



JUDICIARY OF  
ENGLAND AND WALES

**REGINA**

**-v-**

**HANNEGRET DONNELLY**

**Kingston upon Thames Crown Court**

**22<sup>nd</sup> March 2019**

**Sentencing Remarks of Mrs Justice Yip DBE**

*[Note: Reporting restrictions apply – care must be taken]*

1. The Defendant may remain seated while I explain the sentence I am going to pass. I remind all present and those that may read these remarks that there are reporting restrictions which prevent the reporting of the names and address of the children of the family.
2. Hannegret Donnelly, you have been convicted by the jury of the murder of your husband, Christopher Donnelly. I must now sentence you for that offence.
3. On the morning of 31 March 2018, you called for an ambulance, reporting that your husband had died the previous evening. When paramedics attended, they found his body lying on the bathroom floor. He was clearly dead. The paramedics noticed that he had numerous wounds to the head in various stages of healing. You admitted to them that you had caused those wounds by hitting him over the head with a rolling pin.
4. This was an unusual case. Despite the obvious wounds to the head, Christopher had not suffered any apparent brain injury and the visible injuries were not the direct

cause of his death. Post-mortem examination revealed that Christopher had died of bronchopneumonia in circumstances where his body had been subjected to repeated episodes of blunt force trauma. He was found to have 78 separate visible external injuries of varying severity. Internally, he had fractures to the vertebrae of the neck and the thoracic and lumbar spine, and to both scapulae. There were two injuries to the larynx, indicative of neck compression. Tellingly, the more recent injury, inflicted within one to three weeks of death suggested the application of pressure the size of a thumb print. Although other mechanisms were suggested to the experts, there can be no sensible doubt that Christopher had been subjected to partial strangulation in the weeks before his death. Christopher's ears showed the appearance typically seen in rugby players and boxers, so-called cauliflower ears. Such injuries result from repeated trauma to the cartilage of the outer ear. There was chronic remodelling of the bone across the whole skull, evidencing repeated trauma. Some of that was long-standing. There was also evidence that injury to the skull had been inflicted on more than one occasion within a few days of death, most recently haemorrhage had occurred within 2 days of Christopher dying. The pathologist said that he had never seen a case involving so many injuries inflicted over such a long period of time with so much resulting scar tissue.

5. Viewed together, the injuries point to a sustained campaign of serious physical abuse over a prolonged period. Medical opinion confirmed that this contributed to Christopher's death, at the age of 55. His body was weakened by the repeated trauma and the need to continually repair itself. By January 2018, he was described by a neighbour as clearly unwell and looking more like a man in his eighties. There was no other underlying cause to account for his condition. Even when he reached that point, the evidence is clear that you continued to assault him.
6. Examination of your house revealed numerous areas of blood staining on walls, ceilings, doors and the bathroom blind. This was the house in which you and your husband lived with your four children then aged 13 to 21. It is hard to imagine the horror that they must have witnessed or the harm that has been caused as a result.
7. Forensic evidence confirmed that all the blood markings came from Christopher. The blood spatter across walls, ceilings and furniture was indicative of repeated beatings

occurring in various parts of the house. Repeated blows with a weapon (such as a rolling pin) are required to produce the observed blood patterns.

8. You admitted to the police that you had repeatedly assaulted Christopher, causing the wounds to his head. There can be no doubt that the other injuries were also inflicted by you. The fractures to the back and associated tissue scarring suggest a defensive position, perhaps curled up but certainly with his back to you. You said in interview that you had hit Christopher not every day, but every few days. You sought to minimise the harm you had done, claiming that there was something strange in the house that had affected your health as well as Christopher's. It is notable that no signs of illness or injury were found when you were medically examined after your arrest. You gave various reasons for what you had done, none of which make much sense. You talked about Christopher being in a time warp, reminiscing about earlier stages of his life, and about him descending into foul moods. You also suggested that at times he welcomed the beatings and that he was not really affected by them.
9. You claimed that there was an occasion around New Year 2015/16 when Christopher assaulted you by punching you and then pushing you into a cabinet. Since your children apparently confirmed this, I am prepared to accept that there was an incident in which Christopher used some violence towards you. However, it is clear from all that I have heard that this was out of character for him. There is no hint that he had been violent before. I do not know what lay behind this, in particular I have no way of knowing whether it was entirely one-sided. However, as is readily accepted on your behalf, it cannot begin to excuse your later conduct. What is clear is that the violence you inflicted was one-sided. You have not suggested that Christopher was violent to you at any time after that; there were no signs of injury on you when you were arrested, and the blood found in your home all matched his.
10. No one but you really knows what caused you to repeatedly assault your husband. It does not appear your relationship was always troubled. You had been married 23 years at the time of his death. I have heard that you were an exceptionally close family. You and your husband apparently shared similar views about many things, including concerns about the modern education system which led you to home educate your children and a rejection of modern means of communication. None of you had mobile phones and although you once had a landline that had been

discontinued. It appears that the family were leading a somewhat isolated existence at the time of Christopher's death.

11. I have seen photographs and video clips of happier times and have heard evidence about enjoyable times spent with your wider family. However, around 2014, it seems that all contact with your extended families ceased. The family were not often seen by neighbours. When you did go out you all tended to go out together. You were a qualified midwife, but you gave that occupation up to raise your children. Your husband was a music teacher, but he gave his job up in 2015.
12. You talked of Christopher experiencing "mental decline". You said that he had begun losing weight a couple of years before his death and photographs appear to support this, although he still looked physically well then. From things you and the children said to the police, it may be that Christopher started to experience mental health issues around 2014 – 2015, coinciding with him ceasing work and cutting off contact with his family. It is said on your behalf that this was before you had begun assaulting him and so was not caused by your abuse. However, what that must mean is that your abuse began at a time when Christopher's mental health was declining. At a time when he needed the support of his wife of over 20 years, you instead inflicted terrible violence on him. Having said that, I am prepared to accept for the purpose of sentencing you that initially this decline may not have manifested itself as an obvious vulnerability. Things the children said suggest that Christopher may at times have been quite difficult to live with and that, as is contended on your behalf, you experienced a decline in the quality of your family life. None of this though can begin to excuse what you did.
13. You continued to abuse Christopher when he was in a state of obvious physical decline, as was apparent to your neighbour and is readily visible on the CCTV video of your trip to Kew Gardens, just ten days before he died. The medical evidence confirms that the neck injury was significant and would have been very painful. You talked about Christopher being stooped with very stiff shoulders and shuffling, all of which are compatible with a painful injury and spinal cord irritation. Still, you continued to inflict further injury.
14. As the jury have found, you intended, at least, to inflict really serious harm. I cannot be sure that the injuries were inflicted with an intention to kill. I must therefore

sentence you on the basis of the lesser intent to cause serious harm. However, the extent to which this affords mitigation is tempered by your actions at the time of Christopher's death. The events of the night of his death suggest that even if you did not wish him dead, you at least did not wish to save his life. Although it is said that you took some steps to help him when he was very unwell, the fact remains that Christopher suffered further injuries within his last 24 hours alive. He died on the bathroom floor that night. The various excuses you gave for not calling an ambulance sooner are simply not credible. You waited until all signs of life were absent before calling the emergency services.

15. I have had regard to the victim personal statement of Christopher's older brother, Peadar O'Donnghaile. He and Christopher had grown up together but, as is not uncommon, they had gone their separate ways in adulthood and ended up geographically far apart. They maintained contact over the years, albeit seeing each other infrequently, until 2014 when all contact ceased. Like Peadar, I do not know when your abuse of Christopher actually started. Understandably, in light of what happened, he believes your controlling or abusive behaviour may well lie behind Christopher severing ties with his family. Even if the situation was more complex than that, it is certainly the case that you have deprived Peadar of his hopes of reconciling with his sibling in the future and again enjoying a normal family relationship. You have, of course, also deprived your four children of their father. Sadly, your separation from them through your arrest and now imprisonment can only add to their trauma.

16. You, Hannegret Donnelly, are 55 years old. You have no previous convictions. I have listened to all that has been said on your behalf. Your situation is unusual. I accept that until this abuse started, you had led a blameless life, had been happily married for many years and had apparently been a good mother to your four children.

17. There is only one sentence that the law allows to be passed for murder: that is a mandatory life sentence.

18. 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. It is important to emphasise so that you and the public understand the position, that the minimum term is just that – a minimum period which cannot be

reduced. There is no guarantee that you will be released after that term; that will be a matter for the Parole Board.

19. I agree with both Counsel that the starting point is that set out in paragraph 6 of Schedule 21 for an offender aged over 18 years of 15 years. Although the case involves violence inflicted with weapons, those weapons were normal household items and were not taken to the scene, such as to require a starting point of 25 years. However, I do regard the repeated use of weapons, such as the rolling pin, to inflict serious harm as increasing the seriousness of the offending generally.
20. There are factors present which in my view do amount to statutory aggravating factors. Christopher was plainly vulnerable. Although not an old man, he presented by the time of his death as a man much older than his years and had deteriorated to the extent that he was frail and physically impaired. There is clear evidence that you assaulted him close to the time of his death when he was in a parlous state. By then, he was unable to walk or speak properly and he was having difficulty breathing. The circumstances are unusual, involving repeated incidents of violence over a prolonged period. It is clear that Christopher had experienced real physical suffering for a long period before death. It is inconceivable that he did not also suffer mentally.
21. Although I identify these matters as aggravating factors, I must guard against double counting them. The unusual circumstances of Christopher's death call for careful consideration. Although there were repeated episodes of violence before his death, I bear in mind that it is the cumulative effect of those assaults that has given rise to the conviction for murder. Further, the vulnerability I have identified arose from those earlier assaults. To treat the prior suffering and the vulnerability as separate aggravating factors requiring separate uplifts to the starting point would, in my view, risk overstating matters. I will therefore look at the matter in the round. I must though have in mind that you persisted in inflicting serious harm on Christopher as he was very obviously suffering and becoming weaker.
22. It is also a serious feature of your offending that your children must have witnessed your repeated violence towards their father and were present when he died. The effects on them are hard to imagine. The fact that they lived a relatively isolated existence magnifies the impact upon them. I am pleased to hear that they are now getting on with their lives as best they can.

23. I have said that I will sentence you on the basis that your intention was to cause serious harm rather than to kill. That is an important factor, although I apply it with the reservation that your actions around the time of death suggest at least an indifference as to whether Christopher survived.
24. I take account of your previous good character and all that has been said in mitigation on your behalf.
25. I consider that the aggravating features do call for an uplift from the starting point, although I do temper that significantly for the reasons I have given and also to reflect the mitigation available to you.

**Will the defendant please stand.**

26. Hanneget Donnelly, for the murder of Christopher Donnelly, I sentence you to life imprisonment. Taking account of all the factors I have set out, the minimum term will be one of 16 years, less the 355 days that you have spent on remand in custody following your arrest.
27. That term represents the minimum period you will be required to serve. 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 that you are fit to be released that you will be released. You must also understand that if, and when, you are released you will remain subject to licence for the rest of your life and may therefore be liable to be recalled and to continue your detention if you reoffend. It is in these ways that a life sentence protects the public for the future.
28. I have made forfeiture and destruction orders in relation to the items seized from the house and the statutory surcharge will be added to the record.