



JUDICIARY OF
ENGLAND AND WALES

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-v-

Nathaniel Flynn

Bradford Crown Court

18 December 2013

Sentencing remarks of Mr Justice Keith

Nathaniel Flynn, you have pleaded guilty to the murder of your grandmother, as well as the attempted murder of a 9 year old boy. Anyone listening to Mr Waterman's account of what happened to them would be likely to think that there was something very strange about you to have caused you to behave the way you did. The doctors have spent a lot of time trying to understand your inner world, and like many things in life the reasons for your behaviour are complex. It looks as if you have always had mood swings, though nothing sufficiently severe to amount to clinical depression, and you have not developed as well as others the kind of social skills you need in life if you are to get on with the people you meet, though again nothing acute enough to amount to a recognised personality disorder. But you were not alone in having problems of that kind. Other people have them, and they manage to cope. You turned to drugs, and if what you told the mental healthcare nurse last year is anything to go by, you had been into hard drugs for quite a while, and they included hallucinogenic drugs like mescaline and LSD.

I am prepared to accept that your increasing use of drugs may have been – in part at least – to help you cope with the pain from your accident last year, but you were an entrenched user of drugs before then, and it looks as if it was your use of cannabis which resulted in a deterioration in your mental functioning and eventually caused you to become so disinhibited that you did whatever you felt like doing, even though you knew that what you were doing was wrong. But taking drugs was your lifestyle choice, which means that you and you alone are responsible for what you did. The

one thing which one can say is that you were not suffering from an abnormality of mental functioning arising from a medical condition which substantially impaired your ability to do things like understanding what you were doing or forming rational judgments or exercising self-control.

You say that you killed your grandmother – in effect as an act of mercy – because her mental functioning had deteriorated as she got older. No-one else seems to have noticed that, and a likelier explanation is that she just got on your nerves. Killing her meant that any inhibitions you may have felt about not harming anyone else disintegrated, and there was nothing to prevent you from trying to murder the 9 year old boy who had the misfortune to be in the wrong place at the wrong time.

As you know, the law allows only one punishment for the crime of murder, and the sentence which I pass on you on count 1 of the indictment for the murder of your grandmother, Louisa Denby, is one of imprisonment for life. That is an indeterminate sentence, and I must therefore specify the minimum period you must remain in prison for before your release on licence can be considered by the Parole Board. The law requires me to take 15 years as my starting point, but your killing of your grandmother was aggravated by a number of things. She was a particularly vulnerable woman because of her age. She trusted you by allowing you to live in her home, and you betrayed that trust by going into her bedroom and stabbing her to death. Your murder of her was not done on the spur of the moment. You must have taken the knife into the bedroom with you, and you must have been intending to kill her before you went in. Indeed, you have admitted that you had been thinking about it that night, and it also looks as if you had been planning to do something dramatic for some time in the light of the books which told you how to survive in the wild together with the rope, tarpaulin and camping or bush knives you ordered from Amazon in the week before the murder. And finally there was the ferocity of the attack on your grandmother. You say that you had intended to kill her with a single cut to her throat, and it was only when she did not die immediately that you felt that you had to stab her again and again. That may be so, but her death was nevertheless a horrific one, not least because the pathologist who conducted the post mortem on her identified 50 stab wounds in all, together with defensive injuries on both her hands.

I acknowledge, of course, that the starting point of 15 years proceeds on the assumption that you intended to kill Mrs Denby, rather than to cause her really serious harm, so the fact that you intended to kill her does not of itself amount to an additional aggravating factor. But for the reasons I have already given, I do not regard the deterioration in your mental functioning as significantly mitigating what you did, though I have to factor into my thinking the fact that the court was told at an early stage that it was unlikely that you would deny that it was you who killed your grandmother, and that you pleaded guilty to murdering her – and to attempting to murder the boy – when you were advised that you were well enough to give coherent instructions to your lawyers and that the medical evidence could not support a plea of guilty to the manslaughter of your grandmother based on your diminished responsibility.

I must also sentence you for attempting to murder Jason D’Arcy. Your attempt to murder Jason was a level 2 offence using the classification adopted by the Sentencing Council in its guideline on sentencing in cases of attempted murder, because you had decided to kill anyone who happened to cross your path when you went armed with the knife to the park for skateboarders and BMX bikers. The fact that Jason suffered both physical and psychological harm, whose effects could be lasting, means that the starting point for any determinate sentence is 15 years’ imprisonment. Jason too was particularly vulnerable because of his age. Had I not been passing an indeterminate sentence on you for the murder of Mrs Denby, and had I been considering a determinate sentence for the attempted murder of Jason, the determinate sentence I would have passed for the attempted murder of Jason would have had to be discounted to reflect your plea of guilty, and you would have had to serve only half that sentence because that is what the law requires. But since I have passed an indeterminate sentence on you for Mrs Denby’s murder, the appropriate course for me to take is to factor half the determinate sentence which I would otherwise have passed on you for the attempted murder of Jason into the length of the minimum term – making sure, of course, at the same time that the overall minimum term reflects the totality of your offending – and then to pass a concurrent sentence for the attempted murder of Jason. Balancing all these factors, I have concluded that your release from prison should not be considered by the Parole Board until you have served 24 years in

prison. That is the minimum term which I set in your case, though the number of days you have been in custody since your arrest will automatically be taken into account. The sentence on count 2 of the indictment for the attempted murder of Jason is one of 14 years' imprisonment. That sentence will be served concurrently with the sentence of life imprisonment which I have already passed. You will have to pay the appropriate victim surcharge on your release from prison. He may be taken away.

There is one other thing I want to say, and that is to express my own condolences to Mrs Denby's family for their terrible loss, especially as her killer was her own grandson. I want them to know that I have taken into account the devastating effect which Mrs Denby's death will have had on their lives. I also wish to pay tribute, as others more distinguished than me have already done, to Jason's courage and to the efforts he has made to put the trauma of the attack behind him. And even though the prosecution did not proceed with the charge that Flynn had also attacked an elderly man, Terence Thackray, I want him to know that I understand how frightening his encounter with Flynn must have been. I hope that they all realise that the minimum term I have set is equivalent to a determinate sentence of 48 years' imprisonment, and it does not mean that Flynn will be released as soon as he has spent 24 years in prison. It only means that his release cannot be considered by the Parole Board until then. Whether he is ever released will depend on when the Parole Board decides that he no longer poses a risk to the public. Thank you very much.