



JUDICIARY OF
ENGLAND AND WALES

IN THE PRESTON CROWN COURT

1ST FEBRUARY 2013

REGINA

-V-

FREDERICK GILLIARD

SENTENCING REMARKS OF

HIS HONOUR JUDGE ANTHONY RUSSELL QC, RECORDER OF PRESTON

On 9th July 2012 when your case was listed for trial you pleaded guilty to the unlawful killing of your wife Josephine June Gilliard who was then aged 74 years. You had been married to each other for over 50 years and you lived together at 40 Links Road, Blackpool. You had been charged with murder but the prosecution accepted your plea of guilty to manslaughter on the basis of diminished responsibility. This assessment was based upon the evidence of two psychiatrists to the effect that at the time of the killing you were suffering from a depressive episode. For reasons I need not go into there has been an unusually long delay between your pleading guilty and the sentence hearing today.

You were the same age as your wife. On 5th February 2102 you made a 999 call. When officers arrived at your home they found that your wife was lying on the floor next to the bed in the main bedroom. She had suffered catastrophic blunt trauma injuries to the head and several knife wounds to the body. Despite prolonged attempts by paramedics to revive her she was pronounced dead at the scene.

During the 999 call you said that you had just killed your wife and had smashed her head in then stabbed her. You said that following a blazing row you had just lost it and smashed her quite a few times with a thing out of the garden then stabbed her with a carving knife. In answer to a direct question you said you had suffered from depression but the tablets you had been given

didn't work so you stopped taking them. You said "Everything went today, I don't know what happened, I can't remember flipping hitting her."

In the main bedroom was a blood smeared garden ornament. On top of the body was a long carving type knife with a 21.5cm (8 ½ inches) blade. Later Post-mortem examination by Dr Armour revealed that June Galliard had suffered at least 10 blows to the head with considerable force using an object such as the ornament. Those blows caused skull fractures and other significant injury sufficient to have caused death. However there were also multiple stab wounds to the neck, chest and abdomen.

When the police arrived you were downstairs smoking a cigarette. When you were arrested you said words to the effect of "I should have killed myself" Following your arrest you were taken to hospital for treatment of a cut to your hand. You told the nurse that you couldn't take it anymore, your wife was always putting you down; you had had a blazing row and you had just lost it so you went to the garden, got a gnome and smashed her with it. You were very calm and collected but at the end of your remarks you said "we've been married 54 years" and "I love that woman" and became tearful.

This was a very brutal killing as the injuries and examination of the scene revealed. An intention to kill at the time was clearly established. In interviews with the police you referred to your relationship with your wife having got worse over the previous 12 months.

The careful examination of you by 3 psychiatrists confirms that there had been a deteriorating relationship with your wife over the relatively recent past and that you were suffering from depression. However the balance of medical opinion is that treatment in a mental hospital under the terms of a Hospital Order is not required.

You have written a very moving letter to me which indicates a very genuine remorse and shows your concern for your family as a consequence of acts which it is clear you greatly regret and which would not have occurred but for the situation you found yourself in very strongly influenced by your medical condition.

The tragedy has affected all of your family and you greatly and inflicted emotional damage which can never be repaired. The fact that you have the support of your family is something for which they are to be commended.

In deciding the appropriate sentence the first principle is that whatever the mitigation, this offence can only be punished by the imposition of a sentence which results in loss of liberty. So there must be a sentence of imprisonment because no alternative sentence is available. This is not a case for an indeterminate sentence. The length of the sentence must reflect the seriousness of the offence and the result, but that can be tempered by the fact that you are aged 76, you were 75 at the time of the offence, and you not only have no previous convictions of any kind but led a thoroughly decent life, serving in the Royal Air Force for many years, working hard, bringing up and caring for your family.

I have considered reported cases of sentencing for diminished responsibility, many of which result in a medical disposal which is not appropriate for you. There is no reported case which assists me.

Although the plea of guilty was entered on the day the case was listed for trial it is appropriate to give more credit than the minimum because the plea was notified shortly before the trial and this was a case in which it was appropriate to await the psychiatric reports before giving you advice on your plea. In those circumstances I shall reduce the sentence by one third to give credit for your plea of guilty.

Taking into account all the factors I have mentioned the sentence of the court for the offence of manslaughter is a sentence of 4 years' imprisonment.