

IN THE CROWN COURT

Sitting at Merthyr Tydfil.

R

v

CHRISTOPHER PHILLIPS

SENTENCING REMARKS.

The offences.

You now have to be sentenced for 3 offences, one offence of preventing a lawful and decent burial contrary to common law and two offences of fraud contrary to s. 1 Fraud Act 2006.

Summary of the offences.

You were the adult son of the deceased and lived with her. She was an elderly woman who had been a frequent patient of her GP practice. The last confirmed contact between your mother and medical professionals was in September 2022. Your mother died on 8th March 2023. Rather than notify the authorities and make arrangements for her lawful burial, you purchased a chest freezer on 10th March and concealed her body within it. You continued to collect her prescriptions and misled medical professionals about her whereabouts, lying when enquiries were made about your mother, repeatedly telling medical staff that she did not wish to attend appointments or undergo tests. Your mother's pension and benefits continued to be paid into her bank accounts which you were able to access. When concerns grew about the absence of any contact with your mother, the medical practice asked the police to carry out a welfare check. On 17 February 2026 police

officers attended your home. You told them that your mother was alive and staying with relatives in London. You refused to provide an address or contact details for her. Your demeanour made the officers suspicious. When challenged further, you continued to give explanations for why medical staff could not speak with your mother. Officers were so concerned that they decided that it was necessary to search the property. In the dining room they found a large chest freezer. Inside they found the frozen body of your mother Silvia Phillips, wrapped in bedding and covered with flowers. A birthday card addressed "To Mum" from you and your dog was also found with the body. Following the discovery of your mother's body, you were arrested. When interviewed you answered no comment to all questions. The police also discovered that, after your mother's death, her state pension, pensions credit, attendance allowance, winter fuel payments, cost of living payments, and housing benefit payments continued to be made to her. All those payments would have ceased had her death been reported. The total sum received after her death was about £78,000.

Basis of plea.

You have pleaded guilty on a basis. The Prosecution does not seek a trial of issue, submitting that the basis would not make a significant difference to sentence. I agree and so you will be sentenced on your basis of plea which is as follows:

Basis of Plea

Christopher Phillips

The Defendant had resided with his mother, the deceased, Sylvia Phillips, for many years and acted as her carer throughout that time and leading up to her death on the 8th March 2023.

The Defendant was working up until the end of 2022 when he resigned and stayed at home as a full time carer.

The Defendant accepts continuing to claim his mother's benefit payments following her death, however, he made no application for financial assistance himself albeit he would have a fundamental right to unemployment and housing benefits.

The Defendant accrued savings from his employment which he kept at home in cash and this money was used to settle outstanding debts following his mothers death.

The Barclaycard debt which was discharged in March 2023 had accrued as a result of household and food purchases being charged to the Defendant's Barclaycard and was for the benefit of he and his mother.

The Defendant settled a debt of in excess of £2000 to Ovo Energy following his mother's death, Mrs Phillips suffered had extremely sensitive skin and would not wear clothing, as a result the property required continuous heating, hence the debt that accrued on her behalf.

The defendant's character.

You are now 60 years old and you have no convictions, cautions, warnings, or reprimands.

The Sentencing Guidelines.

I take into account the Sentencing Guideline on the Imposition of Community and Custodial Sentences.

Applying the Sentencing Guideline on Reduction in Sentence for a Guilty Plea, you are entitled to a full one third discount on all offences as you indicated in the Magistrates Court at the earliest opportunity that you would plead guilty to all offences.

I take into account the Sentencing Guideline on Totality. The sentences for all three offences will be concurrent and the sentence for preventing a lawful and decent burial will be uplifted to reflect the fraud offences also.

I have also taken into account the Guideline on Sentencing Offenders with Mental Disorders, Developmental Disorders, or Neurological Impairments.

There is no specific sentencing guideline for the offence of preventing a lawful and decent burial. I take into account the General Guideline on Overarching Principles and the principles set out in the leading sentencing authority of R v Russell [2023] EWCA Crim 1080. I assess your culpability as medium as it falls between the higher and lower categories of offending identified in R v Russell. You deliberately concealed your mother's death and took steps to give the impression that she was still alive. You continued to collect her prescriptions and lied to medical professionals and eventually to the police. In my judgement, your mental health issues do not affect your culpability as your decision was no less deliberate as a result. However, even if I am wrong about that, it will make no

difference to your sentence as your mental health issues will be taken into account at a later stage. The harm caused is at the lower end. Although your mother suffered the indignity of being stored in a chest freezer for three years, there were no other indignities following her death. There is no information about any impact on any other family members or friends of your mother. The suggested starting point in R v Russell is a sentence of about 3 years before other aggravating and mitigating features and before discount for a guilty plea. Your offending is aggravated by the length of time over which you concealed your mother's death and because you had the financial advantage of continuing to receive her pension and benefits. Furthermore, there was a cost to the NHS for the prescriptions that you continued to collect for nearly three years.

There is a specific sentencing guideline for the offence of benefit fraud. The Prosecution has submitted that your culpability is high because of the sophisticated nature of the offences and because there was significant planning. I disagree. Collecting your mother's prescriptions as usual and telling lies to avoid detection does not amount to sophisticated offending. The planning involved the purchase of a freezer after your mother's death which is not significant planning. There are no lesser culpability factors. As a result, for both Count 2 and Count 3 your culpability is medium, category B, as it falls between Categories A and C. Harm for Count 2 falls into Category 3 as the sum involved is between £50,000 and £100,000. The recommended starting point after trial, applying Table 3 and based on £75,000, is 15 months custody with a range from 36 weeks up to 3 years custody. Harm for Count 3 falls into Category 4 as the sum involved is between £10,000 and £50,000. The recommended starting point after trial, applying Table 3 and based on £30,000, is 1 years' custody with a range from a high level community order up to 2 years custody. Your offending is aggravated as the claims were fraudulent from the outset and the offending took place over a period only just short of three years.

In mitigation of your overall offending and reducing seriousness, you are of good character and I have taken into account the contents of your psychiatric report, your Pre-Sentence Report and all the mitigation advanced very ably on your behalf by Miss Smith today.

The psychiatrist concludes that at the time of the offending you were suffering from a recognised mental disorder, namely prolonged grief disorder, which

developed following your mother's death. He considers that this condition provides an explanation for your behaviour. He records evidence of persistent longing for your mother, difficulty accepting her death, preoccupation with her, social withdrawal, and an inability to move forward with ordinary life. He also notes what he describes as a dependent relationship between you and your mother, together with your limited social contacts. The report further concludes that since your imprisonment you have developed an adjustment disorder, characterised by distress, excessive worry, low mood, hopelessness, and episodes of self-harm and suicidal thinking. The report records previous episodes of self-harm in adulthood and notes that you have required monitoring in custody because of concerns about self-harm. At the time of assessment, however, you reported no current suicidal thoughts. The psychiatrist found no evidence that you suffer from schizophrenia, any other psychotic illness, a personality disorder, a learning disability, or alcohol or substance misuse disorders. During examination you were orientated, able to engage appropriately, showed no signs of hallucinations or delusional beliefs, and demonstrated reasonable insight. The report concludes that you do not currently require treatment from secondary mental health services and that any ongoing adjustment difficulties could be managed in primary care.

The author of the pre-sentence report assesses you as presenting a low likelihood of further offending. The report identifies the death of your mother, your response to that loss, your thinking and behaviour at the time, your financial circumstances, and the secrecy involved in the offending as significant factors. The report describes you as a socially isolated individual and suggests that periods of isolation may increase risk. It also records a history of mental health difficulties, including past suicidal thoughts and self-harm. Overall, the Probation Officer considers that the offending occurred against a very unusual and specific set of circumstances.

Sentence.

As Lord Justice Popplewell said in R v Russell the offence of preventing a lawful and decent burial is a serious one which, save in exceptional circumstances, requires a custodial sentence. Although the circumstances of your case and your motivation are unusual, in my judgment they are not exceptional. You also have to be sentenced for two related offences of fraud. In taking into account all of the

factors set out in the Imposition Guideline which I have to consider when deciding if your sentence should be immediate or suspended, I bear in mind that not all factors have equal weight. I am satisfied that, although the other relevant factors indicate that a suspended sentence would be appropriate, the seriousness of these offences means that appropriate punishment can only be achieved by an immediate custodial sentence.

On Count 1, preventing a lawful and decent burial, and uplifted to reflect the totality of your offending, had you been convicted after a trial, taking account of all the aggravating and mitigating factors, the least sentence would have been 3 years and 6 months imprisonment. Applying one third discount for your guilty plea, the sentence is 2 years 4 months imprisonment.

On Count 2, the least sentence after trial would have been 12 months imprisonment. Applying one third discount for your guilty plea, the sentence is 8 months imprisonment concurrent.

On Count 3, the least sentence would have been 6 months imprisonment. Applying one third discount for your guilty plea, the sentence is 4 months imprisonment concurrent.

That means that the total sentence is 2 years 4 months imprisonment.

You will serve 40% of your sentence in custody. If that is not correct or it changes, the prison authorities will inform you of the term that you must serve before your release. The days which you have spent on remand in custody will automatically count towards the custodial term of your sentence. The remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

I have already set out a timetable for confiscation proceedings and all other ancillary orders will be dealt with at the conclusion of those proceedings.

I direct that copies of the psychiatric report and the PSR are to go to the Prison Service.