



IN THE CROWN COURT AT LUTON

7 George Street
Luton LU1 2AA

40AD1056725

Before:

HIS HONOUR JUDGE SIMON
The Honorary Recorder of Luton

THE KING

Prosecution

- v -

JACOB CLARK

Defendant

Mr S Wilshire KC for the **Prosecution**
Ms Katrina Charles for the **Defendant**

SENTENCING REMARKS
5 September 2025

Preface

1. On 20 January 2025, Diane Cleary, who was only 46 years of age, was brutally murdered on the threshold of the home that her daughter, Caitlin, had shared with you, Jacob Clark, for some four and a half years. Before turning the events of that terrible day, as I must, I pause to express the Court's condolences to all family, friends and others affected by the death of Diane Cleary. It is clear from the poignant Victim Personal Statements that she meant so much to so many people

– far beyond her close and loving family – widening the impact of her untimely death. Without diminishing in any way the effect on Caitlin Cleary and her brother, no one could fail to be moved by the acute and tangible loss to her three grandchildren of their beloved Nanny Di Di, nor to Frances and John Cleary of the loss of their only daughter.

2. It is important for the Court to articulate the limitations of the criminal justice process, especially in a case of murder. Nothing this Court says or does can repair the gaping hole in the hearts of all those who knew and loved Diane Cleary. The length of any minimum term set as part of the sentence imposed bears no correlation to the incalculable value of the life that has been snuffed out. All that this Court can do is to dispense justice dispassionately according to the law and to hope that the conclusion of the criminal proceedings will in some small way allow Diane Cleary's family and friends to move on from this distressing chapter. It is worth noting that by pleading guilty, Jacob Clark has at least spared all concerned the additional ordeal of a full trial.
3. I realise that it may be distressing for those in court to hear some of the details recounted again, but I hope they will appreciate the necessity for this in order to contextualise the sentence imposed.

Factual background

4. Although you had been together in a relationship with Caitlin Cleary since 2016, having already known each other and been close for some time, what may have been a positive one, became very much less happy one from at least 2017 or 2018. Arguments between yourself and Caitlin's mother, Diane, were a feature especially when you were living in her house. You were told to leave her home, where you had been living, very shortly after the birth of your daughter in 2020, due to your attitude and behaviour. It was in July 2020 that you moved with Caitlin Cleary to the maisonette in Turners Road, where the tragic events of 20 January this year unfolded.

5. The detailed, background facts recounted by Mr Wilshire KC in opening paint a picture of your unpleasant, spiteful and at times violent behaviour, manipulating your way through crises in the relationship to ensure that it continued. Emotional blackmail was one of the weapons in your armoury, regularly deployed against Caitlin. By 16 January 25, enough was enough and further abusive behaviour by you towards Caitlin Cleary, and your children, caused her to leave the family home with them, moving to her mother's. Caitlin made clear that the relationship was at an end and, in a perfectly reasonable way, told you to vacate the home by Monday 20 January, so that she could move back there with the children. This was repeated in messages exchanged between you and Caitlin in the intervening days and in case you were in any doubt, it was said to you directly by Tysie Gallagher when she and Caitlin came to the family home on Sunday 19 January 25 to collect some items for the children. A late-night conversation with Caitlin that night made clear that the relationship was over.
6. With the children safely at school, Caitlin and Diane arrived at the family home on Monday morning at 10.23 am to find you still there. Diane was making clear that Caitlin's decision to end the relationship and the need for you to move out were final. Caitlin says she was speaking to you in a perfectly decent way. Some ten minutes later you left the flat, making comments implying you would take your own life as a form of emotional blackmail. This continued in messages or calls. You returned to the flat to retrieve your e-bike, then continued to call Caitlin when you had left, which upset her. Diane advised her to rest and took her phone from her.
7. Shortly thereafter, following a very brief interaction directly with Diane, you confronted her on the threshold of the flat and Caitlin saw you hitting her mother in the head and face multiple times with the brick, while blaming them both for your actions. Caitlin managed to get the brick out of your hand. Unfazed, you made for the kitchen, returning with a knife or a pair of scissors which you used to stab Diane. At least one knife broke, the blade into three pieces and it became detached from its handle, and you again retrieved a weapon from the kitchen,

stabbing Diane in areas not protected by Caitlin who was desperately trying to shield her mother from your relentless assault. Eventually, Diane collapsed in the same spot where you had repeatedly attacked her, with the brick, a pair of scissors and two large kitchen knives in total. The pathologist catalogued 37 stab wounds and eight incised wounds, in addition to the blunt force trauma externally and internally. The penetrating stab wounds to Diane's neck and the stab wound to the chest were the fatal ones, but the range of injuries that you caused to Diane, set out in detail in opening and in the prosecution note, are an important feature in this case.

8. The scissors you used against Diane then featured in a bizarre demand that Caitlin cut your hair, with which, in an understandable state of shock, distress and fear, she complied. You then left the flat on your electric bike. In her brave and selfless attempt to save her mother's life, Caitlin suffered her own sharp force injuries, which are the subject of count 3 on the indictment, unlawful wounding.
9. Little more than an hour after you first hit Diane Cleary, she was pronounced dead, having been taken to hospital. In short, the fatal wounds resulted in injuries to major vessels and the heart, from which she could not be saved.
10. You were arrested on 22 January 25 in the circumstances described in the Crown's opening. You made no comment in interview.
11. It is difficult for anyone to conceive the anguish and terror that Diane Cleary must have experienced as you killed her in a relentless and vicious attack over a number of minutes. Though you have conveyed your sense of not intending to kill and blanking out, all possible partial defences have been properly investigated and ruled out.
12. Diane Cleary was doing the most natural thing in the world – a loving mother protecting her child from someone she recognised to be no good for her and she paid for it with her life. Caitlin Cleary too was reciprocating her mother's love by

doing everything she could to protect her from your sustained and savage attack. Your determination, however, proved too much for her.

Sentence hearing

13. For the purposes of today's sentencing hearing I have read:

Sentencing notes from the prosecution and defence;

The Victim Personal Statements from Caitlin Cleary, Frances Cleary (Diane's mother, written also on behalf of Diane's father and brother) and from Tysie Gallagher (mother of Diane's other grandchild, and close family friend), all of which have been read into the record and which give but a glimpse into the suffering caused by Diane Cleary's murder;

The psychiatric report by Dr Michael Alcock; and

The two character references from your grandfather and step-grandmother, which add to the Court's knowledge of your background and character.

14. I have listened with care to the oral presentation of the prosecution opening and defence mitigation and I repeat my thanks to both counsel for their conduct of the proceedings generally and of the sentencing hearing today.

Jacob Clark

15. You are 25 years of age. You have no previous convictions, cautions or other matters recorded against you. You have two young children, who will have to live with the consequences of your actions. This is not only the knowledge that their father is in prison, but also that you were responsible for robbing them of their wonderful grandmother, with whom they and their cousin were so very close.

21. The sentence for murder is fixed by law as life imprisonment. The court is required to set the minimum term to be served in prison before you are eligible for

consideration for release by the parole board. This is not a whole life term case. To set the minimum term the Court must consider (under section 322(2)(a)), the seriousness of the offence. In considering seriousness, the court must have regard to the starting points set out in Schedule 21 to the Sentencing Code.

22. The prosecution submit that the Court should consider that this offence falls within paragraph 4(1) of Schedule 21, on the basis of taking the brick to the scene to be used as a weapon. This is accepted on your behalf. The starting point, therefore, is 25 years. Adopting this starting point also takes into account the limited degree of planning that features, as this is directly related to picking up the brick on the way to confront Diane.

23. Of the aggravating factors specified in paragraph 9 of Schedule 21, paragraph 9(fa) applies, being the use of sustained and excessive violence, of itself a significant aggravating factor given the description of the injuries and the length of the attack. Mr Wilshire submits that there are additional aggravating factors, namely:

- i) That the attack was a punishment inflicted on Diane Cleary as she sought to intervene and assist in ending your controlling relationship of Caitlin;
- ii) The injuries you caused to Caitlin as she sought to protect her mother, as reflected in Count 3;
- iii) That the attack was in public and witnessed by members of the public.

24. It is clear to the Court, from all the evidence, that you had managed to get your way up until mid-January in ensuring that your relationship with Caitlin endured, a relationship that had been toxic for some time and in which there were many instances of abusive and violent behaviour. What now stood in your way, or rather who now stood in your way, was Diane Cleary and her resolve to support Caitlin to end it and to have you move out of the flat. This overlays a domestic context and is therefore caught by the final part of paragraph 2 of the Guideline on Domestic Abuse: overarching principles, acting as a significant aggravating factor. Acts of serious violence were plainly at least partially visible to members

of the public living close by, as attested to by neighbours and they took place in the middle of the day.

25. The correct approach to sentencing you for the injuries to Caitlin is to treat that offence as a further aggravating factor within the minimum term and to impose a concurrent sentence on the unlawful wounding count.

26. It is plainly the case that you have no previous convictions, which affords some mitigation. Beyond this, and your plea of guilty, there is no other mitigation. For the avoidance of doubt, I accept the prosecution submission that an intention to kill is an inescapable inference from the evidence of Caitlin as to how the incident proceeded, as well as from the full details of the injuries inflicted. This deprives you of that potential mitigating factor.

27. Ms Charles, on your behalf, has set out your troubled background and adverse childhood experiences in particular. It is not lost on the Court that whilst seeking to rely on the effect of witnessing your own mother's abusive relationships with various partners, you seemed oblivious to the harmful effect of your perpetration of domestic abuse against Caitlin, witnessed and at times also suffered by your young children. Although able to articulate to Dr Alcock the overwhelming effect at times of hearing voices, causing you to lose control, you did not seek medical assistance. This was consistent with your earlier refusal to engage with Mental Health Services to which you were referred when still at school.

28. I note Dr Alcock's assessment of symptoms consistent with Emotionally Unstable Personality Disorder and diagnosis of Obsessive-Compulsive Disorder. He also opined that your deficit in memory of the murderous attack could be the result of 'trauma blocking'. Your mental health issues are clearly a feature of your personality and presentation, but afford limited mitigation in the context of this case.

Count 3 – Unlawful wounding

29. I deal briefly with the sentence for Count 3, the unlawful wounding of Caitlin, for which the maximum sentence is five years' custody. Applying the offence-specific guideline, the use of a knife makes it Category A – High Culpability and the harm level is, mercifully and not through any restraint on your part, Category 3. A category A3 offence has a starting point of two years' custody with a range of one to three years' custody. The aggravating factor is the domestic abuse context with a history of abusive and violent behaviour towards Caitlin. The mitigating factors are the lack of previous convictions and such limited mitigation in terms of adverse childhood experiences and mental health diagnoses as are set out in the psychiatric report, together with your age. If sentencing for this offence alone, a notional sentence before credit for guilty plea would have been in the region of 22 months' imprisonment. The plea of guilty to this offence as an alternative to the s18 offence originally on the indictment was entered at the same time as the plea of guilty to murder on 18 June 25. Whilst this could arguably have been entered earlier, I acknowledge the concentration of all minds on the murder charge. Credit of 25% reduces this sentence with rounding down to 16 months' imprisonment.

30. There will therefore be a concurrent sentence of 16 months' imprisonment in respect of Count 3.

Minimum term

31. I return to the assessment of the minimum term that must be served before you are eligible to be considered for release. I have concluded that there must be a significant increase from the starting point to reflect the substantive and substantial aggravating factors in this case, as well as the sentence for Count 3. This raises the notional minimum term, before reduction for mitigation and plea, to 31 years. From that I deduct two years for the limited mitigation set out above.

32. Section G of the Reduction in Sentence for Guilty Plea overarching guideline provides the specific parameters for reduction that apply to cases involving a mandatory life sentence for murder. I have considered this case very carefully within those parameters and have determined that the correct deduction in this case is three and a half years, leading to a notional term of 25 years and six months.
33. From the notional minimum term following reduction for guilty plea, the Court is required formally to subtract the number of days spent on remand, which do not otherwise count automatically. There are 224 such days. The minimum term therefore is fixed as 24 years and 324 days. Any mistake as to the calculation of the days on remand can be corrected administratively.
34. It is important to emphasise to those in court and the public at large that the sentence for murder that the Court imposes is a life sentence. The setting of a minimum term affects when there is eligibility to be considered for release. Whether and when someone serving a life sentence is released is a matter for the Parole Board, based on an assessment of it being safe to do so. Even then there may be numerous licence conditions with which to comply and the person remains on licence for the rest of their life with the prospect of recall to prison.

Sentence

35. There is only one sentence that can be passed for the offence of murder and that is a sentence of Life Imprisonment. I have fixed the minimum term at 24 years and 324 days, which you will serve in custody before the Parole Board may first consider you for possible release. The Parole Board will then decide whether you can leave custody at that stage, and if so on what terms. If you are refused parole at that time you will remain in custody, subject to regular reviews by the Parole Board. If and when you are released you will be on licence for the rest of your life. If you break the terms of your licence you will be liable to return to custody.

36. On count 3, unlawful wounding, I impose a sentence of 16 months' imprisonment to run concurrently to the sentence for murder.

37. I impose the statutory surcharge and collection order.

38. I commend the police officers involved in the investigation of this offence for the hard work, care and attention given to it. The demands of the investigation, preparation and prosecution of such offences should not be underestimated.

39. The Court ends by expressing gratitude to all those in the public gallery for their conduct and forbearance during a very challenging process. I hope that the end of the proceedings may bring them some relief. I repeat the expression of condolences to all those affected by Diane Cleary's tragic death.