



THE HON MR JUSTICE HOLROYDE
PRESIDING JUDGE OF THE NORTHERN CIRCUIT

IN THE CROWN COURT AT PRESTON

THE QUEEN

-v-

CREGAN

LIVESEY

GORMAN

WILKINSON

WARD

&

ALI

SENTENCING REMARKS OF THE HON MR JUSTICE HOLROYDE

13 JUNE 2013

Over a period of many weeks, the court has heard evidence of extremely grave offences.

On the 25th May 2012 you, Cregan, went into the Cotton Tree public house in Droylsden, Manchester, and opened fire with a self-loading pistol. You killed one man, wounded three others, and narrowly missed wounding a fourth. At a very late stage of this long trial you pleaded guilty to murder and three offences of attempted murder, and the jury duly returned guilty verdicts upon you. You, Livesey and Gorman, were also willingly and knowingly involved in that murderous attack. You denied your guilt but have been convicted by the jury.

The shootings at the Cotton Tree involved the use of a firearm in a public place. I have no doubt, and it is an aggravating feature, that they were premeditated. You Cregan must have had a plan, at least in general terms, and you were just waiting for a suitable opportunity. You had taken steps to ensure that you could move into action as soon as it was clear that your intended victims, the members of the Short family and their associates, had gathered at the Cotton Tree and could be expected to remain there at least until midnight. A gun and ammunition, a balaclava, a stolen car and two others willing to play their parts in the planned attack were all available as soon as required. I have no doubt, Cregan, that when you shot Mark Short you intended to kill him, not merely to cause him serious injury. Each offence of attempted murder involved a determined effort to take another life: you were trying to kill as many persons as you could. In your cases, Livesey and Gorman, I have no doubt that you knew Cregan's intentions, and you were nonetheless willing to play your necessary parts.

Further grave offences were then committed on 10th August 2012. You Cregan, Wilkinson and Ward played your parts in the murder of David Short. David Short was shot repeatedly, and a hand grenade was then exploded against his body. Minutes later, and clearly as part of a single plan to carry out attacks at two different places, you Cregan attacked the home of Sharon Hark. No one was killed or injured, but you carried and used a pistol, and exploded a hand grenade. A third grenade was then exploded in an attempt to destroy evidence. The three defendants then left the scene with the willing assistance of you, Ali: you provided transport and secured accommodation, and I have no doubt that you also visited the other three on later occasions and continued to assist them. A later search of Wilkinson's home revealed another self-loading pistol. You Wilkinson pleaded guilty to the murder of David Short at a late stage of this trial; you Cregan pleaded guilty to your two crimes at an even later stage; you Ward and Ali denied your guilt but have been convicted by the jury.

It is entirely clear, and it is a serious aggravating feature, that a great deal of planning went into the crimes committed that day. You Cregan learned that some of those accused of the Cotton Tree shootings had been re-arrested. You must have expected that you too would soon be arrested and kept in custody. I have no doubt that you had been planning to kill David Short ever since he had escaped death at the Cotton Tree. I have no doubt that you were determined to carry out that plan and murder the man you hated whilst you were still able to do so. You were on police bail at the time, another aggravating feature. The specific arrangements were then made over a period of about two days, with you Wilkinson making enquiries about the times at which David Short could be expected to visit his son's grave, and then bidding farewell to your children. I have no doubt, Ward, that you knew on the 9th August what was planned for the next day. The crimes committed on 10th August involved not only the firing of many shots from two self-loading pistols but also the exploding of hand grenades. You Wilkinson also had another pistol, loaded and with spare ammunition, which was later found by the police at your flat: it was not one of the weapons which were carried and used on 10th August, and it shows plainly that you had ready access to deadly weapons. You admit that you had it in your possession with intent to endanger life. The murder of David Short was further aggravated by the ruthlessness with which he was pursued through his home, with shots being fired at him, and was then shot at close range by each of you, Cregan and Wilkinson. It was an exceptional aggravating feature that you then exploded a hand grenade against his dying body, causing dreadful injuries. I accept the submission that the circumstances do not involve suffering before death, or destruction of the body, of precisely the form contemplated in the relevant statutory provisions; but the court is nonetheless entitled to have regard to those circumstances in concluding that this is a very serious case of murder.

You, Cregan, managed to avoid arrest and remained at large until 18th September 2012, when you committed two quite appalling crimes of murder. Again, there was substantial premeditation and planning, even though it may have been of comparatively short duration. You lured two female officers to their deaths by making a false report that you had been the victim of a crime. I have no doubt that you were expecting one or more unarmed officers to attend, and that is what happened. You had armed yourself with at least one grenade, and with a self-loading pistol to which you had fitted an extended magazine containing 32 rounds. PC Fiona Bone and PC Nicola Hughes were sent in response to your call for help, performing their public duty for the public good. From your position within the house I have no doubt

you were able to see them coming, and you must have seen that they were unarmed female officers. You opened the front door and, with the advantage of surprise, you opened fire before your victims had any chance to do anything to protect themselves. The analysis made by an expert witness who attended the scene was chilling evidence. Although the officers survived the first shots which hit them, you pursued them with a cold-blooded and ruthless determination to end their lives. One of your shots struck PC Hughes in the back, with the result that she lay on the ground paralyzed. You left her there and pursued PC Bone, firing some 20 shots at her. You then returned to PC Hughes and made sure you killed her by shooting her in the head. Finally, not content with what you had already done, you exploded another hand grenade near the body of PC Hughes, inflicting yet further injuries. You acted with premeditated savagery.

In an eloquent statement to the court, the Chief Constable of Greater Manchester has rightly noted that police officers daily accept risks to their own lives as they protect and serve the public. They are able to make some assessment of those risks on the basis of their experience and training. But you, Cregan, drew those two officers into a calculated trap for the sole purpose of murdering them in cold blood.

Those bare facts, briefly stated, suffice to show the gravity of each of these crimes of murder and attempted murder. The murderous use of a gun must always be viewed by the court as a very serious offence, and the use of firearms in these crimes would in itself make it necessary for the court to impose heavy sentences. But the crimes committed on 10th August and 18th September 2012 were made even more serious by the use of hand grenades. I bear in mind that in the relevant statutory provisions, murder involving the use of an explosive attracts the same starting point for sentence as does murder involving the use of a firearm. However, the nature and extent of the injury and mutilation likely to be caused by the use of a hand grenade goes beyond that which can be expected from the use of a gun. The court heard expert evidence that hand grenades are capable of causing fatalities at a range of up to 12 or 15 metres, and casualties at a range of up to 50 metres. Moreover, the court has been told that the use of hand grenades in circumstances such as these is not something which the criminal courts in this country have encountered before. By s142 of the Criminal Justice Act 2003, any court dealing with an offender must have regard to principles of sentencing which include the punishment of offenders and the reduction of crime, including its reduction by deterrence. I make it plain that in my judgment the murderous use of hand grenades is a crime which must be met with very severe punishment, and the court must do what it properly can to deter any criminal contemplating a similar offence.

The crime of murder ends one life but ruins many more. The harm you have caused, and the pain, anguish and misery you have inflicted, extend far beyond those who were killed or injured by your individual and collective acts. The court has been provided with statements from many victims, which indicate in clear terms what they have suffered and will continue to suffer, in many cases for the rest of their lives. By their nature, such statements contain many highly personal matters, and it is not appropriate for them to be read aloud in a public court. The authors of those statements can however rest assured that I have read and taken account of them all. It is right that I mention some features of them, so that no one can be left in any doubt about the true impact of crimes such as those which you have committed.

The statements spell out the reality of witnessing the murder of a child or loved one; the reality of the grim duty of identifying the body of a child or loved one, in two of these cases in the knowledge that the body of the deceased has been disfigured by the explosion of a grenade; the reality of living as a parent bereaved of a child, noting as the years go by each anniversary or event which the deceased child has not lived to enjoy; the reality of living as the parent of a bewildered young child, trying to explain why the deceased will not come home and will not answer a phone call. Some of your victims have had to cope not only with the murder of a loved one but at the same time with an urgent need to vacate their own homes, and to remain apart from other close members of their families, because of a serious risk to their own safety. The families of the murdered police officers, though of course grateful for the overwhelming display of public support, have had to grieve for their losses in the public eye and at the centre of media reporting. These impact statements make clear that the anguish of your victims has been increased by the callous brutality with which death was caused. Those who survived the shootings at the Cotton Tree, but were wounded, have to live with the continuing physical and emotional injuries which they have suffered. Having regard to the issues in this trial, it has neither been necessary nor appropriate to dwell on those injuries, and so little evidence has been heard about them; but they are not to be overlooked or their seriousness understated.

The court has also been provided with a statement from a senior police officer which makes plain that the murder of two police officers, and the use of hand grenades, not only horrified but also frightened many members of the public in the area in which those crimes were committed.

In the course of this long trial, I have had ample opportunity to observe you all in the dock and to note your reaction to the evidence which the jury have heard. I have seen no hint of any real remorse or of any compassion for your victims. None of you has shown any sign that you care at all for the death and injury you have caused to your immediate victims or for the immense harm you have done to many others. Self-interest has been the motivating force for each of you.

Before I come to the sentences of individual defendants, I need to say a word about the court's powers and duties when sentencing for offences of this kind. The sentence for murder is fixed by law. Anyone convicted of murder must be sentenced to life imprisonment. In an exceptionally serious case, the court may have to direct that the offender should never be released. That is an order which is made in very few cases, and only when it is inescapably necessary in the interests of justice. As the Lord Chief Justice has recently said, a whole life order is the order of last resort, and "is reserved for the few exceptionally serious offences in which, after reflecting on all the relevant features of aggravation and mitigation, the judge is satisfied that the element of just punishment and retribution requires the imposition of a whole life order". In all other cases the court must make an order as to the minimum term to be served before the offender can be considered for release on licence. In deciding what minimum term is appropriate the court must take into account the overall gravity of the offending. Time spent in custody as an unconvicted prisoner will count towards that minimum term.

It is important that you the defendants, and the general public, should understand what that means in practice. If the court specifies a minimum term, you cannot be released until that minimum term has expired. But even then you will not automatically be released. You will not be released unless and until the Parole Board are satisfied that it is safe to release you into the community. That time may never come. Even if you are released on licence, that is not the end of your sentence. You will remain subject to the conditions of your licence for the rest of your life. If you reoffend, the Secretary of State has the power to order that you be returned to prison to continue to serve your life sentence until it is thought safe to release you again.

For offences other than murder, the court must decide what sentence is appropriate having regard to the seriousness of your offending and applying the relevant guidelines. In most of your cases, I can properly deal with the offences other than murder by the imposition of a long term of imprisonment. In your case, Cregan, I am satisfied not only that you have committed very serious offences but also that you are a dangerous offender as defined by the relevant Act of Parliament. For you, the appropriate sentence is one of life imprisonment.

I now deal with you individually.

In your case, Cregan, I have to consider whether the seriousness of your crimes is exceptionally high. Parliament has provided a non-exhaustive list of categories of murder which will normally be regarded as being exceptionally serious. One of those categories includes the murder of two or more persons where each murder involves a substantial degree of premeditation or planning. There can be no doubt that at least three of your crimes come within that category, but the full enormity of your offending extends even further. The fact that you eventually pleaded guilty is a factor in your favour, and I take those guilty pleas into account so far as I can do so, but the extent to which they can assist you is minimal, for two reasons. First, because I have no doubt that your guilty pleas were cynically timed to suit your own purposes, and did not reflect any regret for what you had done. Secondly, because in your case the overall sentence which must be imposed is dictated by the exceptional seriousness of your crimes. The aggravating features which I have mentioned lead inescapably to the clear conclusion that your offending is so exceptionally serious that the court must order that the early release provisions shall not apply to you.

On each of counts 2, 3, 4 – the offences of attempted murder the sentence is one of life imprisonment with a minimum term of 11 years. On count 8 – causing an explosion - the sentence is one of life imprisonment with a minimum term of 6 years On each of counts 1, 6, 10 and 11 – the four offences of murder – the sentence is one of life imprisonment and in each case the court is driven to the conclusion that there must be a whole life order. That means, in plain terms, that you will never be released from prison.

In your case, Wilkinson, I accept the submission that the appropriate starting point is one of 30 years. However, your crimes are aggravated by your previous convictions, which include a serious offence of armed robbery. The overall gravity of your offending against the background of your previous convictions, and the use of a hand grenade as well as a firearm, make it necessary for you to remain in prison for very many years before there can be any

thought of releasing you. I can make a small allowance for your very late guilty pleas, and for your limited personal mitigation. For the reasons which I have indicated in the course of argument, I cannot give much weight to the submission that I should further reduce the sentence because you acted out of fear of the harm which David Short had threatened to cause to you and your family. On count 5, possession of a firearm with intent, the sentence is 6 years' imprisonment. On count 6, the murder of David Short, the sentence is life imprisonment, with a minimum term of 35 years.

You Livesey and you Gorman have less serious criminal records than Wilkinson. So far as these offences are concerned, however, you each played a willing and important part in the commission of one murder by shooting and three attempted murders. You do not have the benefit of any guilty plea. I see no reason to distinguish between you. On each of counts 2, 3 and 4, the sentence for each of you is one of 24 years' imprisonment. On count 1, murder, the sentence on each of you is one of life imprisonment with a minimum term of 33 years.

You Ward are somewhat younger than your co-accused, but I do not think that is a point to which I can attach much weight. You played your willing role in a dreadful murder which involved both firearms and a hand grenade. Having listened to weeks of evidence, I am sure that you knew what was planned, and I am sure that you were not acting under duress. The best that can be said on your behalf is that compared to your co-accused you were not the dominant figure. You have previous convictions, and it is an aggravating feature that you took part in the murder of David Short at the very time when you were due to answer to your bail before the Crown Court in Bolton. In your case, the sentence for murder on count 6 is one of life imprisonment with a minimum term of 33 years.

You Ali have been convicted of a serious example of the offence of assisting an offender. It may be right that you became involved at short notice, but it is clear that you played a willing and important role. This was not a single, brief act of assistance: it was a course of conduct which was intended to provide, and did provide, valuable assistance to men who had committed murder. You must have known what they had done. You have a bad record for drugs offences, and your own evidence was that you have more generally lived a life of crime for many years. That is an aggravating feature. For those reasons, a sentence well towards the maximum for this type of offence is appropriate. I am however able in your case to take into account some personal mitigation, which does enable me to reduce your sentence below the level which would otherwise be appropriate. In your case, on count 9, the sentence is one of 7 years' imprisonment.