



JUDICIARY OF
ENGLAND AND WALES

Central Criminal Court

30 January 2013

Sentencing remarks of Mr Justice Fulford

R

-v-

Tony McCluskie

I have no doubt you killed your sister because she was furious with you for letting the sink overflow in the bathroom of your mother's flat on 1 March 2012, against a background of the longstanding family relationships. I accept that Gemma expressed anger at you early that morning and warned you that if you did not treat your mother's home with more respect in the future, you may have to leave, but that said I unhesitatingly reject your account, as given by you in evidence in this trial, that she had used significant foul language towards you, or that she had belittled or threatened you, in the past. Your accounts to the police in early March contain none of the matters you were later to allege against her, and I consider the way you described your relationship in the significant interview on 6 March and in your witness statement is determinative of this issue. Gemma was, on the compelling descriptions the jury heard during this trial, a young woman with a huge zest for life; she was a warm-hearted woman who was loved

dearly by a great many people. She will be greatly missed. Your sister may well have been fiery on occasion and no doubt expressed herself forcefully but in my view she did not in any sense do anything that even begins to justify what you did to her.

I accept that this was a particularly challenging period in your life: things were not going well between you and your partner, Teri Arnall; your mother had been desperately unwell for a significant period of time; there was talk of redundancies at work; you were hopelessly addicted to the powerful type of cannabis known colloquially as “skunk”; and you were living a significantly withdrawn existence – spending most of your time when not at work in your room – in the same house as your hugely popular and outgoing sister.

That said, instead of exercising a normal degree of fortitude and resilience, you followed your emotions and battered your sister at least twice on the head, sufficiently hard to depress her skull. Although the prosecution put the case against you on the basis that you may only have intended to inflict really serious bodily harm, given the severity of the injuries to GM’s head I am of the view that the difference between that and intending to kill her is not as great as it is in other cases. These were very bad injuries at one of the body’s most vulnerable sites. You must have used a hard, flat surfaced weapon in order to kill GM, within her own home.

This crime, extremely grave when viewed in isolation, was significantly aggravated by your actions afterwards. Over a large number of hours you set about, in an utterly cold-blooded and determined way, to try to hide what you had done and, moreover, you sought to point the finger of blame at others. You dismembered Gemma, cutting off all her limbs and her head, and having first tried and failed to do this with a knife, you must

have left the flat to buy an implement similar to a meat cleaver, which has never been found. You then went to the Regents Canal at least twice (once by taxi) in order to dispose of her remains. Your hope must have been that she would never be found and you diverted, and attempted to influence, the police investigation by controlling the release of information and by giving information about one or more individuals who you knew were wholly innocent, such the individual with the initials BM. You concealed a number of items, including most particularly her mobile telephone.

I note additionally that in this trial you have made a sustained attempt to destroy at least part of the reputation of your sister, and the effect Gemma's death has had on your family, and perhaps most particularly your mother, has been profound. As the letters I have read make clear, the laughter and enjoyment in life for them has simply gone.

In your favour is your good character save for the three cannabis matters; your record of continuous employment; the lack of any significant premeditation; and (to a limited extent only for the reasons I have already expressed) that you may not have intended to kill her. Additionally, there were no previous indications that you harboured violent intentions towards your sister.

The starting point for the period you must serve before parole in your case can even be considered is 15 years.

Having considered the authorities that have been brought to my attention and bearing in mind the facts I have rehearsed, together with the aggravating and mitigating factors, and particularly the appalling way you acted after the murder, the minimum term will be 20 years imprisonment. Once that period has passed, it will be for the parole board to

determine whether you are to be released, and if so, when. Deduction of time served to date is automatic.