



JUDICIARY OF  
ENGLAND AND WALES

**NOTTINGHAM CROWN COURT**

**10 JUNE 2013**

**R**  
**-v-**  
**PETER HEALY**  
**AND**  
**TARA SWIFT**

**SENTENCING REMARKS OF MR JUSTICE FLAUX**

1. Peter Healy, you have been found guilty by the jury of the murder of Kevin Kennedy. Only you and Tara Swift know exactly what happened at 63 Rossington Road on the evening of 17 July 2012, but what is clear is that Mr Kennedy died as a result of a horrific and violent attack by you upon him. By its verdict the jury has rejected any suggestion that you acted in self-defence.
2. You went round to Tara Swift's house that afternoon and for some hours the three of you were drinking together. Then, at about 9.30 that evening, something happened which was the spark for an outburst of frenzied violence, in which all the evident dislike you had of him and jealousy of his relationship with Tara came welling to the surface. The spark may have been no more than Tara saying she wanted him to leave and him showing a reluctance to do so, but whatever it was, it triggered you picking up the heavy wooden chair in the downstairs sitting room and hitting Kevin Kennedy repeatedly over the head with it whilst he was sitting in the leatherette chair in that room, hitting him with sufficient force that the chair broke. You then set about hitting him again with bits of the chair which had broken off. As you were hitting him you were saying things like: "you sold me out, you're shagging my missus, you're dead, you're dead, you's done with my missus."
3. At some point it appears he went upstairs to the back bedroom, possibly in an effort to escape you, but the attack upon him continued upstairs, where you hit him with another chair, again with sufficient force that it also broke.

Although in your evidence you sought to implicate Tara Swift in the attack on Kevin Kennedy, by its verdict acquitting her of murder the jury has rejected your story that she hit him over the head with the crocodile ashtray and has rejected any suggestion that she encouraged you: it is clear that the only violence against him was perpetrated by you alone and that you needed no encouragement to perpetrate that violence. When you and Tara left the house, whilst Kevin Kennedy may still have been alive, he was in a sufficiently serious state, almost certainly with horrific head injuries, that without medical intervention he was going to die, which you must have appreciated and yet you did nothing to help him nor did you call the emergency services.

4. On 19 July 2012 you went back to the house in the early afternoon and even if you did not know it before, you realised then that he was dead inside that house. It was then that you started disposing of incriminating items in waste bins around Sneinton Dale and, in the early hours of 20 July, you began the macabre task of dismemberment and disposal of his body. The cruelty and degradation involved in cutting off his head and arms with a saw and a knife after his death is yet further demonstration of your hatred and contempt for him. Even now you have not disclosed what you did with the head and arms. At some point over the next few days you removed the torso from the house wrapped in a duvet cover and took it to some wooded ground above the top of Rossington Road near the derelict tower block of Burrows Court. There, evidently in something of a hurry, you dug a shallow grave into which you effectively bundled his torso and partially covered it.
5. The mandatory sentence for murder is life imprisonment and that is the sentence of the Court upon you. However, under Section 269 and Schedule 21 of the Criminal Justice Act 2003, I have to determine the minimum term you should serve before you will be eligible to be considered by the Parole Board for release.
6. I am satisfied that the features identified in paragraphs 4 and 5 of Schedule 21 are absent. Accordingly, the starting point is 15 years. I emphasise though that is only the starting point and I have to consider what aggravating and mitigating factors there are in order to determine the appropriate minimum term. Paragraphs 10 and 11 of Schedule 21 set out some of the aggravating and mitigating factors which may be relevant to the offence of murder, but neither list is intended to be exclusive and what may aggravate or mitigate the offence will depend upon all the circumstances of the particular case.
7. A seriously aggravating feature of this case is the decapitation of Mr Kennedy and the dismemberment of his arms, followed by bundling his torso into a shallow grave. This all shows a depravity which is difficult to comprehend. The horror and grief which Mr Kennedy's murder has caused his family has been made appreciably worse by your degrading treatment of him after his

death and the fact that even now his head and arms have not been found. As I say this is a seriously aggravating feature.

8. In terms of mitigation I accept that, notwithstanding the letter you wrote Jamie Fraser from prison which contained a clear threat to Mr Kennedy, this attack was not planned or pre-meditated in the sense that you went to 63 Rossington Road intent on attacking him and I reject the suggestion made by Tara Swift in her evidence that the attack began the moment you entered the house. Notwithstanding the brutal nature of the attack together with the fact that you left him for dead in the house, I accept that when you attacked him you did not intend to kill him but only to cause him serious physical injury.
9. Apart from the lack of premeditation and the lack of an intention to kill, there is little by way of mitigation available to you. Certainly your character cannot help you. The savagery of this attack demonstrates your propensity for violence and although you have not committed any offence as serious as this in the past you do have previous convictions for violence against your partners, including Tara Swift.
10. You have shown no remorse for the terrible fate you visited on Kevin Kennedy on 17 July and the ensuing days in your police interviews, in your evidence or before the Court today. In evidence you maintained the nonsensical position that Mr Kennedy had suffered no more than a bloodied nose and that you were more badly injured. Indeed, you seemed to regard the attack as somehow amusing.
11. In my judgment, considering the aggravating factors I have identified and in view of the absence of any real mitigation, the appropriate minimum term is 21 years.
12. From that will be deducted the days you have spent in custody in relation to this offence. What this means is that the minimum amount of time you will spend in prison from today before the Parole Board can order early release is 21 years less those days on remand. If it remains necessary for the protection of the public, you will continue to be detained after that date. If the Parole Board does decide to direct release you will remain on licence for the remainder of your life and may be recalled to prison at any time.
13. You were also convicted of the offence of perverting the course of justice by concealing and disposing of his body and body parts. Even if that offending stood alone it would be sufficiently serious, given that the head and arms remain missing and that you sought to conceal Mr Kennedy's body in a shallow grave covered with soil and leaves, to attract a sentence of 5 years

imprisonment. That sentence for that offence will be served concurrently with the life sentence. No other course would be appropriate given that I have treated the dismemberment and concealment of the body as an aggravating feature in setting your minimum term.

14. Tara Swift, you were acquitted of the murder of Kevin Kennedy but found guilty of perverting the course of justice by assisting Peter Healy in the concealment and disposal of his body. I accept there is no evidence that you participated actively in the dismemberment, the decapitation or the burial and, unlike Peter Healy, you are not seen on the CCTV going into and coming out of Rossington Road at any time during the hours of darkness.
  
15. However, it is quite clear that when you went to your house on 19 July, as you admitted you had in evidence, you knew that Kevin Kennedy was dead in the house. In those circumstances, it was necessary to dispose of his body and by its verdict the jury must have concluded that you encouraged and urged Peter Healy to get the body out of the house and dispose of it and that you were aware that he had done so, even if you were not aware of the more gruesome aspects of the disposal. Once you were aware he was dead which was on the evening of 19 July at the latest, you could and should have informed the police the full truth of what had happened and any suggestion on your part that you were prevented from doing so by Peter Healy was clearly nonsense. Had you done so, Peter Healy would have been apprehended for the murder earlier than he was and in all probability all of Kevin Kennedy's body would have been recovered. Instead of telling the police the truth, that Peter Healy had murdered Kevin Kennedy and disposed of his body, you continued to maintain the lie that he had escaped through the window in a seriously injured condition. I do not accept that the lies you told the police can be explained away by the fact that you were in fear of Peter Healy, although I do accept that had it not been for what Mr Barnes QC described as his malign influence, you would not have committed this offence.
  
16. Clearly, as you must appreciate, a custodial sentence is inevitable. In urging the Court to pass a lower sentence than might otherwise be the case, Mr Barnes relies upon the decision of the Court of Appeal in *R v Gonsalves* [2007] EWCA Crim 1408, a case in which a woman witnessed a brutal murder by her partner, the landlord of a public house, of a customer who had assaulted her. She was in fear of her partner and helped clear the public house of incriminating items before dialling 999 and telling the police a false story of foreigners having committed the murder. The Court of appeal considered a sentence of 18 months imprisonment more appropriate than the 30 months passed by the trial judge.

17. I regard your offending as more serious than that of the defendant in that case. The perverting of the course of justice of which you have been convicted was the concealment and disposal of the body and body parts of Kevin Kennedy. In the circumstances, although you are guilty as an aider and abetter rather than an active participant, your offending is more serious than merely telling lies to the police. Nonetheless, your involvement in this offence was less serious and extreme than that of Peter Healy. Furthermore, apart from convictions for drink driving and assaulting a police officer from fifteen years ago, you are a woman of previous good character. You have had an unfortunate life plagued by your alcoholism and the abuse you have suffered from men like Peter Healy. I also bear in mind your evident horror and remorse at what happened to Kevin Kennedy.

18. Accordingly, I will pass what I regard as the lowest possible sentence commensurate with the seriousness of your offending which is one is 30 months imprisonment. Of that, you will spend one half in custody, after which you will be released on licence for the remainder of the sentence. If you commit any other offence during that period of licence you are likely to be returned to custody. The time you have spent in custody on remand will count towards that sentence.

19. In the case of both defendants, the statutory surcharge provisions will apply.