



JUDICIARY OF
ENGLAND AND WALES

Regina -v- Albert William GRANNON

Sheffield Crown Court

2 July 2019

Sentencing Remarks

On 26 July 2018 you shot and killed a 6 year old boy. His name was Stanley Metcalfe and he was your great-grandson.

You ended a young life and you brought lifelong grief and misery to his parents and to the whole of his family. Tragically, this happened when the family had gathered at your home to mark the fifteenth anniversary of the death of your son, Andrew. 26 July this year will mark the anniversary of two deaths instead of one.

Stanley Metcalfe had asked to see your air rifle and you showed it to him. It was a powerful weapon, with a discharge pressure of between 15 and 16 foot-pounds, which had been increased at your request when you bought it 5 or 6 years earlier. Given its power, it was what is known under the regulations as “specially dangerous”. That meant that it was unlawful for you to have this weapon in your possession without a certificate, and you have

pleaded guilty to the offence of possession of an uncertified firearm, contrary to section 1 of the Firearms Act 1968. I order that the air rifle and pellets are forfeited.

You and Stanley Metcalfe were in the kitchen when you fired a single pellet. It entered his body in the area of his stomach from a distance of only a few feet. It passed through his body and went out the back. As it did so, it severed the iliac artery in his lower abdomen, causing significant loss of blood. His mother heard him say, “Why have you shot me, Grandad?” or something similar.

His mother saw that he was in pain. A 999 call was made, an ambulance and paramedics arrived and he was taken to hospital, but, despite everyone’s best efforts, he was dead within 2 hours.

Stanley Metcalfe’s parents, sister and grandmother have made very moving statements in which they have set out better than I ever could the terrible effect which your actions have had on their lives. His father, Andrew, said, “I had a little boy who I loved and cherished and loved spending my life with”. His mother, Jennifer, your granddaughter, said, “I cannot describe the pain of living every day without Stanley”.

It is not suggested that you intended to shoot your great-grandson. You were charged with, and have pleaded guilty to, manslaughter on the basis that your conduct was grossly negligent, as it undoubtedly was.

No sentence I impose can bring Stanley back. No sentence I impose can undo what you have done and heal the rifts in your family. All I can do is impose what the law considers to be the appropriate sentence for a case of this nature. I do that by following the guidelines for sentencing in cases of manslaughter. They say that the first thing I have to do is to consider the level of your culpability. There are number of factors to consider:

- (1) There is the obvious consideration that this was a weapon which you knew was capable of inflicting fatal injuries. Indeed, you bought it to kill rats and squirrels and the like.
- (2) You ought not to have had this weapon in the first place. You were acting unlawfully simply by having it in your possession. Moreover, you knew that. Yet you regularly carried it in public, round the local fields.
- (3) You told the police that the reason why you did not apply for a certificate was that you knew that you would not be given one because you have limited use of your right hand, as a result of an accident some years ago, and you have to use your left hand to fire the weapon. Quite literally, a weapon of this kind is less safe in your hands than in the hands of someone who does not have your injuries.
- (4) You had not taken any steps to store the weapon safely. You had left it behind a curtain in the hallway for 7 or 8 weeks.
- (5) It was loaded. It seems that it was loaded when you left it behind the curtain.
- (6) You were handling this powerful, loaded weapon in a confined space in the presence of both a 6 year old boy and your wife.
- (7) The safety catch was off.
- (8) Your finger was on the trigger.
- (9) The rifle was pointing towards, or in the direction of, Stanley Metcalfe. When you were interviewed by the police, you claimed that the pellet had ricocheted

off the floor, but the forensic evidence shows that that cannot have been right, as you have now accepted.

(10) You pulled the trigger.

In all the circumstances, what you did was obviously a very dangerous thing to do. Why on earth did you do it? When you were interviewed by the police, you said that you were firing the weapon into the floor to make sure that it was unloaded, but you accept that that was not right. Today, you told me through your counsel that you squeezed the trigger to see if the rifle was loaded, but that you were not deliberately pointing it at Stanley Metcalfe.

There is a strong argument that this case falls in category B in the guidelines, because you showed a blatant disregard for a very high risk of death. However, both counsel agreed that it fell within the next category down, category C. I accept that, but on the basis that this case is at the top end of that category. The guidelines say that in category C the range is from 3 to 7 years' imprisonment and the starting point is a sentence of 4 years' imprisonment. However, the factors which I have just set out would justify increasing your sentence well above the starting point, to or towards the top of the range. In addition to your culpability, I have to consider the suffering which you caused to Stanley Metcalfe in the last two hours of his life and the fact that your actions put your wife at risk as well as him.

However, I also have to consider the mitigating factors. A probation officer has provided a report which helps me in doing that. You are a 78 year old man with no previous convictions. You worked for a lifetime in the shipbuilding industry. Many people have spoken of your good qualities, which include being a loving and caring individual. I have read your statement and I readily accept that your remorse for what you did to your great-grandson is genuine and profound, although you have not succeeded in conveying that to

your granddaughter and her family. You have a long-standing heart condition, following a heart attack in 2002. The stress on you has manifested itself in, amongst other things, chest pains, anxiety and insomnia and you have been receiving counselling and medication.

The offence of manslaughter is so serious that only a custodial sentence can be justified. The least possible sentence I can impose, having regard to the aggravating and mitigating factors of the case, is one of 3 years' imprisonment. If you had not pleaded guilty, this would have been 4½ years.

I impose a sentence of 4 months' imprisonment for the offence of possessing a firearm without a certificate. This, which would have been 6 months if you had pleaded not guilty, will be concurrent to the other sentence, because I took account of your unlawful possession of the air-rifle when arriving at that sentence. So your total sentence is one of 3 years' imprisonment.

You will serve up to one half of your sentence in custody. You will serve the remainder on licence. You must keep to the terms of your licence and commit no further offence or you will be liable to be recalled and you may then serve the rest of your sentence in custody.

Mr Justice Lavender

2 July 2019