



JUDICIARY OF  
ENGLAND AND WALES

**R v Graham Richardson**

**In the Crown Court at Teesside**

**20 December 2013**

**Sentencing remarks of Mr Justice Males**

Graham Richardson, you have been convicted by the jury of the murder of Peter Battle. You have in addition pleaded guilty to the robbery of Michael Cleaver and to theft. You have been acquitted of possessing a Class A drug with intent to supply.

**Murder**

I will deal first with the sentence on you, Graham Richardson, for murder.

You are aged 27 and have one previous conviction, for the possession of Class B and C drugs with intent to supply.

Peter Battle was a dealer in gold, silver and coins who lived alone at his cottage in Full Sutton, not far from York. You had bought items from him in the past and he was, in your own words and as you accepted in evidence, a nice bloke who had always been straight with you. He knew you and he trusted you. Although it was not easy for them to do so, his daughters have spoken movingly in their statements of what a good, friendly and helpful man he was, how his death has affected them and others in his family, and how much they miss him and always will. Nothing I say or do can restore their father to them or compensate for the cruel way in which you took him from them, but I pay tribute to the dignity with which they have conducted themselves during this trial and I have taken their statements into account. Their courage, love for their father and genuine feelings contrast starkly with your cowardice, selfishness and lies.

In December 2012 you were desperate for money. You had been arrested for the robbery of Michael Cleaver, to which I will come later; your cash had been seized by the police; the drugs you had ordered from suppliers in China and hoped to sell for a large profit had also been seized; and you owed money to a considerable number of people, including your Chinese suppliers. In addition, you were increasingly addicted to heroin and needed money to feed that addiction.

Faced with that situation you attempted to persuade Peter Battle to allow you to take items away on credit, promising on your son's life to repay him promptly once you had sold them, or to persuade him to allow you to pay by bank transfer or by cheque. It is clear that you always intended to cheat him, but it is less clear when you formed the intention that if he would not give in to your persuasions, you would take the items you coveted away by force.

Be that as it may, Peter Battle made it clear, both in emails and in person, that he was not prepared to do as you wished, and would need to be paid in cash, cash which you did not have. You must have known that when you visited his home on the afternoon of 30 December. Exactly what happened in Whisker Cottage that afternoon is unknown, but whether you went there hoping to make one last attempt to persuade him to give you credit and lost your temper when he refused, or whether you went there intending from the outset to rob him, it is clear that a time came when you launched a savage attack upon him. First you attacked him with a knife or other sharp instrument and he sustained a number of wounds. Then you attacked him with a heavy blunt instrument of some sort, hitting him with great force on the back of his skull, which would have caused him to go to the ground and very quickly to lose consciousness. You did not leave it there, but continued to hit what by now was a defenceless and unconscious man in a vicious and sustained attack. In all he was hit at least six times on the back of the head, smashing and shattering his skull so that his brain was exposed and beginning to decompose when the police eventually found his body, in addition to other injuries elsewhere on his body.

When you had completed this attack, you stole a quantity of gold, silver, coins and other valuables, you hung a sheet from Peter Battle's bed over the door so that visitors could not see in and you left. Either then or later you fixed a note to the door to say that Peter Battle had gone away. In an attempt to cover your tracks you sent him an email, knowing that he was dead, to say that you had called round but that he had not been in.

Over the next five weeks until the body was found by the police you returned to Whisker Cottage many times to ransack its contents, when all the time the body of the man you had killed was lying there.

The sentence for murder is fixed by law and is a sentence of imprisonment for life, but I must also set the minimum term which you must serve before you can be considered for release on licence. I emphasise that this is a minimum term. It does not mean that you will be released after that time. Whether or when you will be released will be for the Parole Board to determine. You will only be released if the Board is satisfied that you can be released without risk to public safety and, in any event, once you are released you will remain on licence for the rest of your life and liable to recall if you offend again or breach the terms of your licence.

All murder is very serious, but the seriousness of this offence was particularly high. It was a murder done for gain, committed in the victim's own home, and involved a savage and brutal attack on Peter Battle with gratuitous violence continuing well after he was bleeding and unconscious on the floor. You demonstrated extreme callousness by leaving his body to lie for five weeks before it was found while you stole repeatedly from his home, a factor which has understandably increased the suffering of his family. The murder was committed while you were on bail for the robbery of Michael Cleaver. In a case with that combination of aggravating features I consider that the appropriate starting point is a minimum term of the order of 30 years, although any starting point is subject to adjustment to take account of the particular circumstances of the case.

I can find very little mitigation in your case. I have no doubt that you intended to kill and not merely to cause harm. The number and extent of Peter Battle's injuries and the way in which they were inflicted leaves no room for doubt about that. I accept, however, that even if you did intend from the outset to rob, the killing itself was not premeditated. As you said yourself in evidence, albeit in a different context, you thought that Peter Battle would be an easy target who would not resist. I will make a modest reduction to the minimum term which I would otherwise have imposed to reflect the lack of premeditation.

Moreover, although you have no previous history of or convictions for violence, this murder was committed only a few weeks after your participation in a violent robbery, to which I shall turn in a moment.

In all the circumstances I conclude that the appropriate minimum term in your case is 27 years less the time that you have spent on remand in custody.

### **Robbery – Graham Richardson**

I turn now to the robbery of Michael Cleaver to which you have pleaded guilty.

Michael Cleaver was another dealer in gold, silver and coins with whom you had dealt in the past. In early December 2012 you were back in contact with him, initially perhaps with a view to doing business together, but you very quickly formed the intention to rob him instead. To that end you recruited Darren Archer, your heroin supplier and a man you know to have a criminal record including previous convictions for robbery and attempted robbery, together with a third man. Although the jury have acquitted your co-defendant Peter Egan of being that third man, I have no doubt on the evidence that this was a robbery carried out by three men and not just two. I sentence you on that basis.

The robbery was carried out by luring Michael Cleaver to a dark street at night, Carnot Street in York where you used to live. It was carefully planned, with a series of texts designed to lead Michael Cleaver to believe that you had a significant amount of gold to sell so that he would bring as much money as possible with him. However, you failed to think through that you would inevitably be suspected as the robber and that the texts sent on your phone would just as inevitably incriminate Darren Archer.

When Michael Cleaver arrived you attacked him concealing your faces with hoods and scarves. The third man was carrying an axe which was used, not just to threaten but to strike your victim. I am satisfied that you knew that this third man had brought this axe with him and was prepared to use it. Fortunately, the physical injuries which Michael Cleaver sustained were fairly minor, and much less serious than might have been expected from an axe attack. That was not for any want of trying, but was due in part to Michael Cleaver's determination and presence of mind, grabbing the axe man in a bear hug so that he could not swing the axe easily. However, he was struck on the head in two places and it was a terrifying experience for him, made more so by the fact that the axe man called out to you, "shoot him", and that one or other of you and Darren Archer then stuck something in his back. What this was is not apparent, and there is no evidence that any of you had a gun, but Michael Cleaver thought you did and that was what you intended him to believe. He thought

that he was going to die and the fear which this understandably engendered in him was exactly the same as if you did have a gun or an imitation firearm. In the event, you seized the money he had brought with him, a total of £4,100, and ran off, making good your escape.

This is an extremely serious offence with the aggravating features which I have mentioned – group offending, a street robbery at night, planning and premeditation, luring the victim to the scene with a large quantity of cash, the use of an axe, a threat implying the presence of a gun, inducing fear of death in the victim, and concealing your faces with hoods and scarves.

There are guidelines for street robberies published by the Sentencing Guidelines Council, although those guidelines apply to a first time offender who has not been assessed as dangerous within the meaning of the Criminal Justice Act 2003. The guidelines might suggest that this was a level 2 case, since no serious physical injury was caused, but that was not for want of trying on your part and in my judgment the many aggravating factors to which I have referred mean that this was a much more serious offence. I take into account also the victim statement made by Michael Cleaver which speaks, not surprisingly, of the significant psychological and emotional scars which the three of you inflicted on him, not to mention the impact on his ability to carry on his lawful business.

In your case the question whether you are a “dangerous offender” within the meaning of the provisions of the Criminal Justice Act 2003 is largely irrelevant in view of the sentence which I have to pass on you for the murder of Peter Battle. I record, however, that although you have no previous convictions for violence but only one conviction for a drug offence, you carried out this robbery recruiting others whom you knew to be violent and you went through with it knowing that the third man had brought an axe to the scene which he was prepared to use. Your only concern was your own financial gain. You cared not at all for your victim. While I would not have made a finding of dangerousness against you if the robbery had stood alone, those who have to deal with you in future will need to take account of all this when considering your case.

I shall pass a determinate sentence on you for the robbery. I give you credit for your plea of guilty to the robbery, but you did not plead guilty at the first reasonable opportunity. You only did so after giving two no comment interviews and after you had been charged with the murder of Peter Battle. You did so in circumstances where you faced overwhelming evidence against you on the robbery charge. Moreover, in order to provide yourself with some kind of defence to the even more serious charge of murder, you needed not only to admit your participation in the robbery but also to incriminate Darren Archer so that you could falsely blame him for the murder. Accordingly I consider that you are entitled to no more than 10% credit for your plea. Giving you that discount, I sentence you on the robbery charge to 9 years.

### **Theft – Graham Richardson**

The final count on the indictment is concerned with the theft of items from Whisker Cottage, to which you have pleaded guilty. The ransacking of a dead man’s home with his body lying there is despicable conduct, made worse by the way in which it was repeated over an extended period, but I have to some extent already taken it into account in fixing the

minimum term which you must serve for the murder count. The way in which you used your own mother to dispose of some of the stolen property shows the depths to which you were prepared to stoop. Taking all this into account and giving you full credit for your plea, the sentence on this count will be one year.

The recovered items of stolen property will be restored to the estate of Peter Battle.

### **Financial orders**

Finally I must consider an order for restitution of the money stolen from Michael Cleaver

I am satisfied that the £900 in cash found at your house was money stolen from Michael Cleaver. I order that this be restored to him.

I will defer dealing with the £1000 found behind the microwave at Christine Baker's flat and with the £690 found on Darren Archer until I have sentenced him.

### **Summary**

To summarise, therefore:

Graham Richardson, on count 3 (murder) I sentence you to life imprisonment with a minimum term of 27 years less time on remand in custody; on count 1 (robbery) the sentence will be 9 years; and on count 4 (theft) there will be a sentence of one year. All of these sentences will be concurrent.

I order the restitution to Michael Cleaver of the £900 which was seized from you.

There will be an order for forfeiture and destruction of the drugs which are the subject of count 2.

The recovered items of property stolen from Whisker Cottage will be restored to the estate of Peter Battle.

The statutory surcharge provisions will apply.

### **Direction – sentencing remarks**

I direct that a copy of these sentencing remarks should be kept with your prison file so that they are available to those who have to consider your case in future, and that copies should also be provided to the family of Peter Battle and to Michael Cleaver.

You may go down.