



JUDICIARY OF
ENGLAND AND WALES

R

-v-

CHRISTOPHER DOCHERTY-PUNCHEON

ST ALBANS CROWN COURT

SENTENCING REMARKS OF MR JUSTICE SAUNDERS

5 NOVEMBER 2012

On the verdict of the jury, this Defendant on 7 January 2004 at just after 8.15 in the evening shot Col Workman dead on his own doorstep with a sawn off shotgun. Col Workman was 83 when he was shot down. He was unarmed and in poor health. He had neither the capacity nor the opportunity to defend himself. He was living out a peaceful retirement in a cottage in a small village in rural Hertfordshire when his life was brutally cut short. It was a terrible crime and people living in that rural community were shocked by the gunning down in cold blood of one of their elderly neighbours. Such an event is bound to create feelings of fear among other residents which can continue for a long time. I cannot say for certain what the reason for the attack was. Several have been suggested during the evidence but none has been proved to my satisfaction. Maybe we will never know.

After this murder, sometime at the end of November or the beginning of December 2004, the Defendant shot dead Fred Moss. So he gunned down and killed two people in a period of less than 12 months. He was convicted of that murder on 27 February 2006 and was sentenced to Life Imprisonment with a minimum time to serve of 30 years. The body of Fred Moss has never been recovered and no one witnessed him being shot, but the trial Judge found as a fact that the Defendant had killed Moss by shooting him and that was the basis on which the Defendant was sentenced. I am satisfied so that I am sure in the light of the verdicts that these killings were connected. The Defendant could in law have been tried for both murders together and the fact that he wasn't is not his fault; it arises from the way the investigation proceeded.

It goes without saying from what has been proved against the Defendant in two trials that he is an exceptionally dangerous man.

The sentence that I have to impose is one of Life Imprisonment and he will not be released from that sentence unless and until the Parole Board are satisfied that he no longer represents a threat to others. Having been proved to have killed two people the Defendant may never be released.

I do have to fix a minimum period that the Defendant must serve before his release on licence is even considered. That period is to reflect the seriousness of the offence. It does not take into account the danger that this man presents to the public as that is reflected in the Life sentence.

I have to select from schedule 21 of the CJA 2003 an appropriate starting point. I will, as I have said, deal with the case as if the Defendant had been tried and convicted of both murders in the same trial. I cannot be sure that any of the matters specified in para 4 (2) have been proved. While the fact that a gun was used on both occasions indicates a degree of planning, I cannot be sure that it was substantial. I take as my starting point 30 years. Because any sentence of life imprisonment has to be served concurrently with any existing sentence, I have to take into account both murders in fixing the minimum period. There are a number of matters which cause the minimum sentence to be increased. There are two separate features which result in a starting point of 30 years: the use of a firearm in each case and the fact of two murders. The victim was vulnerable by reason of his age and ill health. None of the mitigating factors apply. The Defendant clearly intended to kill in my judgement. The only factor that I take into account in mitigating the length of the minimum period is that the period should not be so long as to prevent the Parole Board releasing the Defendant when he is old and is no longer capable of being a threat to anyone.

Had I been sentencing you for both killings at the same time I would have ordered that you should serve a minimum period of 40 years and that is in effect the minimum term that I order you to serve. As you have already served very nearly 8 years I direct that the minimum period that you should serve is 32 years from today. None of the time that you have spent in custody to date will count towards that sentence. It should be borne in mind by everyone who considers this sentence, that that does not mean that you will be released at the end of that period. You may very well not be.