

REX. V. FIONA BEAL

SENTENCING REMARKS

Introduction.

1. On 26th April 2024, you pleaded guilty to the murder of Nicholas Billingham and I must now sentence you. Your guilty plea came a few days into what was a second trial. A first trial started in 2023. It had run for a number of weeks but had to be stopped for good reason and the case moved away from the Crown Court at Northampton to be tried here at the Old Bailey. In the earlier trial the issues for the jury concerned two partial defences to murder: diminished responsibility and loss of control. A fresh look at existing material and the service of additional material then took place. As a result, there was a change in the opinions of two experts you previously relied on and the defence of diminished responsibility was no longer available to you in this second trial: the potential defence of loss of control significantly weakened. At the outset of the trial at this Court you pleaded guilty to manslaughter by reason of loss of control. You have now pleaded guilty to murder and there is a written basis of plea. Whether the defence of loss of control would have been left to the jury at the end of all the evidence is not something that ultimately had to be resolved, but in my judgment it was by no means certain it would be.

The background to the offence.

2. In October 2021, you were living with Nicholas Billingham in Moore Street, Northampton. The two of you had been in a relationship for some 17 years. On Monday 1st November 2021, Nick left home and went to work pretty much as normal. From text messages he sent and received it is clear he spent the day working on a property he was helping to renovate. By the evening his phone was using a cell-site that provides coverage at the home address. From a journal you kept it is clear that by the time he returned home from work that day you had resolved to kill him.
3. It was not until 19th March 2022, some 4 months after you had killed him, that Nick's body was discovered and excavated from the burial site you made in the garden of the house in

Moore Street. In the handwritten journal found in March 2022 you note: “*My last words to him when he asked why was that he was not going to do to [X] ... what he had done to me.*”

In the journal this comes after the words:

“I have to confess

OK here goes.

October 2021.

He spat on me and threatened me during sex. I knew then that ... [X] ..had been telling the truth. I thought about laving but the things he said and did fueled [sic] my dark side – I call her Tulip 22, she’s reckless, fearless and efficient! Ruthless.

I started plotting as Tulip 22 after he’d gone to bed. I could no longer sleep in the bed due to my breathing being so loud or I moved too much or I was snoring or etc, etc, I would go downstairs after sex and even when I was unwell.

I got used to sleeping downstairs and waited for him to go to bed and then got high and let Tulip 22 out.

I knew I couldn’t let him get away with it. Halloween sealed it. He was vile. I sat on the kitchen floor and wept as I witnesses the abuse I had allowed to happen. I allowed so much bad to happen. That night I planned. Covid rules meant I had a guaranteed 10 day isolation period from positive symptoms. I called Clair on the Monday and said we’d tested positive and had symptoms. He went to work. Tulip 22 smoked and planned. I’d planned it mentally so many times before. The knife cut my dressing gown pocket

Mon. Nov 1st

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I had smoked all day. I had a bath. I left the water in. He had been pushing for sex. I encouraged the bath with the incentive of sex afterwards. While he was in the bath I kept the knife in my dressing gown pocket and then hid it in the drawer next to the bed. I brought a chisel, bin bag and cable ties up too.

I got him to wear an eye mask.

It was harder than I thought it would be. Hiding his body was bad.

Moving a body is much more difficult than it looks on TV.

I started to believe the cover story. Flashes interrupted.....

4. Having done what you did, you pretended to the outside world that Nick had left you and was having an affair. You lied to his mother, family and close friends, to your own family and to those you worked with about what you had done. Those lies continued for months. A detailed schedule of events spanning the period from 27th October 2021 through to March 2022 shows your planning, how you acted to fulfil that plan, and sets out the details of the deception you engaged in after the killing.
5. In her victim impact statement Nick’s mother, Yvonne Valentine, speaks of her of loss. Nick was aged 42 at the date of his death. Nick was, in her words:

“... my beautiful little boy with a cheeky smile! Nick was so loved by his family, his friends and work colleagues. My mother, Nicks grandmother had to endure the news that you had killed her first born grandchild, just weeks before her own death and I witnessed the impact of this news on her, as I watched my mother’s health decline and die with a broken heart, all caused by you. I sometimes forget that Nick has gone... but then remember that you killed him! I think he is going to call or send me a message but he never will again because you killed him. I sometimes forget that I will never see Nick again, but then I remember that you have taken him away from everyone and we will never see him again, because you killed him. The loss and emptiness that I feel is unimaginable and so very unreal, it is hard to put words to my feelings. You are a coward; you killed Nick in his home, on his bed and have NEVER done the decent thing and told us exactly what you did. You are evil; you killed Nick and then spun a web of cruel lies & deceit You lied and deceived me, you spread rumour and deceit to his friends and work colleagues, all the while knowing that it would get back to us. You even lied to your own family. Your whole intention in feeding these lies, and deceit was to protect yourself, all you cared about was your own self-preservation and doing anything in your power to show Nick in a bad light. I have had to listen to evidence from professionals as to what they believe you did, how you planned everything you did and your actions in the minutes after you killed Nick. You showed no regret in your actions, you instead went online using Nicks money to purchase cleaning and replacement items to cover up that you had killed him. You brought everything you used to bury him with his own money, which I find diabolical and disgusting. You wrote "Im not a total monster, I know what I did". Now everyone has heard exactly what you did, they will see you for the evil, total monster you are. I have no physical items, personal possessions or keep sakes of Nick’s, you destroyed them in an incinerator in the garden, or disposed of them somewhere else to try and erase all trace of Nick. You were under the misguided assumption that Nick would not be missed and even had the audacity to write your thoughts; ‘I only had to send a couple of texts as him’, ‘No one was particularly bothered’ and ‘I don’t think anyone would have looked for him’ You could not have been more wrong, I loved my son more than I can express. Your actions in killing Nick have caused immense sorrow and grief for all his family and friends..... Nick has two beautiful children, who have no choice as to whether they see, or talk to their father again. They will never have the choice to invite him to any special events, be at their weddings, teach them to drive, or just spend time with him. You have taken all of that away from them. You have taken my future with Nick away, I will never be able to know he is ok, that he is

safe and happy. You planned his killing and made sure he could not defend himself. You have taken away a future with his younger sister, she will never again be able to speak with her older brother or have any future with him.

6. There are also moving statements from Holly Shore, Nick's half-sister, and Andria Farden, mother of Nick's son. Nick's son was just over 2 years' at the date of his father's death. Andria accepts that Nick was not perfect, and speaks of the loss in particular to her very young son of not being able to grow up with his father as the years pass. She ends her statement with the observation that one day she will have to explain to her son what happened to his father: one can quite understand how difficult that will be for her, and for him.

Sentencing provisions.

7. The sentence for murder is fixed by law: it must be imprisonment for life. The issue for me is to decide on the minimum term you must serve before your case is first considered by the Parole Board.
8. You now accept through your plea that not only did you kill Nick Billingham, but that you intended to do so. There is a wealth of evidence demonstrating your plans to kill him, taking elaborate steps to hide his body and then having done so, going to great lengths seeking to make sure what you had done, would not easily be uncovered.
9. Before the discovery of Nick's body on 19th March 2022, you had been admitted to the Royal Lancaster Infirmary on 15th March. Due to concerns about your mental well-being, you were sectioned under the Mental Health Act 1983.
10. In considering schedule 21 of the Sentencing Act 2020, whilst there is some material to suggest this case falls into paragraph 4 of that schedule as you took a knife to the scene intending to commit an offence, or to have it available to use as a weapon, some of the authorities I have been referred to suggest a case such as this does not come within that paragraph and so the course I propose to adopt is to find that this is a case within paragraph 5 with a start point of 15 years. Having come to that view, as many of the authorities make clear, the taking of a knife from one part of the building to another to have it available for use as a weapon cannot be minimised. Each case requires a consideration of all the facts and then the aggravating and mitigating factors present in the particular case in coming to a view on the appropriate minimum term for the case.

11. I next need to take into account any aggravating or mitigating factors to the extent that they are not allowed for in making that choice of start point. In making any such assessment, I need to guard against double-counting.

12. In terms of aggravating factors, there was here a significant degree of planning or premeditation. I have already referred to the contents of the journal you wrote, but in addition there is using the cover of a supposed Covid infection to give you space and time to carry out the deed, the use of knife, cable ties and chisel taking them all upstairs where you had lured Nick. Secondly, there is the mental and physical suffering inflicted on the victim before death. When the post-mortem took place Nick's body was in an advancing state of decomposition. The pathologist states that the cause of death was a single stab wound to the right-hand side of the neck transecting the right jugular vein, and incising the oesophagus and trachea. It would have required moderate force but severe force cannot be excluded. The wound was 6cm deep and the entry width 3.7cm. The pathologist also states that the neck wound would not be expected to be immediately incapacitating and this ties in with the entry in your journal as to him asking 'why' when you were in the process of carrying out the planned attack.

13. There is also the concealment of the body after death. The circumstances of that concealment and the period of time over which it took place are very significant. Having moved the body and buried it in the garden you lied to his mother, numerous friends, all his family and yours as to what you had done and where he was. From the schedule of events it is clear you make numerous purchases on the internet from 2nd November onwards for cleaning materials, bedding items and other domestic products, as well as an incinerator and gardening gloves. These internet orders are interspersed with texts sent to many others including the Head of the school where you taught: all pretending as if nothing had happened and giving false information about your symptoms and the impact on you of Covid.

14. This pattern of false texts and actions continues throughout November and December 2021. There is the 10 day period when you claimed to have Covid and so were not at work and using that to make sure the body could be in a home-made tomb in the garden and keeping everyone away from the home address for what are now obvious reasons, but the deceit goes on well after that 10 day period and you then peddling the story of Nick having left you for someone else and the two of you having split up.

15. There are a number of trips to B&Q to acquire the materials that you used, some acquired using his bank card or account, to make the burial of the body complete. There are texts to those Nick worked for, his friends, the use of accounts in his name to acquire other items including domestic bedding and a vibrator, as well as fabricated messages from his phone to yours to support the narrative you were giving to others including X.

16. I note in particular the events on 23rd December 2021, when Nick’s mother visited you at the address in Moore Street, Northampton and what is said about that visit by Nick’s mother. The events then and the conversation can only be described as a truly callous act by you dressed up as a casual chat and drink before Christmas. There was lie after lie as to what you claimed was Nick’s moving away from you, why and his life with another woman. On 30th December 2021, you sent a message purporting to be Nick to his mother, again that can only be described as a callous act: leading Nick’s mother on further, yet all the time knowing what you had done. There are New Year goodwill messages sent to Nick’s phone by his friends and family where you respond as Nick again giving the impression all was fine with him. On 6th February 2022, Nick’s mother sends a message to her son asking if he was alright. That message is also met with a reply sent by you: “*All good x*”. That reply comes in the evening of the 11th February, a day when you purchased an A5 lined notebook, such a notebook is used by you later to make your journal and confession. That reply you sent that day was the last use of Nick’s phone for an outward message. An Apple note with that same date has these words: “*I am beginning this book to you on Saturday 12th February 2022. Its been 3 months and 12 days. I’m not a total monster. I know what I did.*” The pattern of messages, whilst reduced in number, continues through February into March and due to concerns raised by those at your school, the police make a visit to Borrans Lodge in Cumbria where you were then staying that led in due course to your being detained.

17. You disposed of all Nick’s personal property so that nothing remains for his mother or half-sister as any form of keepsake or memento. Having done that, you also then further conceal what you have done by the works carried out to the house. Finally, on aggravating factors there is the lack of any remorse then for what you had done: you purchased many discretionary items for the home and yourself over a protracted period and continued to use Nick’s phone to access pornography on numerous occasions. You used cannabis extensively in this period: often purchased for you by X.

18. Turning to the mitigating factors listed in the schedule, you clearly intended to kill and so there can be no reduction for an intention to cause serious bodily harm rather than to kill. You are aged 50 [dob 16th December 1973] and of previous good character. At the time of

the murder you were working as a ‘year 6’ teacher at Eastfield Academy. Two of your fellow teachers gave evidence before your plea brought the trial to an early end. It is clear from what they said, and from what I have read in other statements, that you were highly regarded as a teacher. I note that there are no convictions recorded against you.

19. In relation to the timing of your plea I note what is set out by the Sentencing Council as to the appropriate level of reduction to be given. For murder the reduction cannot exceed one sixth and must not exceed 5 years. Whilst I accept you did not dispute in the trial before me, nor in the earlier trial, that you were responsible for killing Nick, it was only last month that you admitting murdering him. In my judgment taking into account some of the points argued on your behalf, whilst initially the position of only a limited reduction of about 5% to the minimum term might be appropriate, I need to factor in the early acceptance of being responsible for his death and so credit closer to 10% will be applied here.

Mitigation.

20. I need to give consideration to what is said on your behalf about the nature of the relationship between you and Nick, as well as what I will term the family dynamics. There is a detailed written Basis of Plea. In that document you refer to depression. It is clearly something you have suffered from throughout your adult life. There are a number of reports about the state of your mind at the time of the killing and whilst they do not amount to anything that reduces murder to manslaughter, they are reports that I must take into account in determining the appropriate sentence. The Basis of Plea refers to the belittling nature of the relationship between you and Nick and the impact on you of a number of affairs he had whilst in a relationship with you. In one of those relationships he had another child. As I have already commented, that child too will miss their father through your actions. The Basis of Plea sets out that despite the affairs, the two of you were back together from early 2019 and that you moved to the Moore Street address in February 2020. It is said that things were okay at first, but then when Covid struck and you say that Nick was furloughed in June 2020, things at home became more difficult. There were arguments, issues around sex and about how you were dealt with by Nick. It is said that you were told about Nick pushing X on to a bed and unbuckling his belt. Interposing there, that event is open to a number of interpretations and there is some material from X to suggest it was untrue. When Nick was confronted about that allegation his response was to say it was a lie. The Basis of Pleas also states that there was an occasion where he forced you to perform oral sex on him and that along with the pattern of conduct demonstrated by him towards you led in due course to you doing what you eventually did. I note it is also said that you only became aware of the true extent of his

gambling issues in the first trial and that there were also financial pressures on you. It is submitted that the coercive and controlling nature of the relationship between you and Nick and the consequent impact on your mental health should weigh in the assessment of the appropriate minimum term. I agree with the submissions on your behalf that some allowance must be made for some of what is set out, but it is important that I note the picture you paint of unhappiness in the relationship is not one universally accepted by all those who saw you and Nick together.

21. In addition to the written submissions on sentence on your behalf from Mr Wheeler KC and Mr Bishop, it is submitted that the court should have regard to paragraph 10 (c) and (d) of sch. 21 in terms of mitigating factors – namely the fact that you suffered from, in the words of the schedule “*..any mental disorder or mental disability which lowered your degree of culpability and the fact that you: “... were provoked (for example by prolonged stress) ... in a way not amounting to a defence of provocation.”* I agree that some allowance should be made for these factors. As mentioned I have seen and read all of reports about you and the various symptoms that have been identified and the impact on your mental health and functioning. I also have seen, read and will have regard to the Sentencing Council guidelines on sentencing those with mental disorders. I should also mark that some of what you have said about amnesia, traumatic or dissociative amnesia, has been challenged in some of the reports and I note in particular the contents of the reports of Dr. Frank Farnham where he makes clear that it is a rare phenomenon and that by contrast, malingering, a person telling ‘instrumental lies’ for a defined reason, e.g. to promote a false defence, is a well-documented phenomenon. Mr Wheeler submits that the amnesia as to the facts of the offending is genuine on your part. The most recent of the experts to have assessed you is Dr Tim Green and I have seen and read the details of his reports on this aspect of the case. As I made clear in the course of the submissions on your behalf, one needs to be careful not to cherry pick from one report rather than another and there must be some balance to the overall impact of what is set out in those reports.
22. On the issue of provocation, Mr Wheeler set out a number of instances that he submits support this mitigating factor being of some significance in the sentencing exercise. He has also referred the Court to various parts of the Basis of Plea. Whilst I agree, as stated above, some allowance needs to be given to this feature of the case, the question is to balance the factors - particularly where the picture before the court is or may not be not a complete one because of the nature of what you say and the inability for the Court to test those by any account from Nick. I have read a number of letters Nick wrote whilst the two of you were undergoing some counselling. In some of those he accepts his failings towards you at times.

23. On personal mitigation Mr Wheeler points to your age and the likelihood of risk going forward. In the sentencing note he has highlighted observations from a number of others who speak to your many good qualities: some extracts from what they said in the first or second trial and in statements were read by him. He also refers to the events in Cumbria and a serious attempt made by you to end your life in the light of what you had done. I have no doubt what you now accept you did to Nick has been a shock to all of those who those who thought they knew you.

Sentence.

24. In my judgment, taking an initial start point of 15 years for the minimum term, the aggravating factors I have identified lead to a very significant upward adjustment to, or very close to, a minimum term of 25 years. Making allowance for the mitigating factors I have identified, that brings the minimum term down to 22 years before then making the adjustment for your plea I have identified, a minimum term of 20 years' duration.

25. I do not wish there to be any misunderstanding as to the sentence passed. As with the passing of any life sentence - it is just that – a life sentence. In determining the minimum term, the court is not saying you will be released at that date: the sentence is one of life imprisonment. The minimum term is the term to be served before the parole board can consider your case and consider whether you are someone where it is safe for you then to be released on licence or not. The earliest that can happen is in 20 years less the 801 days you have been on remand. (17 years 294 days) If the information which I have been provided with as to the number of days on remand proves to be inaccurate, then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days. A person sentenced to life who is released remains on licence for the rest of their natural life.

26. If the statutory surcharge applies in this case, the appropriate order can be drawn up.

Recorder of London
His Honour Judge Mark Lucraft KC
Central Criminal Court,
Old Bailey,
LONDON EC4M 7EH
May 30th 2024.