also sentencing you for murder, I am satisfied that the sentence would have been life imprisonment with a minimum term amounting to half of the 20-year determinate term which you would otherwise have received on a determinate basis (see the Attempted Murder: Definitive Guideline at paragraph 2 under "*Factors to take into consideration*").
27. On that basis, the minimum term would likely have been not less than 10 years. As I shall explain, however, in arriving at the minimum term in relation to Tyler's murder, it is necessary also to have regard to the totality principle. As such, it is not a case of simply adding 10 years to the minimum term which, but for the three attempted murders of which you have been convicted, would otherwise have been imposed in respect of Tyler's murder.
28. I turn, next, to the mitigating factors listed in paragraph 11 of Schedule 21. I am clear that two of these are applicable in your case. Specifically, I am satisfied that this is a case in which paragraph 11(c) is applicable. This requires it to be the position that the offender suffers from a mental disorder or mental disability which (although not falling within Section 2(1) of the Homicide Act 1957) lowers his degree of culpability. The recognised medical condition in your case is the schizotypal disorder which Dr Noir Thomas, the psychiatrist instructed on your behalf, has diagnosed you as having. Although Dr Sandeep Mathews, the psychiatrist instructed by the prosecution, was not convinced by the schizotypal disorder diagnosis made by Dr Thomas, he nonetheless stated that he was "*open to being corrected*" and, furthermore, he acknowledged that such a diagnosis could explain some of the symptoms which you reported. Dr Mathews also clarified that he was not saying that you had made up what you have had to say about 'James' in order to give you a defence.

29. It was for the jury to decide whether they agreed with Dr Thomas that you suffer from schizotypal disorder. It is possible that they did not. It is equally possible, in view of the evidence which Dr Mathews ultimately gave, that they were prepared to accept that you do, indeed, suffer from schizotypal disorder and that the reason why they rejected your diminished responsibility defence was that they were not satisfied that the other ingredients of that defence had been made out, including therefore the requirement that any abnormality of mental functioning brought about by the schizotypal disorder substantially impaired your ability to exercise self-control. In these circumstances, it is arguable that, in view of the jury's verdict, it would not be appropriate to treat your culpability as having been lowered in the sense required. However, I consider that the jury's verdict in this particular case does not mean that it is not open to the Court at this sentencing stage to approach the matter on the basis that there was a lowering of your degree of culpability. I am satisfied that that is the position.
30. Mr Harrington has also prayed in aid paragraph 11(g)'s reference to the age of the offender. He does so at the same time as referring to the facts that you are a man of clean character and that you admitted responsibility for the killing whilst denying that it was murder (as opposed to manslaughter). I agree with Mr Harrington about this. You are a young man – still only 21 years of age. You are also, in my view, a man of some immaturity. I am clear, in the circumstances, that paragraph 11(g) applies in your case.
31. In addition, although not a statutory mitigating factor, I take into account also that you have shown obvious remorse from the outset. You told the police when you were arrested that you were sorry. You said the same at the end of your first (and lengthy) interview with the police. The same remorse was very apparent indeed when you came to give evidence at trial.
32. I come, then, to the minimum term which I consider is appropriate in your case. The absence of aggravating features, and leaving to one side for the moment the fact you have been convicted of three attempted murders, means that the starting point of 25 years does not fall to be increased. Taking account of the mitigating features (both statutory and non-statutory) which I have

identified, results in a reduction to that starting point from 25 years to 22 years. This must then be increased to reflect the three attempted murder convictions whilst nonetheless having regard also to the totality principle. I have decided that, as a result, the appropriate minimum term in respect of the murder of Tyler Denton is 30 years.

[Stand up Mr Bickley]

33. I sentence you in respect of the murder count to imprisonment for life with a minimum term of 30 years. From this must be deducted the [] days that you have spent on remand in custody for this offence. The minimum term is accordingly 29 years and [] days. The victim surcharge must also be paid. Formally, as regards counts 2, 4 and 6 (the attempted murder counts) there will be concurrent life sentences in each case with a (concurrent) 10-year minimum term.
34. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which must be served before you are considered for release. After it is served, there is no guarantee that you will be released at that time, or at any particular time thereafter. It is then only if the Parole Board decides you are fit to be released that you will be released. Moreover if, and when, you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your life sentence. It is in these ways that a life sentence protects the public for the future.