

ROYAL COURT
(Samedi Division)

8th August, 1994

164.

Before: The Bailiff, and Jurats
Coutanche, Blampied, Myles, Bonn,
Orchard, Hamon, Gruchy, Le Ruez,
Vibert and Rumfitt

The Attorney General

- v -

Roderick Innes Nelson Newall,
and
Mark Stephen Nelson Newall

Sentencing by the Superior Number, to which the accused were remanded following guilty pleas before the Inferior Number on 24th June, 1994, to the following counts:

Roderick Innes Nelson Newall

2 counts of murder (counts 1 & 2 of the indictment).

Mark Stephen Nelson Newall

2 counts of assisting an offender after a murder (counts 3 & 4).

PLEA: Guilty.

AGE:

Roderick Innes Nelson Newall: 29.

Mark Stephen Nelson Newall: 28.

DETAILS OF OFFENCE:

Roderick Innes Nelson Newall

Bludgeoned his mother and father to death, buried their bodies, disguised the crime and lied about the circumstances from 1987 to 1992. The Crown contended that the murders were premeditated and that he purchased the necessary equipment that morning from Norman's.

Mark Stephen Nelson Newall

Assisted his brother Roderick after Roderick had murdered both their parents. They wrapped the bodies in tarpaulins, transported them across the Island, dug a grave in the middle of the night and returned to clean up the house so as to disguise the commission of an offence. The accused then made false statements to the police on regular occasions until 1991 suggesting that the parents were still alive the following day when he and Roderick left to return to London. He gave similar false evidence before the Royal Court in order to obtain a declaration that the parents were dead and a grant of Probate. The accused's efforts to assist his brother evade justice would probably have been successful had not Roderick Newall confessed to his uncle in 1992.

DETAILS OF MITIGATION:

Roderick Innes Nelson Newall

The accused contended that it was a spur of the moment offence fuelled by alcohol and many years of ill-treatment by the parents - the father in particular. An argument between the accused and his father had developed, the father had pushed the accused who had then beaten his parents to death with a set of rice-flails.

Mark Stephen Nelson Newall

There had been a very unhappy relationship with the parents who, it was contended, had neglected both Mark and Roderick. Mark, then aged 21, was faced with an impossible dilemma when he was called to the house by Roderick to find that Roderick had murdered both his parents and was threatening to commit suicide. Mark had to make an instant choice and he chose to support his brother. Thereafter he was on a course from which he could not turn back.

PREVIOUS CONVICTIONS

Roderick Innes Nelson Newall: One drugs offence.

Mark Stephen Nelson Newall: One minor motoring.

CONCLUSIONS

Roderick Innes Nelson Newall

- Count 1: Mandatory sentence of life imprisonment - no recommendation for a minimum term.
Count 2: Mandatory sentence of life imprisonment - no recommendation for a minimum term (concurrent).

Mark Stephen Nelson Newall

- Count 3: 6 years' imprisonment.
Count 4: 6 years' imprisonment (concurrent).

SENTENCE AND OBSERVATIONS OF THE COURT:

Roderick Innes Nelson Newall

The Court did not feel it appropriate to resolve the difference between the prosecution and the defence on the question of premeditation. Concurrent sentences of life imprisonment. No recommendation for a minimum term.

Mark Stephen Nelson Newall

Conclusions granted. Three of the Jurats would have passed a higher sentence.

The Attorney General.
Advocate D.F. Le Quesne.

JUDGMENT

THE BAILIFF: These were particularly nasty killings.

Throughout the ages, crimes of parricide and matricide have attracted particular odium. This Court shares that view, but because the sentence which I am about to pronounce is mandatory, the Court has not felt it necessary to hold a "Newton" hearing to determine whether the killings were premeditated or not. Accordingly the Court expresses no opinion on this aspect of the case, nor does the Court feel it incumbent to recommend a minimum term of imprisonment.

The Court notes that you have accepted that your crimes were inexcusable and so they were.

In accordance, therefore, with Article 1 of the Homicide (Jersey) Law, 1986, you, Roderick Newall, are sentenced to concurrent sentences of imprisonment for life.

Mark Newall, you, too, have pleaded guilty to two serious crimes, but not, of course, of the gravity as those committed by your brother. Nevertheless the four cases cited to us by counsel make it clear that the English Courts regard the obstruction of justice as a serious matter and this Court agrees.

If you did not wish to be disloyal to your brother by reporting him to the police, you could have kept quiet as the Lord Chief Justice pointed out in the case of R. -v- Skinner (1993) 14 Cr.App.R.(S.) 115. Moreover you went further than Skinner, you made a number of false statements to the police; you assisted to bury the evidence; you provided a false alibi for Roderick and you kept this up from 1987 to 1991. Further you lied on oath to this Court. The Court accepts also, as the Attorney General has suggested, that without your active financial support, it is probable that Roderick might not have been able to delay his extradition for as long as he did from Gibraltar.

We have looked at what the Court said in R. -v- Swindell (1981) Cr.App.R.(S.) 255, and it is as follows and recited in the case of R. -v- Skinner (1993) 14 Cr.App.R.(S.) 115 at p.117 by the

Lord Chief Justice. These are the matters to which the Lord Chief Justice referred in the case of Swindell:

5 *"We take account of these facts: first of all this man
presents very little, if any, danger to the public;
secondly this is an offence which, ex hypothesi, is
unlikely to be repeated by this man; thirdly, this is not
10 the sort of offence from which it is necessary to deter
others, again for obvious reasons. The object is to
punish the man himself and to indicate for the reasons I
have already stated why the offence is such a grave one."*

15 The Court, Mark Newall, finds your involvement a very grave
interference with the course of justice and, in the view of this
Court by a majority, the proper sentence for this offence in
respect of what you have done, considering all the individual
factors ably urged by your counsel, is one of six years'
imprisonment, concurrent on each count.

20 I am to say, however, that three of the Jurats would have
considered a higher sentence to be more appropriate but the Court
is unanimous that it could not be less.

Authorities

R. -v- Skinner (1993) 14 Cr.App.R.(S.) 115.

R. -v- Swindell (1981) Cr.App.R.(S.) 255.

R. -v- Kerrigan & Panayiotou (1972) 57 Cr.App.R. 269.

R. -v- Harvey & Ryan (1971) Criminal Law Review 664.