



JUDICIARY OF
ENGLAND AND WALES

IN THE CENTRAL CRIMINAL COURT

The Queen

-v-

Russell Bishop

Sentencing Remarks of Justice Sweeney

12th December 2018

Russell Bishop, yesterday, 31 years to the day after your acquittal for the same offences, you were convicted, on now overwhelming evidence, of the murders of Nicola Fellows and Karen Hadaway, both aged 9, in Wild Park in Brighton on 9 October 1986. You were 20 years old at the time. You are now aged 52.

I have no doubt that you were a predatory paedophile; that, having seen Nicola and Karen playing near the entrance to the park at around 5.15pm on 9 October 1986 you remained in the area in case a chance arose to lure them into the woods in the park; that that chance did arise at around 6.30pm when you saw them not far from you outside the southern end of the park; that taking advantage of your previous dealings with their families and with them, and your local knowledge, you then lured them to a secluded den in the woods; that there, entirely for your own pleasure, you subdued them (punching Nicola in the face and putting your hand over her nose and mouth in the process) and then, in turn, strangled and sexually assaulted each of them; and that the worst of the sexual assault was inflicted on Nicola (including part of it after her death) because, earlier that afternoon, she had been rude to your then 16-year-old girlfriend. The terror that each girl must have suffered in their final moments is unimaginable. You then left their bodies where they were and walked home, dumping your Pinto sweatshirt on route to avoid anything incriminating on it being linked to you. Once you got home, and also to avoid anything incriminating being found, you bathed and washed the remainder of your clothing. The following day you pretended to take part, as an innocent helper, in the search for the girls (each minute of which must have increased the apprehension for their families). After the discovery of the bodies you pretended that you had checked their pulses so that you would have an excuse if anything linked to you was found on them. After your subsequent arrest, you falsely pretended that you were innocent.

I am fortified in a number of those conclusions by the similarities between the murders of Nicola and Karen and the offences that you committed against Rachel, aged 7, in 1990 – which clearly show you to be a violent paedophile who carried out another sexual attack on a pre-pubescent girl for the pleasure of doing so. You have been serving a sentence of life imprisonment for that offence since your conviction for it later that year.

During this trial you again falsely pretended that you were innocent and made the allegation (which you were able, in law, to do) that Nicola's father, Barrie Fellows, could have been the murderer instead. That will not add a day to your sentence, but it underlines that you have no remorse whatsoever for what you did. Indeed, I observe that Barrie Fellows stood in the witness box and dealt with all the questions that were asked of him in cross-examination despite the understandable distress that it caused him whereas, after your initial cross-examination by the prosecution had exposed you as a paedophile and a liar, you refused to answer any more questions and have subsequently refused to attend court at all – or even, today, to attend by video link. Hence, I am sentencing you in your absence.

The Victim Personal Statements of Susan Eismann (Nicola's mother), Barrie Fellows (Nicola's father), and Michele Johnson (Karen's mother) speak with great dignity and force of the extent of the loss suffered by each of their families, and of the suffering that they have endured over so many years. The court pays humble tribute to them for their fortitude and determination to see justice done.

The penalty for murder is fixed by law, and thus I must and do impose concurrent terms of life imprisonment on each Count.

I must also fix the minimum term that you must serve, from today, before the Parole Board could consider your release. The minimum term is intended to reflect the seriousness of your offences.

Because the offences were committed in 1986 that involves consideration of, first, what the appropriate minimum term would be today (by the application of s.269 of the Criminal Justice Act 2003 and Schedule 21 to that Act) and, secondly, the consideration (by the application of s.279 and Schedule 22 to the same Act) of the reduction of that minimum term, to any extent that it is greater than that which, under the practice followed by the Secretary of State before December 2002 would have been likely to have been notified – thus ensuring that the minimum term that I impose does not exceed that that which would have been capable of being imposed in 1986.

In accordance with the relevant Criminal Practice Direction I have reminded myself of the decision, in full, of the Court of Appeal in *Sullivan* [2005] 1 Cr.App.R.13.

As to what the minimum term would be today it is clear that, because you were aged 20 at the time of the offences, a whole life order could not be imposed – see s.269(4). However, under paragraphs 4 & 5 of Schedule 21, the murder of a single child involving (as in your case) sexual motivation is an

offence of exceptionally high seriousness which (as a 20-year-old) attracts today a starting point of 30 years.

However, you have committed two such murders which, in my view, would require a substantial uplift from that starting point. It is not disputed that the offences would also be aggravated, in my view seriously, by the offences that you committed against Rachel. In addition, there was an element of premeditation in the murders of Nicola and Karen. However, the other aggravating factors relied upon by the Prosecution involve, it seems to me, elements of double counting about which I must be cautious. There are no mitigating features.

All that said, in my view, the offences are such serious ones of their type that, even given your age at the time, the ultimate minimum term today would be in the order of 40 years or more.

As to the practice followed by the Secretary of State, it is necessary first to consider the minimum term that would have been likely to be recommended to him by a trial judge in 1987. In 1997 Lord Bingham CJ identified the minimum term for a 'normal' murder as being 14 years and that factors likely to call for a sentence in excess of the norm included the killing of a child, evidence of sexual maltreatment before the killing, multiple killings, and a substantial record of serious violence. He concluded that while a punitive term of 30 years would be very rare indeed, he would not set an upper limit, and that some crimes would call for terms well in excess of the norm.

In 2002, Lord Woolf CJ indicated that a substantial upward adjustment may be appropriate in the most serious cases. In a case involving a sexual murder or the murder of a young child a term of 20 years and upwards could be appropriate, and that, in suitable cases, the result might even be a minimum term of 30 years. Indeed, that in cases of exceptional gravity the judge could state that there was no minimum period which could properly be set in that particular case. It is also clear from the decision in *Sullivan* that in the most serious cases the Secretary of State tended to select a higher figure for the minimum term than that indicated by the judiciary – with, in cases involving multiple or serial murder, where there were aggravating factors and no compelling mitigating factors, minimum terms generally falling between 30 years and whole life.

Against that background, and given that your offences are such serious ones of their type – involving two child murders, each of which was sexually motivated, each of which involved a degree of premeditation and each of which was substantially aggravated by your offences in relation to Rachel, I have concluded, with your age in mind, that the minimum term that would have been notified by the Secretary of State in 1986 would have been one of 36 years.

Accordingly, that is the minimum term that I impose on each Count.

Sweeney J
11 December 2018