

Judicial Communications Office

Friday 25 November 2011

SENTENCE IMPOSED FOR THE MANSLAUGHTER OF PATRICIA BARDON

Summary of Judgment

Mr Justice Hart, sitting today in Belfast Crown Court, ordered Paul Stockman to serve a **minimum term of six years imprisonment** for the manslaughter of Patricia Bardon.

The Court heard that Mr Stockman ("the defendant") and Ms Bardon had been living together for several years. They intended to get married on the afternoon of the date of her death, despite the fact that the defendant was still married. At around 3.00 pm on 23 August 2010, the defendant alerted an employee of the housing association that managed his accommodation to say that Ms Bardon was not breathing. She was found lying face down on the bed covered by a quilt. The defendant claimed that Ms Bardon had fallen off the toilet earlier that morning, hitting her head on the wall or against a metal hand rail. He said he put her to bed, and later that day had tried to wake her because he was worried about her snoring.

The post mortem report concluded that Ms Bardon died from head and neck injuries. She had sustained extensive cuts and bruises to her eyes, nose and lips. Her nose was broken. The pathologist said the injuries strongly suggested that they were caused by Ms Bardon's face "striking an unyielding surface such as the ground or a wall, due to a collapse, a fall or her head being forcefully impacted by another individual against a hard surface". The post mortem also revealed that Ms Bardon's neck had been fractured in two places. The pathologist said this was more likely to have been sustained as a consequence of "firm contact with an unyielding surface rather than a direct blow from an assailant".

The defendant was questioned by police over a lengthy period and continued to deny assaulting Ms Bardon. His accounts contained a number of significant inconsistencies. The version of events he gave to his probation officer differed again. In the pre-sentence report, the defendant is quoted as saying that Ms Bardon said it would be better if they postponed the wedding, and asked him to go drinking with her. The defendant claimed this led to an altercation between them, and he threw her forcefully to the floor causing her significant facial and head injuries. He said he tended to her injuries and put her to bed. The prosecution and defence agreed that the defendant should be sentenced on the basis that the serious injuries he inflicted on Ms Bardon demonstrate that he was completely indifferent to her well-being, an attitude compounded by his failure to seek medical help.

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Evidence was produced to the Court which showed that the defendant and Ms Bardon's relationship was characterised by very heavy drinking by both of them and violence by the defendant. Some incidents of violence resulted in prosecutions while others were not pursued because Ms Bardon declined to make a statement. In February 2009 the defendant was convicted of assaulting Ms Bardon on two separate occasions. The Court imposed a probation order requiring him to participate in a men overcoming domestic violence programme and an alcohol treatment programme. The defendant breached the terms of this order and was returned to Court where sentences of six months imprisonment suspended for two years were substituted for the probation order. The suspended sentences were in force at the time of Ms Bardon's death.

Mr Justice Hart referred to a number of aggravating factors in this case: the defendant had inflicted violence on Ms Bardon on numerous occasions; he was under a suspended sentence for breach of probation at the time of her death; he was on bail on a charge relating to a further alleged assault on Ms Bardon; and he has a substantial criminal record which includes a further assault, although not on Ms Bardon. The judge said the only mitigating factor was that the defendant pleaded guilty to manslaughter, albeit at a late stage. The pre-sentence report concluded that the defendant presents as a high likelihood of re-offending, and poses a significant risk of serious harm, particularly within the context of domestic relationships.

Mr Justice Hart agreed with that assessment and commented:

"Violence in a domestic context is something that sadly is all too common, predominantly (though not exclusively) by men towards their partners who are often materially and emotionally dependent upon them, as well as less able to physically defend themselves. Such violence must be regarded as very serious by the courts, particularly when it involves persistent and serious violence."

The judge said he was satisfied that this was an appropriate case for the imposition of an indeterminate custodial sentence in order to protect other women who might enter into a relationship with him from serious harm of drunken violence by him. He said his decision was based on the defendant's "history of significant violence to Ms Bardon over a lengthy period, his alcoholism, his failure to respond to probation, and the callous and indifferent way he behaved towards her on the day of her death when he failed to seek timely medical attention".

Mr Justice Hart explained that if this was a case where a determinate sentence was suitable, the appropriate sentence would be one of twelve years imprisonment. He ordered the defendant to serve a **minimum term of six years imprisonment before he can be considered for release by the Parole Commissioners.**

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NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).
2. The minimum term is the term that an offender must serve before becoming eligible to have his or her case referred to the Parole Commission for them to consider whether, and if so when, he or she can be released on licence. Unlike determinate sentences, the minimum term does not attract remission. If the offender is released on licence they will, for the remainder of their life, be liable to be recalled to prison if at any time they do not comply with the terms of that licence. The guidance is set out in the case of R v McCandless & Others [2004] NI 269.
3. The minimum term of an indeterminate sentence does not attract the period of licence (usually half the total sentence) that is a component of a determinate sentence. The defendant will therefore serve the full term before he can be considered for release by the Parole Commissioners. He will not automatically be released at the end of this term.

ENDS

If you have any further enquiries about this or other court related matters please contact:

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