

**R v Vasile Culea (Derby Crown Court)**  
**Sentencing Remarks**

**Introduction**

1. Vasile Culea, on 14 January 2022, you entered the home of a well-loved and respected elderly couple, Freda and Kenneth Walker, in order to steal money from them. Freda was 86 years old and Kenneth was 88. In furtherance of that plan, you brutally attacked them both, leaving them with brain injuries, lacerations and many other injuries. Very sadly, Freda Walker died within an hour or so of this savage attack. Kenneth Walker, having previously been independent, became dependent on nurses or carers for all his needs. He died of natural causes about seven months later.
2. The jury have found you guilty of the murder of Freda Walker, and causing Kenneth Walker grievous bodily harm with intent. You were 33 at the time of these offences and are now 34.

**Facts**

3. The Walkers had lived together for over 60 years in their home in Langwith Junction. They had both worked, and Ken had been a local councillor for many years. He had recently been made an alderman following his years of service.
4. In October 2021 the Walkers had taken out a significant sum in cash in order to pay for home improvements, and hidden it in various places around their house. You heard, somehow, that they had money there. You were short of money, with over £11,000 of debts. On the day of the attack you made several unsuccessful attempts to win money by gambling in order to pay bills. You then decided to steal from the Walkers.

5. At about 6.30pm you entered the Walkers' house. It is not possible from the evidence to be sure whether you got in through an unlocked back door, or had to force your way in by confrontation. What is clear is that having got in, and during the two hours or so when you must have been present in the Walkers' house, you attacked them remorselessly, inflicting multiple injuries on both Freda and Kenneth Walker.
6. Freda sustained at least 28 injuries, including six full-thickness lacerations to her scalp, and suffered serious brain injury. She also had rib fractures, black eyes and extensive bruising and abrasions to her face and body. The forensic evidence makes it probable that many or most of those injuries were inflicted while Freda was on or close to the ground. You left her face down on the floor, tightly tied by her wrists and ankles, with the two sets of ties joined, leaving her virtually unable to move. More than that, you placed a series of plastic and fabric wrappings around her head, neck and mouth. Although these did not leave her entirely unable to breathe, the evidence of the pathologist was that they interfered with her breathing, and that the combination of the head injury and head coverings resulted in her death within not much more than an hour, during which time she was probably unconscious.
7. Kenneth, who was suffering from cancer and had the previous day had a heart pacemaker fitted, also sustained multiple injuries, including four fractures to his spine at neck and upper back level, fractures to bones around his cheek area, four deep facial lacerations requiring stitches, and extensive facial bruising. Like Freda, he suffered serious brain injury. You left Kenneth on the floor, with his wrists and ankles tightly tied, and gagged. The attack left Kenneth with

significant limitation of brain function, which was expected to remain significant, making him dependent on nursing staff and carers for all his needs. He survived until late August 2022, when he died from natural causes.

8. In the end, you left having found very little of the Walkers' money, despite all the time you spent in their house.
9. I have listened to the personal statement of the Walkers' long-time friend and neighbour, Judith Casey, who also gave evidence at trial, having had the misfortune to find the scene of devastation in the Walkers' house the morning after the attack. It describes the traumatic effect that these events have had on her.

### **Sentence**

10. Turning to sentence, you have been convicted of murder of Freda Walker, and causing grievous bodily harm to Kenneth Walker with intent. The jury found you not guilty of the attempted murder of Kenneth Walker. That indicates that the jury were not satisfied, so as to be sure, that you intended to kill Kenneth Walker, although they were sure that you intended to cause him really serious harm.
11. The sentence for murder has been set by Parliament. The law requires me to sentence you to life imprisonment for that offence.
12. I have to decide whether to set a minimum term you must serve in prison before becoming entitled to apply for parole, or whether to make what is called a whole life order, meaning you will never be entitled to parole. The Crown does not suggest that a whole life order is appropriate in this case. Despite its great

seriousness, this case does not fall into any of the specific categories set out in paragraph 2(2) of Schedule 21 to the Sentencing Act 2020 where a whole life order will normally be appropriate; and in all the circumstances (including having regard to the facts of both the offences of which you have been convicted) I do not consider that it falls within paragraph 2(1)(a) of that Schedule. I shall therefore set a minimum term.

*Murder of Freda Walker*

13. You murdered Freda Walker for gain, because you killed her in the course of or furtherance of robbing or burgling her. Parliament has decided that where a person aged 18 or over commits a single murder for gain, that will normally be regarded as a particularly serious murder making the appropriate starting point for the minimum term 30 years. Assuming that the court has no reason to take a different starting point, the court then has to consider whether, in all the circumstances, the minimum term should be 30 years, or longer or shorter than that, bearing in mind aggravating and mitigating factors.
  
14. The murder of Freda Walker was aggravated by the fact that she was particularly vulnerable because of her age. You saw before you entered the house that the Walkers were elderly. It was also aggravated by your applying tight restraints and head and neck wrappings to Freda Walker, failing to release her before you left, and making no attempt to summon help afterwards, for example by an anonymous call. You also took some steps to avoid detection, including trying to clean blood off your clothes and disposing of the hi visibility vest you had worn.

15. I have considered to what extent the murder was also aggravated by mental or physical suffering which Freda Walker endured before she died. I have to sentence on the basis only of facts of which I can be sure. The experience must have been overwhelmingly traumatic for Freda Walker, and each of the injuries you inflicted on her will have caused pain. It is unclear in what order the injuries were caused; and the medical evidence is that Freda is likely to have become unconscious once she suffered brain injury, no doubt as a result of the head injuries you inflicted. All in all, I am sure that Freda will have suffered both mental and physical suffering before she died, though I cannot be sure of its extent. This factor therefore aggravates the offence to a degree.
  
16. Your burglary of the Walkers' home involved a significant degree of planning or premeditation. Having decided to try to steal their money, you spent time on the day of the incident circling around their neighbourhood, by car and on foot, either trying to find the house or trying to work out how you would get into it. I cannot be sure that you intended to kill or cause really serious harm to either of the Walkers at the time when you planned to or did enter their house, though since you saw they were awake you must have realised there was a risk of a confrontation. You were carrying no kind of weapon when you approached and entered the house. The evidence about whether the Walkers' back door would necessarily have been locked, with the result that you could only have got in by a confrontation likely involving a degree of violence, is mixed. Since I cannot be sure on this point, I am bound to sentence on the basis that the burglary, but not the murder of Mrs Walker, was planned and premeditated. It was not a planned killing. It follows that the statutory mitigating factor of lack of premeditation applies, in that the murder itself was not premeditated.

17. It is also a statutory mitigating factor, under paragraph 10 of Schedule 21 to the Sentencing Act, if a murder is committed without an intention to kill, intending only to cause really serious harm. Either of those intentions is sufficient to be guilty of murder, so the jury's verdict does not tell us whether they were sure that you intended to kill Freda Walker or only to cause her really serious harm.
18. I have to take account of the jury's decision to acquit you of the attempted murder of Kenneth Walker, showing that they were not sure you intended to kill him. There is a degree of similarity between the injuries you inflicted on Freda and Kenneth Walker. A striking difference is the wrappings which you placed around Freda Walker's head and face but not Kenneth Walker's.
19. I have given anxious consideration to whether in those circumstances I can be sure that you intended actually to kill Freda Walker. The evidence was that the wrappings interfered with Freda's breathing, created a real risk of death, and over time would likely have been enough to cause her death even without the head injury. It is said on your behalf that if you had positively intended Freda Walker's death, it would have been easy in the circumstances to make sure of it. The Crown point out that what you did created an extreme risk of her death, and at the very least you must have been callously indifferent to whether she lived or died. I consider that that way of putting it reflects the position accurately. As a result, a degree of mitigation is available, though it is limited.
20. I have considered whether your one previous conviction aggravates the offence. In April 2017 your then partner made a statement to the police describing an incident where, after a disagreement about whether you could borrow her car, you became angry, grabbed her by the throat, used both hands to push her to

the floor, held her to the ground with your knee, and (after she had scratched you) slapped her face twice. This all took place in front of two young children. Your partner ten days later made a further statement indicating that, while she stood by her first statement, she would not support a prosecution. You nonetheless pleaded guilty to common assault. The magistrates imposed a community sentence. One might speculate that this earlier incident foreshadowed the dreadful attack in January 2022 by indicating how you can become angry and violent when unable to get what you want. However, it was on a completely different scale to the attack on the Walkers, and in the scheme of things I do not find it of assistance when determining the appropriate sentence in the present case.

21. You accepted well before trial that it was you who attacked Freda Walker, causing her death, and you pleaded guilty at the start of trial to her manslaughter. That does not result in credit for a guilty plea in the normal sense, but I accept your counsel's submission that some modest credit is due for your having at least accepted that you had unlawfully caused her death. It also counts to a small degree in your favour that you a limited criminal record, had never previously received a custodial sentence; and did not take any weapon to the scene. You showed some remorse during the trial. Statements of various Romanian acquaintances which were before the court spoke well of you.

*Causing grievous bodily harm to Kenneth Walker with intent*

22. The offence of causing grievous bodily harm to Mr Walker with intent falls in culpability category A in the sentencing council's guideline for such offences. It was a prolonged and persistent assault, and was an attack on a victim who

was obviously vulnerable given his age. He was in fact also vulnerable due to illness. The offence falls in harm category 1, for several reasons. It resulted in physical harm resulting in lifelong dependency on third party care, it involved life-threatening injury, and at the very least it had a substantial and long term effect on Mr Walker's ability to carry out his normal day to day activities.

23. The starting point under the sentencing guideline would therefore be 12 years' imprisonment, with a category range of 10-16 years. The offence was aggravated by your having taken steps, by tying and tightly gagging Kenneth Walker and failing to release him before you left the house, that had the effect of preventing him from getting help, whether or not that was your intention. You failed to make any attempt to summon help for him, and made attempts to avoid detection.
24. Some modest mitigation is provided by the fact that you accepted well before trial that you attacked Kenneth Walker, pleading guilty at the start of trial to the lesser offence of inflicting grievous bodily harm; by your limited criminal record; the fact that you took no weapon to the scene; and the other matters I mentioned earlier. In addition, I am not sure that you planned, when you found and entered the Walkers' house, to cause grievous bodily harm.
25. Overall, this offence by itself would merit a sentence of 14 years' imprisonment.
26. I mention one other point here for completeness. Parliament has decided that where a person aged 21 or over is convicted for certain types of crime, which include causing grievous bodily harm with intent, the court must consider various factors to decide whether to impose a life sentence. In other words, the



question would be whether to impose a life sentence for the offence against Kenneth Walker as well as for the murder of Freda Walker.

27. However, the primary aim of that legislation is public protection. That protection is already achieved by the life sentence I must impose for murder, whose effect is that even after you have served the minimum term, you will not be released unless and until the Parole Board consider it right to do so in the light of the risk you then present. I do not therefore impose a life sentence for the offence of causing grievous bodily harm with intent.

*Minimum term*

28. I therefore have to decide the minimum term you must serve: and I stress the word minimum. The end of the minimum term is not the point in time at which you will necessarily be released. It only fixes the point when you will be entitled to apply for parole. It will then be for the Parole Board to decide whether you can be released on licence, and that will depend on the risk which at that time they assess you pose to others. If the Parole Board do decide to release you at that or some later stage, you will then be on licence for the rest of your life. That will mean that if you offend again or do not follow your licence conditions, then you are likely to be returned to prison.
29. The minimum term must reflect the aggravating features I have already described in relation to your murder of Freda Walker. It must also reflect the fact that I cannot be sure that you intended actually to kill her, though you acted with callous disregard for her life, and the other mitigating factors I have mentioned.

30. The minimum term must reflect your offending as a whole, including the offence against Kenneth Walker. That is because I am going to impose a concurrent sentence for that offence, in other words a sentence which runs at the same time as you serve your sentence for murder. The minimum term must therefore take account of the sentence I shall impose for causing grievous bodily harm with intent, and specifically the custodial part of that sentence, in other words the part you would have to serve in prison before becoming eligible for parole. The custodial part of a sentence of 14 years for causing grievous bodily harm with intent would be 9 years and 4 months.
31. Beginning with the starting point of 30 years for murder, there must be a discount to reflect lack of established intention to kill and the other mitigating factors I have mentioned, offset by the aggravating factors relating specifically to the murder; but there must be an increase to reflect the offence of causing grievous bodily harm with intent.
32. Importantly, I also must apply the principle of totality. That means that the minimum term cannot be arrived at simply by arithmetic. Instead, I have to arrive at an overall sentence that is just and proportionate in all the circumstances.

*Imposition of sentence*

33. Vasile Culea please stand up.
34. I sentence you for the murder of Freda Walker to life imprisonment, with a minimum term of 34 years, less 279 days spent in custody on remand. For causing grievous bodily harm to Kenneth Walker with intent, I sentence you to 14 years' imprisonment, to be served concurrently with the sentence for murder.

Those are the shortest sentences which I can impose that reflect the criminality of your conduct as a whole.

35. Your pleas of guilty to manslaughter and the section 20 offence of inflicting grievous bodily harm should be vacated and those counts deleted from the indictment.
36. The statutory surcharge will be drawn up in the appropriate amount.
37. Please now go with the officer.

**Concluding remarks**

38. I wish pay tribute again to the families and friends of Freda Walker and Kenneth Walker for their dignity and strength during the trial and today's hearing; as well as the courage of Mrs Casey in giving evidence at trial and speaking today.
39. I also pay tribute to the police for their careful and thorough investigation and preparation of this sad case, whose names I would like to give: Stephen Shaw, Carolyne van Schaick, Thomas O'Connor, Stephanie Gent, Philip Insley, Adrian Mason, Emma Yates, Graham Stewart, Linda Wharton and Thomas Hetherington.
40. Finally, I am grateful to counsel for their highly professional conduct of the case throughout.

**Mr Justice Henshaw**

**28 October 2022**