

R v LEE ABBOTT

SENTENCING REMARKS

1. Christian Thornton was 49 years old when he died. He was a family man, married with three children, and the high regard and affection in which he was held, both within his family and more widely, have been demonstrated by the large numbers in daily attendance in the public gallery throughout this trial. I have read in full the moving victim personal statements in this case. The victim's family, and others, are inconsolable. I wish to express my sorrow for their loss and my admiration for the unflinching dignity with which they have conducted themselves, despite their grief and the harrowing nature of some of the evidence.
2. Lee Abbott, it is now my task to sentence you for the murder of Christian Thornton (Count 1) and for the associated offence of having an offensive weapon in a public place (Count 3).
3. Christian Thornton was the landlord of the Hammer & Pincers PH in Widnes. In that capacity, he had important safeguarding responsibilities in relation to his clientele, in exercise of which he would, if necessary, remove and/or bar troublesome individuals from the licensed premises. It is apparent from witnesses that he would stand no nonsense and, although his good humour comes across in the evidence, I have no doubt that he was firm when he needed to be – as he was in your case. Physically, he was a well made man with an obvious presence. I doubt he was easily intimidated, and certainly not by you.
4. Some time towards the end of July last year, following a visit by you to the Hammer & Pincers, he took the decision to bar you – partly, it seems, on the strength of what he himself observed, and partly because of a report (accurate or otherwise) that you had been telling female customers that you had a knife.
5. When you next attended at the Hammer & Pincers, on the evening of Friday 2nd August, he told you that you were barred, but (probably to protect the identity of the customers on whose information he was acting) did not tell you the reason.
6. You left at that stage, but returned the following lunchtime in an angry and aggressive mood. You remonstrated with Christian Thornton and, having failed to persuade him to lift the ban, made a threat to burn his pub down. He reported that threat to the Police, and to the local PubWatch group, and the latter voted to ban you from all licensed premises in the area for a period of 12 months. You received the notification letter on the Friday of that week (9th August).
7. On the Sunday (11th August), having been drinking heavily the night before, as well as taking cocaine, and on the back of a heated argument with your then girlfriend, you made the decision to travel to the Hammer & Pincers public house to confront Christian Thornton. You called a taxi to take you there and, before setting off, you armed yourself – I use the expression advisedly – with a large kitchen knife, which you concealed in a small rucksack.
8. On entering the public house, you ran straight into Mr Thornton, who immediately ordered you out. What happened was recorded on CCTV footage. The two of you went into the car park area, where there was a verbal exchange between you, during

which you were seen to put your arm around Mr Thornton's neck and push him. He took out his mobile phone to call the Police, and held it up to show you that he was doing so. You initially walked away, but then ran back towards him, holding the rucksack in front of you. He was plainly unaware that you had a knife until you produced it at the last moment and attacked him with it. He fought back bravely, sending you reeling with the one blow he landed, and causing you to break off the attack, but by that stage you had already stabbed him 11 times, wounding him mortally. Such was the ferocity of the attack that the knife broke in the process – the blade was recovered at the scene, the handle from you. Notwithstanding the desperate efforts of skilled medical staff, his life could not be saved and, tragically, he died at the scene.

9. You, in the meantime, had run away and sought refuge in a friend's house. You were located and arrested there within the hour, by which time your bloodied clothing had already been washed and hung on a radiator to dry. You initially made a number of apparently unqualified admissions but, by the time of your interviews 24 hours later, you were already beginning to play down your responsibility and have been consistent in that regard ever since. You denied murder on the basis that you lacked the necessary intent, and also attempted to advance a secondary defence of diminished responsibility, which the medical evidence did not support. You were found guilty by the jury after a short retirement.
10. The sentence for murder is fixed by law; it is life imprisonment. I must specify the minimum term that you are to serve before you will be eligible to be considered for release on licence. I must and do have regard to the general principles set out in Schedule 21 to the Criminal Justice Act 2003. I have been assisted by the helpful sentence notes prepared by both counsel, as well as by their oral submissions during this hearing. This is a case in which you committed murder, using a knife that you had taken to the scene for use as a weapon. The case therefore falls squarely within the terms of paragraph 5A of the schedule, hence the appropriate starting-point, before consideration of any aggravating and/or mitigating features, is 25 years.
11. Paragraphs 10 & 11, respectively, set out lists of potential aggravating and mitigating features. These lists are not exhaustive.
12. First of all, I make it clear that I am quite sure that, when you attacked Christian Thornton, you did so with intent to kill. The approach taken in Schedule 21 is such that this represents not an aggravating factor but the absence of a mitigating factor.
13. In terms of aggravating features, in my judgement, there are four :
 - a. First, you killed Christian Thornton, essentially, for doing his job. You harboured a grudge against him for action taken by him with the intention of safeguarding his premises and his other customers. That was his job. This feature of the case may not (quite) fit within the wording of para. 10(f) but is of comparable seriousness, in my judgment, and certainly an aggravating factor.
 - b. Secondly, you were under the influence of alcohol at the time of the killing, and had also taken cocaine (despite knowing or believing that it caused you to experience paranoia).

- c. Thirdly, you sought to dispose of evidence by having your bloodstained clothing washed immediately after the murder.
 - d. Fourthly, you have a previous conviction for Attempted Murder, recorded in July 2002 at Chester Crown Court, for which you were sentenced to 8 years' detention. The victim on that occasion you attacked with a claw hammer, fracturing his skull. It is true that you were only 17 at the time of that offence. It is also true that, in the period of almost 14 years between your release from that sentence and your commission of the present offences, you had only made two court appearances, both for driving offences. That conviction nonetheless remains a serious aggravating feature of your case. This is now the second time in your life that you have attacked another person, with a weapon, with intent to kill. On the first occasion, the victim survived. On this occasion, plainly and very unhappily, he did not.
14. In terms of mitigating features, in my judgment there are none. On your behalf, it has been urged upon me that para. 11(c) applies to your case on the basis that you suffer, and were at the time of the murder suffering, from a mental disorder which lowered your degree of culpability. This is on the basis of evidence given by Dr Vandabeele, one of two eminent consultant forensic psychiatrists who have assisted the court in this case. He considered that you suffered from paranoid personality disorder. But, even if you did, he also made it quite clear, when explaining why the statutory requirements for diminished responsibility were not made out, that that condition did not in any degree impair your ability to understand the nature of your own conduct, or form a rational judgment, or exercise self-control. Nor, in his opinion, was there any causal link between that condition and your decision to attack and kill Christian Thornton. The most he was prepared to say was that it might help to explain why you held a grudge against the victim, in circumstances where others might more readily have been prepared to let matters go. But the fact that a crime is motivated by a grudge does not constitute mitigation, if anything the reverse. He also made it clear that you were not suffering any sort of psychotic episode at the time of the attack. In short, personality disorder or not, you were fully responsible for your actions. There is no reduction in culpability. Finally, I pause to observe that I found Dr Higgins's analysis compelling. She rejected any diagnosis of paranoid personality disorder. At para. 17.4 of her report, she stated : "Of considerably more relevance is the clear evidence that Mr Abbott was intoxicated with alcohol at the time. He gave to me an account of habitually carrying a knife and was aware that both alcohol and cocaine caused detriment to his physical and mental health." Her evidence was to the effect that you had experienced episodes of psychosis in your life as a result of substance abuse, specifically cocaine, and that some of your psychotic experiences had been laid down as memories. In layman's terms, you had messed your own head up by taking drugs.
15. On the subject of the knife, I reject your evidence that the reason you had a knife was because of a paranoid fear of attack by other persons. I am quite sure that you took the knife to the scene, concealed, intending to use it to attack Christian

Thornton, by surprise, in the (expected) event that your verbal remonstrations did not bear fruit. He never stood a chance. You made sure of that. Your attack on an unarmed man was an act of both brutality and cowardice. Your presentation at trial has been marked by narcissism (as observed by both psychiatrists), self-pity and deceit. Despite your protestations, I see no real evidence that you truly understand the devastation that you have caused.

16. The statutory surcharge will apply with a collection order.
17. Count 2 (manslaughter) will be left on the file, you having been convicted of the more serious alternative of murder.
18. On Count 3, to which you pleaded guilty, and giving you the appropriate credit for that plea, I pass a concurrent sentence of 2 years' imprisonment. The criminality of that offence I have already taken into account when fixing the minimum term that I will shortly announce in relation to the murder charge.
19. On Count 1 (murder), the sentence is life imprisonment.
20. I order that the provisions of s.28(5) – (8) of the Crime (Sentences) Act 1997 are to be applied to you, once you have served the minimum term that I am about to specify.
21. In my judgment, the appropriate minimum term that you must serve before being considered for release on licence is : 28 years.
22. Taking into account the time that you have spent in custody on remand (which I understand to be 190 days) that minimum term, as expressed from today's date, will be 27 years & 175 days.
23. Should there be any error regarding the number of remand days, that can be corrected administratively.
24. The effect of this sentence is that you will not even be considered for release until you have served the minimum term that I have indicated. Even then, you will only be released if and when the proper authority considers it safe to do so. There is no certainty that you will ever be released from prison.
25. I direct that a copy of these sentencing remarks be sent to the prison authority, to be placed on your file, for the future assistance of any who may have cause to consider your status.

HHJ Cummings QC

Liverpool Crown Court

Friday 21st February 2020.