



JUDICIARY OF
ENGLAND AND WALES

R
-v-
David Clark

In the Crown Court at Birmingham

12 July 2018

Sentencing remarks of Mr Justice Morris

David Clark, you are now aged 49. You have been convicted by the jury of the murder of Melanie Clark.

It is now for me to pass sentence upon you. I ask that you remain seated whilst I describe the circumstances of your offence.

The Facts in outline

At just before midnight on New Year's Eve last year, David Clark telephoned emergency services and told them that he had killed his wife. When police officers arrived at his home address in Bromsgrove, Worcestershire, they found the body of Melanie Clark in an upstairs bedroom. She had been stabbed once to the chest.

Post-mortem examination revealed that a blow of severe force had pierced bone and cartilage producing a stab wound 9 cm in length and 4 cm wide. The stab wound was fatal. It caused blood loss, falling blood pressure, reduced cardiac output, loss of consciousness and ultimately death.

Melanie Clark was a healthy woman in the prime of her life. She was subjected to a brutal attack which came without warning. She leaves behind four children: Samantha, Sheldon, Slade, and a younger daughter. Each will suffer from the loss of their mother. Sheldon, Slade and the younger daughter have each shown great courage in giving evidence at the trial; a further ordeal brought about by the Defendant's refusal to accept full responsibility for his crime. What is more we today heard Sheldon's own victim personal statement and I have also read Slade's victim personal statement. They have to live not only with the trauma of the events on the night of New Year's Eve, but with their terrible loss. Even having heard this eloquent testimony of their grief, it is hard for anyone to imagine the pain and anguish caused to them by the loss, so early in their adult lives, of their sole surviving parent to whom they were so close, and at the hands of a man they regarded as their father.

The background

Melanie Clark was 43 when she died. She had grown up in South Africa. Her four children are now aged between 24 and 15. David Clark was also born and brought up in South Africa. He is also a British citizen.

David and Melanie had met in childhood. Years later, they met again, when they were both going through divorce. A relationship started and they married in around 2005. They lived as a family with Melanie's children, at first in South Africa. In 2011, they came to live in the UK and moved as a family into a house in Bromsgrove. David started work with a firm of chartered surveyors. At first, they settled into a happy family life.

As time wore on, the relationship between Melanie and David became troubled, as did relationships between David and the children. From at least 2015 onwards, Melanie and David's relationship was on and off. Strong language was frequently used between husband and wife and with the children. David's relationship with the younger daughter in particular was strained.

David Clark's own behaviour was idiosyncratic and regimented. This manifested itself in his own ways of being, such as the way in which he organised his clothes. It also affected the way he acted with others. Everything had to be in its right place in the house and this caused problems with the children. At times he was controlling. He tried to control Melanie's smoking and drinking. He wrote post-it notes on kitchen drawers around the kitchen. What is more, this regimented control at times led to outbursts of anger. He used foul language addressed to the children and could be physically abusive. Sheldon and Slade both experienced episodes where David Clark "flipped" and became inappropriate and physically threatening.

The relationship between husband and wife was turbulent. Melanie could be provocative in her language. David Clark had reason to believe that Melanie was having an affair towards the end of 2015 and in the early part of 2016. There were periods when David Clark moved out of the family home in Bromsgrove. Each time he moved back in. However, as he himself accepted in his evidence, at all times he had the option to leave.

In November and December 2016 as evidenced by the stream of messaging communications between them at that time, the relationship deteriorated. David Clark, in plain sight of Melanie started to use dating websites. As a result, he met other women, in particular Julie Hutton with whom he had a brief relationship in that period. He did this in order to make his wife jealous. They had decided to separate again and he was due to move out by mid December.

In early December there were a series of incidents. David Clark called the police to report that Melanie had made threats. However it is clear from the police report of that call that no serious concerns were raised by him. On the next day David Clark took pills, suggesting that he might kill himself. As a result Melanie Clark called the paramedics. On 14 December, the two boys were disturbed in the house by an incident when David Clark assaulted Melanie Clark, pushing her out of bed and causing her bruising. On 16 December, Julie Hutton came round to the family home. David Clark

however chose to stay with his wife. Julie Hutton realised that she had just been in the middle between them. By the end of December the couple had decided to reconcile again. David spent Christmas 2016 at the family home.

The younger daughter returned to live with her father in South Africa in early 2017. By April 2017 David Clark had moved back in to the family home in Bromsgrove full-time. When he did move back in, whilst their relationship remained a sexual one, at times they slept in separate bedrooms. David Clark moved into the smaller front bedroom which, prior to her return to South Africa, had been the younger daughter's. In that room, he kept an array of kitchen utensils, including cutlery and some sharp kitchen paring knives.

By the end of November 2017, the relationship between David and Melanie had deteriorated again. David Clarke's best friend was a man called Stephen Bastions. He has a daughter, Katie, who at that time came to stay with her father. On 28 December 2017, Stephen and Katie went round to the Clarks, had dinner there and ended up staying the night. At around midnight Melanie Clark and Katie went upstairs. Whatever happened between them upstairs at that time, after the event Melanie Clark led David Clark to believe that there had been a sexual encounter between her and Katie.

The events of New Year's Eve 2017

Melanie had arranged for the two of them to spend the early part of New Year's Eve round at the house of their friends, Nadia Lacey and Philip Ireson. Sheldon drove them round to Nadia's at around 630pm. He and Slade then headed off to town to celebrate New Year. Whilst there, David and Melanie had a happy and lively time. They drank prosecco, other drinks and shots. They played various card and board games. Melanie had booked a taxi to take David and her home to arrive before midnight. At 1030pm they left Nadia's. Everyone was in good spirits at that time.

David and Melanie arrived back home at 1044pm. By that time both of them were significantly intoxicated. Over the next hour an ever increasingly vitriolic argument developed between the two of them. That argument was conducted both by a series of WhatsApp messages which they sent to each other whilst in the house, and, as their next-door neighbour testified, also verbally.

At just before 11pm, David Clark attempted to send a message to Stephen Bastions telling him

that his daughter Katie had had a sexual encounter with Melanie. He forwarded a copy of that message to Melanie. At 1112pm, Melanie messaged David that "Katie is great she is awesome." At 1123pm Melanie sent a message to David telling him that she wanted him out of the house by 10am the following morning. David Clark responded by attempting to re-send to Stephen Bastions his message about the sexual encounter between Melanie and Katie and then forwarding it first to his own sister, and then to her son, Sheldon. At 1143pm Melanie sent David a further message "They laughing at you David, have been for the last 10 years." She then told him again that she wanted him out by the morning. The messages concluded at 1148pm with Melanie sending to David Clark a number of mocking emojis.

David Clark could not handle the rejection. In the course of the next two minutes, he picked up one of the kitchen knives which he had in the small bedroom, walked into the main bedroom where Melanie was and stabbed her once with severe force through the chest. She offered no resistance. There were no defensive injuries to her body. She had not been violent towards him.

David Clark immediately called 999. He was in a highly distressed state. He told the operator that he had killed his wife, and variously that he loved his wife, that he hated his wife and that he was going to kill himself. The police arrived at three minutes past midnight. They found David Clark at the side of the house in pyjamas and with blood on his hands and clothing. David Clark asked one of the officers to kill him, and gave the impression that he had tried to gas himself. Another officer went upstairs and found Melanie Clark already dead. She was lying on her back heavily bloodstained with part of the lobe of her right lung protruding from the wound to her chest.

Sometime after midnight, the boys, Sheldon and Slade, returned from town to be confronted with the sight of the flashing lights of the police and ambulance services surrounding their house. They were shepherded away from the site and went to stay at Nadia and Philip's house.

David Clark both in his interview and at the trial maintained that he had no memory of events after the last exchange of messages. His defence was that he was the victim in an abusive relationship with his wife. He alleged that over a period of time she had subjected him to humiliation, criticism and belittling; and that on the night in question she had subjected him to further mocking and humiliation. That set against the history of the abusive relationship caused him to lose his self-control and to stab her. In putting forward that defence, David Clark made serious allegations against Melanie Clark. Melanie Clark, the victim, has not been able to defend herself against those allegations.

The jury has rejected that case. I find as a fact that whilst the relationship between Melanie Clark and David Clark was turbulent and whilst at times Melanie's language was foul, he gave as good as he got. David Clark was able to stand up for himself.

When he stabbed her he did so in a blind rage. I further find that when he went into the bedroom with the knife and stabbed her in the way that he did, he intended to kill his wife.

Murder

The sentence for murder is fixed by law. It is a life sentence. The Court must impose this life sentence and must also specify the minimum term which must elapse before you can be considered for release on licence.

So that there is no misunderstanding, the minimum term is not the point in time when you will be released. It is the minimum term you must serve before you are considered for release. Whether you are released then, or indeed ever, is a matter for the Parole Board, not for me.

Schedule 21 of the Criminal Justice Act 2003 sets out the approach which I must adopt in deciding what minimum term you must serve. For you, the applicable

starting point set out in Schedule 21 is 15 years, but this is not necessarily the end point. In setting the minimum term you must serve, I have to consider and balance the various aggravating and mitigating factors of this case.

As regards aggravating factors, there is the use of the knife and the severe force of the stab as demonstrated by the wound. The attack took place at night in Melanie Clark's own home, indeed in her own bed. You were seriously intoxicated at the time. These factors serve to increase the minimum term from the starting point of 15 years.

As regards mitigating factors, I accept that there was no premeditation in your actions. You are a man of previous good character. From the outset - as demonstrated by the immediate 999 call - and throughout, you have shown remorse for your actions (although before the jury you sought to minimise the reasons for your actions). There was some provocation in the conduct of Melanie Clark in the hour leading up to the murder - the taunting about the claimed sexual encounter with Katie and the message that everyone had been laughing at you for years. The jury has rejected your claim of loss of control as a defence to the charge of murder. However, under paragraph 11(a) of Schedule 21, I am entitled to, and do, take account of this element of provocation as a mitigating factor in considering the appropriate sentence. These factors serve to reduce the minimum term.

Overall the aggravating factors are balanced by the mitigating factors.

The sentence

David Clark, please stand. For the murder of Melanie Clark, the sentence is life imprisonment. You will serve a minimum of 15 years less the period of 191 days you have spent on remand. After that, it will be for the Parole Board to determine whether and if so when you should be released. If and when you are released you will remain on licence for the rest of your life and liable to recall if you commit any further offence or breach the terms of that licence.

You may go.

ENDS