



JUDICIARY OF
ENGLAND AND WALES

THE HON. MR. JUSTICE SAUNDERS

LEWES CROWN COURT SITTING AT WOOLWICH CROWN COURT

R

-V-

HUNNISETT

SENTENCING REMARKS

22 MAY 2012

This Defendant has been convicted of the murder of Peter Bick. I am satisfied that the attack was planned and that the Defendant's intention was to kill. He tricked his way into Peter Bick's house and while there, killed him by striking him at least five severe blows on the head with a hammer which smashed the skull and damaged the brain. He also placed a tight ligature round Peter Bick's neck causing some degree of asphyxia. I am satisfied from the degree of planning that the Defendant either went to the flat armed with the hammer or knew before he went to Peter Bick's flat that he would be able to find a suitable weapon there. The hammer has never been recovered. At the least I am satisfied that when the Defendant went to Peter Bick's flat he was prepared to kill him.

That this was a planned and cold blooded killing is confirmed by the meticulous way in which the Defendant cleared up the flat afterwards. As well as clearing up, he tied a leather thong around the penis of Peter Bick's naked body and covered him with bedclothes and sex toys demonstrating his contempt for the man that he had just killed.

The Defendant told the police when he gave himself up on the night of the killing that he had killed Peter Bick because he was a paedophile. Apart from evidence given by the Defendant, which I reject, there is no convincing evidence that Peter Bick was a paedophile. I am unable however to be sure that the Defendant did not believe that he was. For that reason I will sentence him on the basis that he had that belief. The prosecution contend that the Defendant killed Peter Bick because he was a homosexual. They base their contention on remarks made by the Defendant to a psychiatrist that, after his release from prison, he met up with a number of homosexuals who he intended to kill but ended up having sex with them. If true that would support the contention that the Defendant set out to kill homosexuals rather than paedophiles. It is difficult to reach any firm conclusion as to the truth of what the Defendant told psychiatrists and I place little reliance on that part of the evidence. On the other hand there is objective evidence that the Defendant was doing research on the internet seeking to identify men who appeared to express an interest in younger men or women. I do not believe that the Defendant's investigations were as extensive as he has made out, but he clearly made some, and the nature of his enquiries and the communications that he made, support the contention that he was looking for older men interested in much younger men and women.

I am satisfied that the Defendant does have an intense hatred of paedophiles and the harm that they do. He believes that the penalties handed out by the Courts for child abuse are inadequate. For him the appropriate penalty, if he considers it necessary, is death. He has

appointed himself Judge, jury and executioner. However good the evidence of child abuse, the Defendant was not entitled to take the law into his hands in the way he did but, as he demonstrated in this case, he was prepared to reach his conclusions on entirely inadequate evidence.

It is not difficult to understand the reason for this intense hatred. The Defendant was abused as a child, as the prosecution accept, and that abuse led to his conviction for murder. He served over nine years of a life sentence before he was eventually cleared of any criminal responsibility for the death of his abuser. It was not a failing of the system that caused that miscarriage of justice. He did not disclose the abuse until he had served a number of years of his sentence. For that he is not to be blamed. Many people who have been abused find it impossible to talk about abuse whatever the consequences to them of not revealing it. Nor is he to be blamed for the fact that he is now a very damaged person.

I accept that the Defendant's hatred of paedophiles, which started with that abuse, fed on the attitudes of other prisoners whose contempt for sex offenders is well known and grew in intensity until it dominated the Defendant's life. He may also have come into contact in prison with sex offenders whose lack of remorse for the harm that they had done, convinced him that sex offenders could not be stopped by conventional means.

Having said what I do accept, there is a great deal of the Defendant's case that I reject. I reject his account that he believed a 16 year old was in danger of sexual abuse from Peter Bick. I accept the contention of the prosecution that it was the defendant who wrote the text message sent on Peter Bick's phone, probably after his death, expressing interest in meeting up with a 15 year old for sexual activity. I am satisfied that the Defendant practised that deception to try and give some substance to his accusation that Peter Bick was a paedophile. I also reject the Defendant's account that immediately prior to the killing, Peter Bick had the Defendant around the throat and had tried to get hold of a hammer which was conveniently just within his reach. Those parts of the Defendant's account were not given at an early stage but were added later and are inventions. I reject the Defence submission that there was in this case some provocation but not sufficient to reduce the offence to manslaughter.

While I acknowledge that the Defendant's life experiences have played their part in shaping the man he has become, the evidence that I have heard has driven me to the conclusion that the Defendant is now an extremely dangerous man who may well kill again were he to be released in the foreseeable future. The Parole Board will undoubtedly take all that into account when deciding when, and if, this Defendant should ever be released. I ignore the danger that the Defendant presents in fixing the minimum term that he should serve before he is released. The minimum term is what I assess to be the appropriate term that the Defendant should serve to reflect his culpability for the killing of Peter Bick, not the danger that he presents to the public. As the sentence I will pass is life imprisonment, the danger that he presents to the public is reflected in that and the requirement that he cannot be released until he is no longer a danger. The minimum period is exactly what it says, a minimum. The time may never come when this Defendant is considered safe to be released.

Parliament has laid down starting points that I must adopt in deciding the minimum term. It is agreed in this case that it is not a case to which the whole life minimum applies. The prosecution point to some parts of the evidence which they say may mean that this is a case of higher culpability so that a starting point of 30 years applies. I have considered each with care but I am not satisfied so that I am sure that any of them applies in this case. I will therefore take a starting point of 15 years. I then have to consider the aggravating and mitigating features of the case to decide whether to increase or decrease the starting point.

I have no doubt that the starting point has to be increased. As the Court of Appeal has pointed out on a number of occasions, Parliament could not anticipate in Schedule 21 of the Criminal Justice Act 2003 every possible factual scenario which could affect culpability. The

principle aggravating factors in this case are the planning; the cold blooded nature of the killing; the fact that it took place within Peter Bick's own home; the treatment of Peter Bick by the Defendant both before and after the death and the fact that this was all part of a campaign to track down paedophiles, although, as I say, I do not believe it was on the sort of scale that the Defendant claims. Those matters substantially increase the starting point to one of about 21 years.

The mitigating features to be found in the facts of the case are limited but he did admit to the police within 24 hours that he had killed Peter Bick.

I do consider that the circumstances of his previous abuse and the prison sentence which he served for an offence of which he was ultimately acquitted are relevant mitigating features. I do not give him credit in this sentence for the years he should not have served in prison following his first conviction. That does not seem to me to be a proper consideration in determining this sentence. What I am seeking to reflect is that the Defendant's culpability is reduced for this offence because of the part that the abuse and the imprisonment have played in making him a killer.

Calculating the amount of the appropriate reduction is not easy and has to depend on my assessment of the contribution that those life experiences made and the balancing of a number of different factors. That involves a careful consideration and assessment by me of the evidence that I have heard. I will reduce my original starting point to reflect all the mitigating factors. In my judgement the appropriate minimum period that the Defendant must serve before he is eligible to be considered for parole is 18 years.