

Press Summary
Not Part of the Judgment
Whole Life Tariffs Judgment
29 July 2022

A five judge Court of Appeal, presided over by the Lord Chief Justice, has today handed down its judgment in cases concerning the sentences of four offenders convicted of murder and one of manslaughter. They concern both applications for leave to appeal against sentence and also references by the Attorney General or Solicitor General for leave to refer sentences as unduly lenient. The cases are concerned with life imprisonment for murder and the circumstances in which no minimum term should be specified by the court and instead a whole life order made.

The principles applicable to the imposition of a whole life term are well-established. It was no part of the Attorney-General's case that those principles should be changed or the bar lowered for the imposition of a whole life order.

The cases are fact specific. In his judgment the Lord Chief Justice summarises the applicable principles and then deals with each of the individual cases.

The first concerns Ian Stewart. In February 2022 he was convicted of the murder of his wife, Diane Stewart. He committed that murder in 2010. He had been convicted in 2017 of the murder of his then fiancée, Helen Bailey. On 9 February 2022 he was sentenced to imprisonment for life with no minimum term (a whole life order). Stewart seeks leave to appeal against sentence. In his case the court has granted leave to appeal against sentence and allowed his appeal. The circumstances of his case do not fall within the terms of the statutory provision which provides that a whole life order should be the normal starting point, subject to possible adjustment for the individual facts. It is not one of the rare cases where, nonetheless, a whole life order should be imposed. A minimum term of 35 years has been substituted.

The second concerns Wayne Couzens who pleaded guilty on 8 June 2021 to kidnapping and rape of Sarah Everard. On 9 July 2021, he pleaded guilty to her murder. On 30 September 2021, he was sentenced to imprisonment for life for the murder with a whole life order. No separate penalty was imposed for the offences of kidnapping and rape. Couzens seeks leave to appeal against sentence. In his case the court has granted leave to appeal against sentence but dismissed his appeal. Although the circumstances of his case do not fall within the terms of the statutory provision which provides that a whole life order should be the normal starting point,

the individual facts are such that the judge was entitled, exceptionally, to impose a whole life order.

The third concerns Jordan Monaghan who was convicted on 17 December 2021 of three counts of murder and two counts of attempted murder. Between January 2013 and October 2016, he murdered two of his children, Ruby at three weeks and Logan at 21 months. He twice attempted to murder his third child. While on police bail when the deaths of his children were under investigation, he murdered his then partner, Evie Adams. He was sentenced to imprisonment for life with a minimum term of 40 years. The Solicitor General applies for leave to refer that sentence as unduly lenient and contends that the only proper sentence was a whole life order. The circumstances of his case do not fall within the terms of the statutory provision which provides that a whole life order should be the normal starting point, subject to possible adjustment for the individual facts. It is not one of the rare cases where, nonetheless, a whole life order should be imposed. However, the court was satisfied that the minimum term imposed by the judge was unduly lenient and substituted a minimum term of 48 years.

The fourth case concerns the death of six year old Arthur Labinio-Hughes. On 2 December 2021 Emma Tustin was convicted of his murder. She had pleaded guilty to two counts of child cruelty relating to him and was convicted of two more. Thomas Hughes was convicted of Arthur's manslaughter, as an alternative to murder, and two counts of child cruelty. He was Arthur's father. Tustin was his partner. On 3 December 2021 Tustin was sentenced to imprisonment for life with a minimum term of 29 years together with ten years' imprisonment on each count of child cruelty to run concurrently. Hughes was sentenced to 21 years' imprisonment for manslaughter and nine years' imprisonment on each count of child cruelty to run concurrently. Both seek leave to appeal against sentence, Tustin 101 days out of time. The Attorney General seeks leave to refer both sentences as unduly lenient, contending that Tustin should have received a whole life order and Hughes a longer sentence.

The court has refused Tustin leave to extend time or leave to appeal against sentence. The court has granted the Attorney General's application for leave to refer the sentence of life imprisonment with a minimum term of 29 years for murder but refused to impose a whole life order or increase the minimum term. The circumstances of this case do not fall within the terms of the statutory provision which provides that a whole life order should be the normal starting point following conviction for murder, subject to possible adjustment for the individual facts. It is not one of the rare cases where, nonetheless, a whole life order should be imposed.

Furthermore, taking account of all of the offending and circumstances of the case, the minimum term of 29 years is not unduly lenient.

The court has refused Hughes leave to appeal against sentence but granted the Attorney General's application for leave to refer the sentence of 21 years' imprisonment. Taking account of all the offending and circumstances the court accepts that the sentence is unduly lenient and substitutes a sentence of 24 years' imprisonment.