



JUDICIARY OF
ENGLAND AND WALES

The Queen

-v-

Andrew Griggs

Sentencing Remarks of Mr Justice Spencer

Canterbury Crown Court

30th October 2019

NOTE: *Some redactions have been made to this published version because there is an order in force under s46 Youth Justice and Criminal Evidence Act 1999.*

1. You may remain seated for the time being. Andrew Griggs, I have to sentence you for the murder of your wife Debbie Griggs 20 years ago in May 1999. Her body has never been found. Only you know how you killed her and where you disposed of her body. The jury convicted you on the most compelling circumstantial evidence. You told lie after lie in the witness box, just as you did at the time of Debbie's disappearance, to her family, her friends and to the police, and just as you have for the past 20 years. For murder there is only one sentence: life imprisonment. That is the sentence I shall pass in due course, but I am required first to determine the minimum period you must serve in prison before you are eligible even to be considered for parole.
2. Debbie Griggs was 34 years old when she died. She was the adored and adoring mother of three little boys, then aged 6 years, 4 years, and 18 months. They were her pride and joy. They were her life. She would never have left them of her own free will. She was

also 4½ months pregnant with your fourth child. In murdering your wife you destroyed the life of that unborn child as well.

3. Debbie Griggs trained as a nurse. She worked for a time in care homes until the birth of her first child. Caring was her very nature. The jury heard evidence from her family and from close friends with whom she had grown up and remained in close contact that she was a generous, supportive, warm and loyal daughter, sister and friend, always willing to help others. She was part of a large close-knit family rooted in Deal. It is clear from the evidence of teachers at the school the eldest child attended that Debbie was no shrinking violet. She was quite capable of asserting herself. She was independently minded and resilient.
4. You and Debbie married in 1990. By then you had already been involved in one failed business venture which caused you to suffer anxiety sufficient to require treatment from the community psychiatric nursing service. It seems that Debbie only learned about that problem much later, after you were married. I have no doubt that you loved your children and were capable of being a good father, as Debbie herself recorded in the exercise book she left behind. But you did not take your share of the load in the marriage. You left Debbie to do the bulk of the child care as well as running the home and working part time in the family business.
5. When your third son was born in October 1997, Debbie was having to cope with three children under the age of 5½. She battled with post-natal depression after the birth of her first two children. She sought professional help and was taken off anti-depressant medication altogether in March 1995. That was four years before she died. She had her ups and downs after the third child was born, but she was certainly never clinically depressed again, although that is how it suited you to paint her to other people.
6. You undoubtedly worked hard in the family frozen food business, putting in long hours. But you did not let family responsibilities interfere with the selfish pursuit of your chosen leisure activities. You were out nearly every night of the week leaving Debbie at home with the children. The depth of her unhappiness at the deteriorating state of your marriage is all too clear from the reflections she wrote in that exercise book. In particular she became concerned that you were having an inappropriate relationship with a 14 year old girl. She was right to be concerned.

7. I have no doubt whatsoever that from the late summer of 1998 through to the spring of 1999 you were in a full sexual relationship with that young girl, as she described to the jury in evidence. You groomed her. You took advantage of her emotional vulnerability. You were obsessed by her. You were seeing her five days a week. It was cruel and humiliating for your wife to see you flirting openly with this girl under her very nose. You and the girl each denied there was any sexual relationship when Debbie challenged you both. The girl was afraid to speak out because you had told her that if she did, everyone would hate her.
8. You resented the fact that your wife was accusing you of having this affair. When Debbie told you on Thursday 27th February 1999 that she was expecting another child you spitefully suggested the child was not yours. That was pure humbug. It was you who was unfaithful in the marriage. Debbie was angry and deeply hurt by your rejection of this unborn child. You told her to get rid of it. You even suggested that the third child was not yours either. Debbie had had enough of you. She wanted you out of the house at least for a breathing space. When she came to the shop on Monday 1st March after another unhappy weekend and demanded your keys, your reaction so enraged her that she lost her temper. There was a physical struggle in which she bit you.
9. By then you had already consulted solicitors about commencing divorce proceedings. Egged on no doubt by your parents, who had run the family freezer business for 30 years, you were looking to cut Debbie out of the business although in law she was an equal partner with you. You obtained a non-molestation order against her later that week following a further unpleasant incident in the shop when she insisted on taking the chequebooks for the business. You accused her of turning the boys against you. In full view of the CCTV camera you goaded her to the point that she lost her temper again and in the course of another struggle she bit you a second time.
10. The injunction proceedings were compromised on undertakings. There was a short period of separation for a fortnight or so whilst tempers cooled. Then, with the assistance of one of your mutual friends, you and Debbie reconciled, not just for the sake of the children but because despite everything she still loved you. She allowed you to move back into the family home. You told the jury in evidence that Debbie accepted

your renewed assurances that you were not having an affair with this now 15 year old girl; you say she acknowledged that she was being silly in suspecting that anything untoward was going on. You promised to see less of the girl in order to put her mind at rest.

11. Your solicitors had been pressing on with your divorce petition based, presumably, on Debbie's alleged unreasonable behaviour at the shop in biting you twice. It is no coincidence that your decision not to proceed with the divorce was made the very day after Debbie's solicitors started to show a keen interest in the financial state of the business as a preliminary to asserting her entitlement to a half share. Cheques for the business had to be signed by both of you. Debbie had taken the chequebooks to keep as the ace up her sleeve, as she described it. Unbeknown to Debbie you and your parents had arranged for the closure of the joint bank account and the transfer of the account into your sole name effectively shutting Debbie out of any day to day running of the business. The chequebooks she held were redundant.
12. In the week leading up to Debbie's disappearance on the night of Wednesday 5th May 1999 there were two significant events which I have no doubt precipitated the final confrontation that night which culminated in the murder.
13. First, on the Tuesday night, 3rd May, you took this young girl swimming, not locally in Deal but in Folkestone several miles away. You had phoned her that evening on your mobile for 10 minutes as soon as she got home from school. You had phoned her for the same length of time the previous Friday when she got home from school even though you were seeing her next day. You admitted in interview, and in the witness box, that there had been occasions when you had deceived Debbie into believing that you were seeing this girl for a specific innocent activity when that was not the case and it was just an excuse to spend time with her. This was another such occasion.
14. Second, your parents had been into the bank on the Wednesday, 4th May, to sign the guarantee for the overdraft on the new business account in your sole name, thereby effecting Debbie's total exclusion from any control of the business.
15. On Wednesday 5th May you had planned to go up to London late at night, as you did every fortnight, to buy fish at Billingsgate market for the freezer business. You had

arranged to travel, as usual, with your friend Lloyd Dunkley. I am quite sure that by the time you phoned Lloyd Dunkley that night at 11.20pm to tell him the trip to Billingsgate was cancelled, Debbie was dead. You had killed her. He was the first person to whom you spun the wholly improbable story that Debbie had simply walked out after an argument, driven off in her car and not returned. The last person except you to speak to Debbie alive was her brother's partner, Lisa Vickers. Debbie phoned her at 7.38pm that evening to confirm that she would give her a lift to the mother and toddler group next morning.

16. You may well have come to the conclusion sometime before that Wednesday night that you wanted to be rid of your wife once and for all. I shall return to the evidence of Peter Monks, a business contact, to whom you sounded off very angrily about Debbie wanting a half share of everything and to whom you expressed your wish to see your wife dead. The overwhelming likelihood, in my judgment, is that you had some final confrontation with Debbie in the house that night, probably because she had discovered that you were still seeing this young girl behind her back and that despite the reconciliation you had taken steps to cut Debbie out of the business. Only you know what took place that night in the house. Only you know how you killed her.
17. You somehow disposed of her body in the early hours of the morning. I strongly suspect that you dumped her body at sea. As an experienced sailor and former deep sea fisherman you knew that stretch of the coast like the back of your hand. It would not have been difficult to weigh her body down so that it sank without trace. At 4 am next morning a neighbour across the road saw Debbie's car leaving the driveway of your home. In all probability that was the second time you had left and driven off from the house that night in Debbie's car. Another neighbour had seen Debbie's white Peugeot reversing out of the drive at 2am one night around the time of her disappearance. It could not have been a night later than Wednesday 5th May. Nor is there any reason why Debbie or anyone else would have been reversing her Peugeot out of the driveway on any earlier night. You would have known about it.
18. This strongly suggests that the first trip you made in the early hours of Thursday 6th May was to dispose of Debbie's body, leaving the three children at home alone. Having returned home two hours or so later you then made a second trip to dump the car far

enough away from home not to be discovered too soon, but close enough to enable you to walk home within 15 minutes. The Shrubbery, where you left the car, was a residential road you knew well from deliveries you had made there in the course of your work. Your judgement proved right. It was an ideal choice. It was nearly a week before Debbie's car was discovered by the police.

19. Despite your caution in removing the carpet or boot liner which probably bore some trace of Debbie's blood you failed to notice a tell-tale smear of her blood on the interior side panel of the boot. That was a crucial piece of circumstantial evidence.
20. Later that morning, when you were having to do the school run, you set about spreading the story that Debbie had walked out on you the night before and not come back. That is the lie you have lived for the past 20 years. It was shown to be a lie because you were incapable of giving a consistent account to her friends, family and the police. You claimed that she was angry at you for falling asleep in your chair and simply walked out saying words to the effect of "See how you cope looking after the children 24 hours a day 7 days a week". Walking out for good was the very last thing Debbie would ever have done.
21. Until the Thursday evening, nearly 24 hours after her disappearance, you did not even bother checking with her parents whether she was with them although that would have been the obvious first port of call had you genuinely thought Debbie had walked out on her family. When your mother called at the house soon afterwards she found this 15 year old girl there, doing the washing. You had insisted that she wash the black jeans you had been wearing, even though the colour would run into the whites she was washing. Only after that did you phone the police to report Debbie missing, giving a similar false story.
22. You have maintained this lying account ever since, to the enormous distress of Debbie's family. They have always known that Debbie would never have left her children in this way. It is a huge sadness that Debbie's mother did not live to see you brought to justice for the murder of her daughter. She died in January 2019 just a few weeks before the correct decision was finally and belatedly made to charge you with Debbie's murder. Her father, her brothers and her sister have shown great dignity and restraint throughout the trial. No-one could fail to be moved by her father's statement read in court this

morning describing the impact of Debbie's disappearance on the whole family. It was her mother who would constantly strive to keep Debbie's name alive, trying each year on the anniversary of her disappearance to persuade the local media to publish her picture and make a fresh appeal for information about her.

23. Although Debbie's parents continued to see the boys from time to time when you were still living in Deal you eventually moved to Dorset and since then you have promoted no contact whatsoever between the children and their maternal grandparents or wider family on their mother's side. There may well have been a rift between the families, but the boys were entitled to contact with their grandparents on both sides. Debbie's family have never had the opportunity properly to grieve for her death. They have had no grave to visit, and no knowledge of how or why she died.
24. I have set out this background in some detail to explain and underline how serious a case of murder of its kind this is.
25. In setting the minimum term you must serve I am required to apply the provisions of Schedule 21 to the Criminal Justice Act 2003. However, because this offence of murder was committed before the commencement date of the 2003 Act, Parliament has provided in paragraph 10 of Schedule 22 that the minimum term I set must not, in the opinion of the court, be greater than that which the Secretary of State would have been likely to notify under the practice he followed before December 2002. That is to ensure that there can be no breach of Article 7 of the European Convention on Human Rights which prohibits the imposition of a heavier penalty than that which was applicable at the time the offence was committed.
26. Approaching the matter in this way, the first stage of my task is to decide what minimum term would have been appropriate if this murder had been committed after the 2003 Act came into force. It is common ground that the appropriate starting point would have been 15 years under paragraph 5 of Schedule 21. Had this been a murder done for gain, or in the expectation of gain as a result of the death, the starting point would have been 30 years. On behalf of the Crown, Mr Atkinson QC realistically accepts that the financial context of this murder does not meet the definition of a murder done for gain. He submits that it is nevertheless an aggravating feature. I agree.

27. Next I have to decide whether there are aggravating or mitigating factors which require departure from the starting point of 15 years. Paragraphs 10 and 11 of Schedule 21 give examples of factors which may be relevant but they are not exhaustive.
28. There are several aggravating factors. They are rightly conceded on your behalf. The first aggravating factor, and the only one expressly referred to in paragraph 10, is concealment of the body. Cases in which concealment has been so complete that the body was never found are few and far between. In *R v Ahmed* [2012] EWCA Crim 251, a similar domestic murder where the victim's body was never found but there was other evidence of the cause of death, the Court of Appeal regarded the concealment of the body as the most serious of the aggravating factors.
29. There are two quite separate consequences of concealment in this case. First the concealment of the body fundamentally obstructed the police investigation, thereby contributing to the very long delay in bringing you to justice. Second, concealment of the body has added hugely to the distress of Debbie's family. Cases where the body has been concealed but subsequently discovered attract a separate consecutive sentence for the offence of preventing lawful burial or obstructing the coroner: see, for example, *R v Gale* [2018] EWCA Crim 120. In such cases a substantial consecutive sentence of imprisonment is generally appropriate. Here the concealment has been much longer, and still persists. That makes it all the more serious. It must be reflected in the length of your minimum term.
30. Second, although Debbie was not someone "particularly vulnerable because of age or disability", such as to fall within paragraph 10, she was vulnerable in another important sense because she was 4½ months pregnant. More important still, by killing Debbie you also killed her unborn child.
31. Third, although there was not "a significant degree of planning or premeditation" such as to fall within paragraph 10 of the schedule, there was, in my judgment, certainly a degree of premeditation. The conversation you had with Peter Monks three weeks or so before the murder demonstrates the level of hostility and anger that you nursed towards your wife because of what you saw as her unjustified desire to obtain half of everything you regarded as yours. You expressed your wish to see your wife dead. It was not a throwaway line. It betrayed a genuine sentiment on your part. There is no reason to

think that your attitude had softened in the intervening three weeks. Quite the reverse: you were talking in exactly the same way about your wife in the second conversation with Peter Monks only a week or so before the murder. In my judgment you were biding your time. The opportunity arose on the night of Wednesday 5th May when there must have been a final confrontation.

32. Your motive for killing your wife was in part driven by your frustration that she would claim half of the business if there was a divorce, and in part by your fear that she would disclose what she had discovered about your sexual relationship with this 15 year old girl. You told the police in interview that because there was no truth in the allegations you had nothing to fear. The corollary is that if those allegations were in fact true, you had everything to fear.
33. Fourth, it is an aggravating factor that you murdered your wife in the family home where she was entitled to feel safe, and you did so at a time when your three young children were asleep in the house. I have regard to the Sentencing Council guideline on Domestic Abuse which reinforces the message that the domestic context of any offending makes it all the more serious because it represents a violation of the trust and security that normally exists between people in an intimate relationship. Debbie was at pains to say in her affidavit for the injunction proceedings in March that you had never been violent to her up to that point although she had been frightened you might be. I make it clear that I accept there was no history of domestic violence here, as there often is in cases which end in a murder within the home.
34. The fifth aggravating factor is that in your lying cover story you sought from the start to blacken Debbie's name, with her friends and with her parents, suggesting that she was suffering from mental illness, that she had been unfaithful to you, that she would have been prepared to desert her children and her family, and even suggesting quite falsely that she had been responsible for deliberately injuring the children in the past.
35. Turning to mitigating factors, it was suggested by Mr Lobbenberg QC on your behalf in his succinct written submissions that there was a lack of premeditation, one of the mitigating factors in paragraph 11 of the Schedule. I have already addressed this point. Whilst the opportunity to kill your wife may have arisen spontaneously that night as a

result of a final confrontation, it would be an abuse of language to suggest that her death was not premeditated. It is not suggested that there was an intent other than to kill. That mitigating factor is not advanced.

36. Second, Mr Lobbenberg submits that there is mitigation in that fact that you are a man of 57 years with no previous convictions. That is true, so far as it goes. But the force of any such mitigation is diluted by the other criminal conduct you have indulged in. First, quite separate from the murder there is the concealment of the body, a very serious offence in itself. Second, there is the unlawful sexual relationship you persisted in for many months with this 14 or 15 year old girl. I have no doubt whatsoever that it was a full sexual relationship. You were repeatedly committing the offence of having unlawful sexual intercourse with a girl under 16. By the time she admitted to the police what had been going on, following the discovery two years later of the sexually explicit letter she had written to you and which you had failed to destroy, no prosecution for such an offence was possible because the law, as it then stood, prevented any prosecution for that offence more than 12 months after the commission of the offence. By then it was too late.
37. Third, it is submitted that you have spent the last 20 years pursuing a useful and industrious life, bringing up six children, three of your own and three step-children from your second marriage. Again, this is true as far as it goes, and it is to your credit that your sons have grown to be fine young men of whom Debbie would be proud. However, this ignores the reality that those were 20 years you stole from the mother of your three children in murdering her and living the lie for 20 years that she had walked out on her own children. You robbed the mother of your children, and her family, of the very thing you have enjoyed over those 20 years. You have built your relationship with your new partner and her family on the same lie. They and your children will have to come to terms with that dreadful reality. So will you. They are victims too, innocent victims of your callous criminality. I have the greatest sympathy for them. But there can be very little mitigation in your personal circumstances. You have shown no remorse whatsoever. True remorse would have been shown only by a guilty plea and by disclosure of where you concealed the body.

38. The fourth mitigating factor Mr Lobbenberg puts forward is your poor health. You suffer from ankylosing spondylitis. It is a progressive condition. You have had it for 5 years. It has not interfered with your capacity to work. It limits your mobility somewhat. A doctor's letter dated 6th September 2019, prepared for the smooth running of the trial, recommends that you may benefit from varying your posture from sitting to standing to relieve discomfort. You are prescribed medication which can be administered in prison.
39. Having considered all the submissions very carefully I am quite satisfied that the aggravating factors in this case far outweigh any mitigating factors, with the result that, in my judgment, had the murder been committed after the 2003 Act came into force, the appropriate minimum term here would have been 23 years.
40. There is, however, a second stage of setting your minimum term which requires me to assess the length of the minimum term which would have been set in your case by the Secretary of State under the practice he followed before December 2002. Parliament has thereby imposed a ceiling on the minimum term I am permitted by law to impose. This is not a straightforward exercise. I have followed the guidance given by the Court of Appeal in *R v Sullivan* [2005] 1 Cr App R (S) 67. The relevant principles are restated in Part VII of the Consolidated Practice Direction at section N.
41. Where, as in this case, the murder was committed before 31st May 2002, the best guide to what would have been the practice of the Secretary of State is contained in the letter sent to the judges by the Lord Chief Justice, Lord Bingham, on 10th February 1997. In that letter the Lord Chief Justice stated that his current practice was to take 14 years as the period actually to be served for the "average", "normal" or "unexceptional" murder. He listed a variety of factors likely to call for a sentence more or less than the norm, but expressly without seeking to be comprehensive. It is common ground that none of those factors, whether aggravating or mitigating, applies in your case. The Lord Chief Justice stated that some crimes will certainly call for terms very much in excess of the norm. This was in no sense an average, normal or unexceptional murder, for all the reasons I have explained.
42. In my judgment there are two factors in particular which would have led the Secretary of State to set a minimum term significantly in excess of the norm of 14 years. The first

is the concealment of the body, a concealment that has persisted for 20 years and for that length of time has frustrated the course of justice. The second is the fact that your wife was 4½ months pregnant, so that in killing her you also killed her unborn baby.

43. Applying the words of paragraph 10 of Schedule 22, it is my opinion that the period the Secretary of State would have been likely to notify as the minimum term in your case was 20 years. Accordingly, 20 years is the minimum term which you must serve. I emphasise minimum.
44. You are entitled to have credited against that minimum term any days for which you have been remanded in custody by a court in respect of the charge of murder. You were in custody for two days following charge earlier this year before you were granted bail by the Crown Court. You have been in custody for two more days this week, following the verdict of the jury. Whilst on bail you have also spent 12 days subject to a qualifying curfew which counts as a further six days, applying the provisions of 240A of the 2003 Act. I therefore direct that a total of 10 days shall count towards your sentence.
45. That means that the minimum term you must serve will be 20 years from today, less 10 days served on remand.

Stand up please

46. Andrew Griggs, for the murder of your wife Debbie Griggs, I sentence you to **life imprisonment**. You will serve a minimum term of **20 years** less 10 days served on remand. When you have served that minimum term it will be for the Parole Board to decide whether and if so when it will ever be safe to release you. If and when you are eventually released you will remain on licence for the rest of your life, and liable to be returned to prison if you commit any further offence or breach the terms of your licence. You may go down.