

IN THE WINCHESTER CROWN COURT

THE QUEEN

-v-

EMILE CILLIERS

**SENTENCING REMARKS**

**(NB: Order made under S.45A YJCEA 1999 re identity of defendant's children)**

Emile Cilliers you are 38 years old and have no previous convictions.

The jury convicted you, on the overwhelming evidence presented at your re-trial, of three offences:

- Count 1: The attempted murder, at the end of March 2015, of your wife of three-and-a-half years Victoria, by causing a gas leak from a valve fitting in the kitchen of the matrimonial home in Amesbury which you intended would, in your absence thereafter, result in an explosion that would kill her. However, that attempt failed when there was no explosion.
- Count 2: In the process of that attempt, causing criminal damage to the fitting being reckless as to the resulting endangerment of the lives of your children – your daughter then aged two (going on three) and your son then just six weeks old.
- Count 3: A second attempted murder of your wife some five days after the first – this time, on Easter Saturday, by sabotaging her hired main and reserve parachutes so that they would malfunction. In the result, when she jumped from around 3,800 feet the following day, both parachutes did malfunction, and she fell to earth. However, miraculously, and albeit severely injured, she survived.

These were, I am sure, offences that were planned and carried out in cold blood for the three motives advanced by the prosecution, namely that:

1. You had major money problems which you believed, wrongly as it turned out, would be solved by your wife's death because you would receive a £120,000 payment from her life insurance.
2. It would prevent her from damaging your career which, as one of your emails showed, was something that you were worried about.
3. You had met and were passionately in love with Miss Goller, to whom you had pledged your future (as evidenced in your many messages to her that were in evidence), and wanted your wife dead to enable you to have an unobstructed relationship with your new love.

The background, of which I am also sure, can be summarised as follows.

You were born and brought up in South Africa where you left school at 18 and went into your father's construction business. You formed a relationship with a young woman and had two children with her, but then, aged 20, left South Africa and came to this country alone. Here in 2003 you married your first wife Carly, with whom you also had two children. It was during your marriage to Carly that you joined the army. However, following a skiing accident, you ended that marriage.

In 2010, when you were 30, and still recovering from your skiing injury, Victoria was assigned to be your physiotherapist. She was in her mid-thirties, a former Army officer and in the throes of separation and divorce from her first husband. After she had passed responsibility for your treatment to a colleague, the two of you began a relationship – introducing each other to your respective sporting passions. Hers was skydiving. She was an immensely experienced and able skydiver and instructor, and a member of the Army Parachute Association (“the APA”) at Netheravon Airfield. It was there, in November 2010, that you obtained a main parachute packing certificate, gaining in the process detailed knowledge of the workings of such parachutes, and the ability to earn extra money as a packer.

In September 2011, you and Victoria married in South Africa. She had made it clear that she wanted children, and you had agreed. Your daughter was born in April 2012.

In October 2012 you completed a reserve parachute packing course, gaining in the process detailed knowledge of their workings as well.

By 2013 you had been promoted to Sergeant, and in October 2013 you, Victoria and your daughter moved into a new house in Amesbury.

Victoria had given her love to you without reservation. However, by 2013, and whatever your feelings had been for her in the early stages of your relationship and marriage, you were leading a double life in which your only guiding compass was your own selfish emotional, sexual and financial desires. You had been having casual sex with other women from at least 2013 onwards, and there were plainly many of them. Indeed, the evidence was clear that you had become contemptuous of your wife. Quite apart from the other women, you got or took large amounts of her money, you avoided repaying her by ever more complicated deceit and lies, and (as messages and emails in evidence clearly showed) you took ruthless advantage of her underlying feelings for you by emotionally coercing her.

In November 2014, with your wife around 6 months pregnant with your son, you went to Austria for a month as part of the Army ski team. There you met and fell for Miss Goller. She was not interested in a relationship with a married man, and so you told her a pack of lies to the effect that you had separated from your wife some months before, having discovered that she had had an affair, and that the child that she was carrying was not yours. In the result you began an affair with Miss Goller which included spending a week with her in Berlin over New Year 2015, and a night in Austria and a long weekend in Prague in January 2015. In messages between the two of you that month you stated that from April onwards you could do random and spontaneous; that to be with her you would do anything; and that your marriage had been a stupid mistake which you regretted every day. It was also in January 2015 that you expressed concern about the potential damage that your wife could do to your career if you fell out. In February 2015 Miss Goller stayed with you at your barracks for a week (which included Valentine's Day).

Six days after Miss Goller left the barracks to go and work in Belize, your wife gave birth to your son. It is telling that whilst she was in the early stages of labour at home, downstairs, you were upstairs exchanging loving text messages with Miss Goller, and that shortly after your son's birth you were telling Miss Goller that she was the one that you wanted. Indeed, by then you had talked with your mother about leaving your wife.

Whilst, on the surface, after the birth of your son, you gave your wife some help, the picture below the surface remained very different. You were keeping the relationship with Miss Goller going – with ever more passionate texts, emails and conversations between the two of you, including making plans for a holiday in Honduras that summer and for your long-term future together. At the same time, you were having sexual relations with various other women, including your former wife Carly, and you remained in very considerable financial difficulties.

In the result, you determined to kill your wife by causing a gas explosion in the kitchen of the family home, even though your children were going to be in the house at the time of the explosion as well.

During Sunday 29 March 2015 you exchanged over 380 messages with Miss Goller, told your wife that you needed to stay at the Barracks that night, and arranged with your former wife Carly to have sex with her on your way to the Barracks. That evening, once your wife and children were safely in bed upstairs, and employing your knowledge and DIY skills, you used a pair of adjustable locking pliers and a universal wrench to open the top nut on the gas valve in the cupboard adjacent to the gas hob and electric oven. You opened the nut just far enough to cause a leak, but not so much that it would be difficult to explain away if there was no explosion. You then left to keep your assignation with Carly, and thereafter travelled on to the Barracks.

The following morning your wife realised that there was a gas leak. She contacted you, and you effectively suggested that she turn the hob on. She was much more sensible, and took appropriate precautions to avoid any risk of an explosion. In any event, it is difficult to cause gas to explode. The leak was passed off to the gas engineer who attended that evening to fix it as being the product of

vibration from nearby building works. So it was that your first attempt to kill your wife by blowing her up, which also involved being reckless as to the resultant danger to your children, failed.

But you were determined to succeed.

Even before the engineer had attended to fix the gas leak, you were texting your wife asking if she wanted to skydive at the weekend. She had not jumped since becoming pregnant with your son and, flattered by some attention, indicated that she was interested in doing that.

What she did not know was that you had seen the opportunity for a second attempt on her life. As you knew, her own rig was away being serviced, and so she would have to hire a rig from the APA. If that could be sabotaged and she then fell to her death, any malfunction could be blamed on accident, the negligence of one or more packers at the APA, or sabotage by another.

The days until what was the Easter weekend passed with you continuing to message Miss Goller, including flirting with her about the two of you getting engaged, telling her that she was amazing and the one that you wanted, and making further arrangements in relation to the holiday in Honduras.

In the afternoon of Saturday 4 April 2015, you, your wife, and both your children went to Netheravon, where you hired a 149 rig for your wife. After you had got it, your daughter said that she wanted to go to the toilet. You seized the opportunity that that provided and took her to the men's toilet, taking the rig with you. There, using your knowledge of parachutes, you sabotaged the reserve parachute by removing the slinks from the two right-hand risers, and sabotaged the main parachute by pulling out the lines and passing the bag through them in the manner ultimately demonstrated by the expert Mr Bayada. You left no external trace of what you had done, and knew that it would not be revealed by pre-flight checks. The fact that you did that, intending to kill your wife, in the presence of your young daughter, speaks volumes about the sort of person you are and the gravity of your offending.

However, the weather was not good enough to jump that afternoon, and so it was that rather than hand the rig back to the kit store as would be the norm, but which would carry the risk that she would be given a different rig the next day, you persuaded your wife to keep it overnight in the locker that you shared with her at the APA.

On Sunday 5 April 2005 Victoria returned alone to Netheravon around midday, whilst you remained at home with the children. The weather was less than ideal. However, to ensure that you succeeded in killing her, you encouraged her in messages to stay and to jump. In the meanwhile, you were exchanging loving messages with Miss Goller.

Finally, in the late afternoon, the weather was good enough for Victoria to do a hop and pop jump from around 3,800 feet. She was the last to jump from the aircraft. Her main parachute malfunctioned as you had intended it would, and so, in accordance with the correct procedure, she cut it away and triggered her reserve parachute. But, again as you intended, it also malfunctioned. Only the left side of the canopy inflated, and she began to spiral violently as she fell to earth, passing out from the g-forces.

Those who saw what happened and went to where she had fallen expected to find a dead body, they even took a body bag with them. But, miraculously (I repeat), and albeit very seriously injured, she survived. That was the result of the combination of the fact that the reserve parachute had slowed her descent to a limited extent; that she was light in weight; that she had landed in a recently ploughed field; and that she received expert medical help both at the scene, in the air ambulance, and thereafter at hospital. Whilst she was being operated on in hospital you were involved in the exchange of numerous messages with Miss Goller telling ever more complex lies to her to keep the relationship going.

Expert examination of the parachutes led to the conclusion that sabotage may have been the cause of the malfunctions and a police investigation began.

Victoria was released from hospital on 22 April 2015.

You were arrested and interviewed on 28 April 2015 and in September 2015. In those interviews you falsely denied committing any crime. In the April interviews you said that your marriage was over. In the September interviews you said that you had had a change of heart. I have no doubt that that change was a tactical move rather than genuine. At all events the meticulous police investigation revealed the truth of what you had done and so, in September 2016, you were charged.

At the re-trial the jury saw through your lying denials and convicted you.

In passing sentence upon you, the first question that I must consider is whether you are a dangerous offender – i.e. whether there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences.

In answering that question, I have taken into account all the information before me, including the content of the Pre-Sentence Report, and all the matters advanced on your behalf – including your lack of previous convictions (albeit that that is tempered by aspects of your admitted behaviour), the fact that you have been out of trouble for the last three years, have done good works and reduced your debts, together with the character references put forward on your behalf.

Notwithstanding the criticisms that have been made in writing on your behalf about the Pre-Sentence Report, it is not suggested that there was no basis for the author to conclude that you are dangerous.

Having presided over both your trials, I agree with the author of the Report that, not having the courage to face the end of your relationship with your wife head on, you made the decision to murder her and became single-minded in your attempts to create opportunities to carry out your plan; that your offending involved a high level of planning and premeditation where various possibilities were considered; that you showed a reckless disregard for the safety and welfare of your children in the pursuit of your objective; and that it was the fact that you were able to switch off your emotions that enabled you, twice, to construct and carry out plans to murder your wife, in order to put an end to the self-inflicted chaos that you had created in your life.

I have no doubt, as the author of the Report touches on, that you are reckless and single-minded, with significant deficits in thinking and behaviour, and that you enjoy taking risks no matter what the cost. You are an expert in manipulation. You are plainly capable of planning someone's murder simply to meet your own selfish needs, and you demonstrated an ability to orchestrate a complex plan which required an unprecedented level of calm under significant pressure. I also agree that the alarming level of self-belief and single-mindedness that you demonstrated are a cause for significant concern.

I also agree with the prosecution that you have shown yourself to be a person of quite exceptional callousness who will stop at nothing to gratify his own desires, material or otherwise.

Nor have you shown the slightest sign of remorse.

In the result, and notwithstanding the absence of previous convictions and your behaviour since, I am sure that someone who is prepared to do what you did for their own selfish purposes and has the other character and thinking traits to which I have referred, presents a significant (indeed, in my view, high) risk of serious harm by the commission of further specified offences not only to partners and children but also to members of the wider public with whom (absent custody) he is likely to come into contact as well.

Accordingly, in my view, you are a dangerous offender.

The next question that I must consider is whether the overall seriousness of the offending is such as to justify the imposition of a sentence of imprisonment for life. In answering that question, I have considered all the circumstances of the offending and all the information about you before me (including the submissions made on your behalf), together with the level of danger that you pose,

whether there is a reliable estimate of the time when you will cease to be a danger, and the available alternative sentences.

In my view, your offending was extremely serious. There were two attempts to murder your wife. They were planned and carried out in cold blood for your own selfish purposes which included financial gain. They both involved abuse of trust. The first also involved being reckless as to endangering the lives of your children; it is miraculous that the second did not result in your wife's death, but you intended her to suffer a dreadful death and she did suffer very serious injury. As I have said, you pose a high risk of danger and, in my view, it is not possible to reliably estimate when you will cease to be a danger. The alternative sentences are a determinate sentence or an extended sentence. The former is not appropriate given that you are a dangerous offender, and the level of danger that you pose. The latter is not appropriate, in my view, because it is not possible to reliably estimate when you will cease to be a danger.

In the result, I have concluded that a life sentence is justified.

I must next consider the length of the minimum term that you must serve before the Parole Board can begin to consider whether it is safe for you to be released. That involves consideration of the determinate sentence that I would have passed had that been the appropriate course.

Whilst I disagree with the prosecution that, if successful, the first attempt would have been murder by the use of an explosive (as opposed to a gas explosion), it is not disputed that, if either attempt had been successful, it would have been murder done for gain, would have involved a starting point for the minimum term of 30 years (the equivalent of a determinate term of 60 years), and that thus both attempts are Category 1 offences as defined in the Guideline in relation to attempted murder.

In my view, the best way to determine the length of the determinate sentence that I would have passed is to reflect your overall criminality in the sentence on Count 3, and to impose concurrent sentences on the other offences.

I must first determine the starting point. There was clearly very high culpability, because the offence was premeditated and carefully planned and carried out in cold blood, partly in the presence of your daughter. There was clearly much more than some harm as a result. That your wife survived at all was miraculous. She undoubtedly suffered severe physical harm and must, I am sure, have suffered psychological harm both in the terror of the fall and since. She appears, however, to have recovered from her physical injuries, but not in my view, having seen her in the witness box at great length, from the psychological harm. Taking all those matters into account, the starting point that I take is one of 28 years.

I must then balance the additional aggravating features and the mitigating features.

The additional aggravating features are very serious, namely that there was a previous attempt, also planned and carried out in cold blood for gain, though not involving any physical harm; that that attempt additionally involved the presence of, and reckless endangerment of the lives of, your very young children; and that both attempts involved the abuse of a position of trust.

The mitigating features advanced are that your ultimately successful career in the army has been lost; you attended your trial when you could have taken flight; your endeavours to pursue association with your children; that you have no other family in this country which, together with the fact your limited opportunities to participate in sport during your time in custody, add to your burdens; your behaviour over the last three years as attested to in the three character references before me, and including good works and the reduction of your debt; and the support that will be available to you on release.

In my view, the additional aggravating features very significantly outweigh the mitigating features such that, even giving full effect to the principle of totality, the ultimate determinate sentence would have been one of 36 years.

I must then halve that, which gives a minimum term of 18 years.

In view of your financial situation, there is no application for either a compensation order or a costs order.

Stand up please, Mr Cilliers. This was wicked offending of extreme gravity. On Counts 1 & 3 your sentence is one of life imprisonment with a minimum term of 18 years. On Count 2 your sentence is one of 14 years imprisonment. All the sentences will run concurrently.

Mr Justice Sweeney  
15 June 2018