



JUDICIARY OF
ENGLAND AND WALES

IN THE READING CROWN COURT

R v. STEVEN GRAINGER

**SENTENCING REMARKS OF
THE HONOURABLE MR JUSTICE JULIAN KNOWLES**

24 MAY 2018

A. INTRODUCTION

1. Steven Grainger, you may remain seated for now. The jury has found you guilty of the manslaughter of your wife, Simone Grainger, in the early hours of 4 November 2017 in the home you shared at 1 Windsor Way, Calcot, Reading. They found you not guilty of her murder. I now must pass sentence upon you for that offence of manslaughter.

B. THE FACTS

2. You and Simone were childhood sweethearts. You met when you were teenagers, you being two years older than her. After having two children together you married in October 2015. In 2017 you went to work for a street lighting company where you could earn up to £1000 per week. Simone worked at a pharmacy.
3. It is clear from the evidence that I heard that Simone was lively, bubbly and popular. As one witness said, everyone who met her, loved her. That is plainly true; she was adored by her family and friends. As Ms Dernawi, her cousin, said this morning, she

was one of her family's 'most loved and prized possessions'. After some years of unstable or unsuitable accommodation for the family, last summer or thereabouts she had finally achieved her dream of a family home that she could call her own, and in which she and you could raise your children. She was just 30 when she died, and so she had much of her life still to live. You cruelly robbed her of that future.

4. A number of witnesses gave evidence as to the nature of your relationship with Simone. They all agreed that low level bickering between you and Simone was a feature of that relationship which was prevalent. However, they also said that it was nothing particularly out of the ordinary for a couple who had been in a relationship for the length of time that you had. There was evidence, which I accept, that at bottom you were both committed to each other and loved each other notwithstanding the rows and the bickering.

5. However, it is clear that Simone's happiness in the final months of her life was significantly affected by your cocaine use, which was by then growing out of control. You said in your evidence (and I accept) that you had been taking cocaine since your teens, and that it was commonly used in your social circle. However, by the summer of 2017 it was becoming a serious problem and you were using more and more of it, and spending a significant proportion of your not insubstantial wages on it. On at least two occasions you went drinking and taking drugs after work, and you got in to such a state that you did not dare come home. This pattern of behaviour led to rows and real discord within the marriage. You and your wife were avid users of social media, and the evidence was that there were some 13000 messages between the two of you during 2017. Some 1400 or so of these messages were before the jury. That schedule, and the voicemail recordings from Simone to you which the jury heard, paint a vivid picture of just how badly family life was being affected by your drug use. It is plain that Simone would get very angry with you, and could be very abusive towards you. In particular, when you did not come home the weekend before a family trip to Center Parcs, and so missed the trip, she sent a very large number of messages calling you (among other things) a 'druggo', a 'prick', a 'cunt' and a 'weirdo'. She also took great offence that one evening when you had been left at home looking after the children you took cocaine whilst they were asleep in bed.

Simone told a number of her friends about your cocaine habit and the problems that it was causing, including being behind with rent payments because you were spending the money on drugs instead.

6. To your credit, you took steps to address your drug addiction, and in late October you attended at a drug counselling service in Reading. You also visited your GP, who diagnosed you with depression and prescribed you anti-depressants.
7. By late October, it would appear from the schedule of messages that you were getting on better. Although she had thrown you out of the house for a time, by 25 October you were back living at Windsor Way. There are references to you having 'sorted things out in the bedroom' after a row, and a few days before she died Simone told her friends that you and she had had 'make up sex' after a row, which she had enjoyed. There were also some comparatively friendly and jokey messages between the two of you.
8. On Friday 3 November, you and Simone visited a neighbour, Luke White, and discussed a DIY project. That evening Simone had three of her friends around for drinks whilst you went to do a workout at your mother's house. She texted you asking you to get some food to bring home, and you arrived home with the food about 8pm whilst the friends were there. They said relations between you were fine, and none of them saw anything between you and Simone that evening which caused them concern. After the friends left, your evidence is that you came downstairs and had sex with Simone in the living room. You said that you both went up to bed at about 1130pm.
9. Your evidence was that you could not sleep because of your asthma and so you came downstairs and watched television in the living room. At 00:35 Simone sent you a WhatsApp message (sic), 'what u doing now weirdo'. At 00:44 she sent another message, 'U ain't staying here alone with them tomo I DO NOT trust YOU in a million years your have to go where your mum is'. Simone was due to go to London on the Saturday night for a friend's birthday, and this was a reference to her objecting to you looking after the children, given your previous history of cocaine use whilst

caring for them, unless you went to your mother's house. At 00:59 you replied, saying you were not doing anything and were downstairs. At 1:00 she replied, 'So u can't answer your phone even though I know it's never on silent not 20 mins later u text back your fucking weird'. You said in evidence that your phone had been on silent, or you might have fallen asleep. The last message was from you to her at 1:01 was, 'Fuck sake didn't wanna keep you up so cum down x'.

10. Your account to the jury was that almost immediately after this she came downstairs into the front room. She said 'why don't you sleep like a normal person', and that you were 'fucking weird'. She then came over to the sofa and tried to hit you in the head and face as you lay on the sofa. You tried to grab her hands to stop her hitting you. You then pushed her away and remember her falling backwards. You said that she then jumped up swearing and ran into the kitchen. She came back into the front room with a pair of scissors in her hand. She came charging at you and tried to stab you with the scissors. You recall her saying she wished you were dead. You tried to knock the scissors out of her hand. You ended up behind her and your right arm was around her neck. You were trying to grab the scissors with your left hand and she was trying to swing them over the back of her head. She was trying to scratch at you. She felt heavy, so you let go and she fell forwards. She fell forwards towards the window in your living room and there was a bang. You grabbed the scissors from the floor. You said she was better off staying away, ie, downstairs, and you then went to bed, unaware of her injuries. I make clear, that was your account to the jury.
11. In my judgment, there is evidence that supports your claim that Simone did try to attack you with scissors and I am going to sentence you on that basis. First, there are the repeated threats in the schedule of messages which she made. In those messages she would regularly threaten to stab you. For example, on 21 May after a picnic with her cousin at which you had been sulking, Simone told her cousin that she had told you that if you embarrassed her again, she would stab you. Then, on 2 July she wrote, 'if u say that again I'm gunna stab you'. And then again on 28 July, 'Seriously your driving me to wanting to stab u'. These are just some of the threats she would regularly make. Although I accept that you (as you said) did not take them seriously at first, later on you did. Second, a few weeks before she died, there was an incident

when Simone stabbed the arm of the sofa in anger with a knife whilst you were lying on it. She told work colleagues about this and the stabbing damage to the sofa marks were confirmed by a forensic scientist. Third, in my assessment the schedule of messages show that Simone was capable of displaying real anger towards you, including abusing you verbally using the most intemperate language in message after message, and also throwing things at you in anger.

12. That said, by its verdict the jury rejected your claim that you only acted in lawful self-defence. The jury indicated in response to my question that their verdict of manslaughter was based upon a lack of intent to kill or cause really serious bodily harm, rather than the alternative basis which I left to them of loss of control.
13. The force which you used to cause the injuries which you inflicted on Simone went far beyond anything which could be described as reasonable. The pathologists described the level of force used as 'mild to moderate'. But there must have been, in my judgment, quite a significant amount of that force used. Simone died from neck compression and from head injuries. Her injuries make clear that you subjected her to a very serious assault. Simone's injuries went far beyond anything which could have resulted just from two falls to the floor, as you claimed. Among her injuries she had a number of petechial haemorrhages on her scalp, neck and oral mucosa, which both pathologists said showed that her neck had been squeezed for at least 15 – 30 seconds. Her other injuries included: multiple abrasions on her face and neck; bruising and swelling around the eyes; bleeding/haemorrhaging in the whites of the eyes; a laceration to her left ear from blunt force trauma; an injury under her lower lip; diffuse red bruising to her forehead; on the scalp above the hair line, bruising with a palpable haematoma; a non-displaced fracture to the bridge of the nose; a fracture to the orbit of the right eye; a subarachnoid haemorrhage (there was thin film or smear of blood); bleeding into the soft tissue around both eyes; bleeding into the optic nerve on the right hand side; multiple areas of haemorrhage into the muscles to the front on the left and right hand side; she had fractures to the larynx and the voice box; there was blood stained fluid in her lungs which could have been from ruptured alveoli; there were deep haemorrhages on the back of the right forearm, also deep

haemorrhage over back of her right hand, and the right hand side of her lower jaw; and there were a number of other injuries as well.

14. Although, as I have said, I am prepared to sentence you on the basis that Simone was initially the aggressor, in light of what you did subsequently that cannot amount to significant mitigation. You were bigger than her and stronger than her and it would have been comparatively easy for you to disarm her and then remove yourself from the house, as you had done on a previous occasion when a row between you had grown physical.
15. I turn to the evidence that cocaine was found in Simone's blood and hair. Neither side has suggested that this is relevant to that task which I have to perform today. But I should make clear that I am entirely satisfied on the evidence of Simone's friends that she did not take drugs and was anti-drugs. I think it much more likely that the presence of those drugs can be explained by sexual contact with you shortly before death, and by contamination, neither possibility of which could be excluded by the forensic scientists.

C. SENTENCE

16. In determining your sentence I have borne in mind everything which has been said by the prosecution, by Ms Dernawi in her very moving victim personal statement, and on your behalf by your counsel.
17. This offence of manslaughter is so serious that only a lengthy period of imprisonment can be imposed. However, there is no sentence which I can pass which can lessen the pain and suffering which Simone's family and friends have suffered and are suffering and will continue to suffer in the weeks and months ahead. And the sentence I pass is in no way intended to be, or is, a reflection of the value of Simone's life, which was immeasurable.

18. The maximum sentence for manslaughter is life imprisonment. However, that sentence is only appropriate in exceptionally serious cases, and the prosecution do not contend that this is such a case, very serious though it is. I agree.

19. I have also considered whether you meet the criteria for a dangerous offender within the meaning of the Criminal Justice Act 2003 so that I should pass an extended sentence upon you. The test for dangerousness is only satisfied in respect of an offender if the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences. The Crown does not suggest that you are a dangerous offender and in my judgment that it is correct. As I have said, this was a very serious offence indeed. But it was in my judgment borne of a particular set of circumstances, namely, the deteriorating state of your marriage and the deterioration of your relationship with Simone because, principally, of your cocaine use. Prior to this offence you only had reprimand for an isolated juvenile offence. You and Simone had been together for 15 years at the time of the incident. The evidence revealed that despite the bickering, none of the witnesses ever saw, or had reported to them, that you had ever been violent towards your wife.

Aggravating and mitigating features

20. In my judgment, this case is marked by the following aggravating features:
 - a. Firstly, this was an episode of domestic violence committed in the home. This is always a serious aggravating feature. Simone should have been safe in her home and yet you killed her there, while your child slept upstairs. I have considered whether I can be sure there were earlier episodes of violence by you on Simone. Having carefully considered the evidence at the trial, I cannot be sure of that. If you had assaulted Simone, I think it likely – given the evidence that she was a plain-speaking person who spoke her mind - that she would have told her friends in clear and unequivocal terms, and it undoubtedly would have been referred to it in the thousands of messages she sent to you in the weeks before her death. There are no such messages.

- b. However, second, this was a sustained assault by you. However long it lasted, my conclusion on the evidence is that it must have involved distinct episodes of blows and punches, and also strangulation. I reject the suggestion that there were just two falls to the floor, and that those can account for all of the injuries which I have described. The pathological evidence showed that the neck compression alone must have lasted for at least 15 – 30 seconds. Added to that must be the time it took to inflict the numerous other injuries to all areas of Simone’s face and head. Although by their verdict the jury were not sure you intended to kill Simone or cause her really serious harm, this was plainly a prolonged and violent assault by you, and you intended to cause her injury. Even if Simone’s behaviour towards you was the proximate event before the assault by you on her, there was ample opportunity for you to come to your senses and stop. The blows alone were bad enough. But grabbing her around the neck in a carotid sleeper hold was obviously a very dangerous thing to do, as you must have realised. The evidence of scratches to Simone’s neck are, as the pathologists said, most likely to have been caused by Simone’s own fingernails as she reflexively tried to release the pressure around her neck. It would have been obvious to you that she was in distress and struggling to breathe, and yet you carried on with your deadly assault. I have considered whether I can be sure you used the saucepan to assault her. In light of the medical and other evidence, which was uncertain on this topic, I cannot be sure, although it is a possibility. But in light of the injuries you inflicted, and the sustained nature of the assault that I conclude must have taken place, in the result this does not, in my judgment, affect the outcome to a significant degree. I am sure you battered Simone and I am sure that the injuries to her arms were defence injuries as you attacked her, and it matters little whether that was with an object or with your fists, given your strength and power.
- c. Thirdly, there was your reaction upon finding your wife dead. You did nothing to help her or call for assistance. Your first thought, even on your own account, was for yourself and to obtain drugs. It was no doubt the case that Simone was beyond help by then, by that was not for you to say. Having done what you did to her, you could have called for assistance but you did not. Instead, you left her

bleeding body dumped on the kitchen floor for members of her family to find in the most awful circumstances later that day. Your actions were callous in the extreme.

- d. Fourthly, the effect on Simone's family has been appalling. It is clear from the evidence that Simone was part of a large and close-knit loving family. Her cousin, brother and her father had to discover her broken body. The effect of that on them, and her death more generally, has been very serious and will continue to be. Also, your children have been robbed of their mother and are now living with their grandparents, Simone's parents. That they love them and cherish them I have no doubt. But at the time of their lives when they should have been enjoying the fruits of their years of work, they are now faced with the truly difficult task of raising young children whose mother has been killed in an appalling way. The effect on the two children is something I am bound to have particular regard to under the Sentencing Council Guidelines for Domestic Abuse cases. Ms Dernawi said that they cannot easily talk of their mother at the moment, and it is clear that they have many difficult years ahead of them in finding out and then coming to terms with what you did to their mother.

21. There are also the following mitigating features:

- a. Your lack of relevant previous convictions.
- b. The absence of any proven previous episodes of violence by you on Simone.
- c. That you had been subjected to some threats and abuse by Simone (caused largely it has to be said, by your own behaviour) in the weeks and months leading to her death; that she had stabbed a sofa in your presence a few weeks before; and that she did try to attack you immediately before you killed her. However, as to that, given the brutality of what you did in return, these things can only be factors of very limited weight. The Sentencing Council Guidelines on Domestic Violence (in force today, irrespective of the date of offence) make clear that provocation is not mitigation in domestic cases, except in rare cases. Let me make it absolutely

clear: you, and you alone, are responsible for what you did, and for Simone's death.

- d. That you were suffering from depression and had been prescribed antidepressants in the weeks before your wife's death.
- e. That you are remorseful now, and you will have to live with the consequences of what you have done. That said, the best way you could have shown remorse is by calling for assistance once you realised what you had done, and then taking responsibility and the consequences immediately.

Sentence

- 22. Would you stand please ?
- 23. I bear in mind the need to pass a sentence which reflects the seriousness of your offence and its consequences. Having regard to all the relevant factors that I have outlined, the sentence I pass upon you is one of 11 years' imprisonment.
- 24. You will be given credit for the time you have spent on remand.
- 25. No sentence of course will ever bring Simone back to her family and friends. But it is important that you – and everyone concerned with this case – should understand what this sentence in fact means. You will serve half your sentence in prison. You will be released at the half way point, and you will then serve the second half of your sentence in the community subject to licence conditions which the probation service will determine. Should you commit any further offence during that time, you will be recalled to prison to serve the remainder of your sentence, as well as any sentence for the new offence.
- 26. There will be no order for compensation or costs. The victim surcharge order will apply as appropriate.

27. You may go down.