

IN THE CROWN COURT IN NORTHERN IRELAND

THE QUEEN

v

KASPER STAMERS

Bill No: 12/141705

**WEIR J**

[1] Mr Stammers, you have pleaded guilty to the murder of your partner, Ksenija Vorosilina, and I have accordingly imposed upon you the only sentence for that offence permitted by law, namely one of life imprisonment.

[2] It is now my responsibility, in accordance with Article 5 of the Life Sentences (Northern Ireland) Order 2001, to determine the length of the minimum term that you will be required to serve in prison before you will first become eligible to have your case referred to the Parole Commissioners for consideration by them as to whether, and if so when, you are to be released on licence. I make it clear however that if and when you are released on licence you will for the remainder of your life be liable to be recalled to prison if at any time you do not comply with the terms of that licence.

[3] I wish further to make it clear to you and to the public that a minimum term is not the same as a fixed term of imprisonment. A fixed term of imprisonment may, if the prisoner is of good behaviour, attract remission of 50 per cent of the term imposed by the court. You on the other hand will receive no remission for any part of the minimum term that I am now about to impose regardless of your behaviour in prison and I hope that, should the media report these sentencing remarks, they will be careful to make this important distinction clear to their readers and viewers.

[4] Mr Tannahill for the prosecution has, in the course of his moderately expressed submissions, described the circumstances surrounding this sad case and I merely summarise them now. Your partner, who was as you are a native of Latvia and at the time of her death was aged 28, had come to Northern Ireland some years

ago where in 2006 she had obtained employment as an embroidery stitcher with a Lisburn company. She was a diligent employee, always anxious for any possible overtime and she kept your home well and was popular with her employers and fellow employees who befriended her and, through her, her mother Mariana in Latvia.

[5] On Monday 28 May 2012 Ksenija was given a lift home by the lady who was her office manager and with whom she had become friendly and was dropped off at 5.30 pm. At about 6.30 pm your next door neighbour heard screaming followed by a cry for help. She then heard banging at her hall door followed by a groan. On opening the door she saw Ksenija with blood "all over her chest, her hands, her legs, everywhere". Her dress was saturated in blood and as she held her hands overlapped in the centre of her chest blood could be seen running through them. Other neighbours came to help and an ambulance was summoned but Ksenija collapsed. Meanwhile, you were to be seen with a knife in your hand "like the biggest one you would get in a knife block". You were staggering about as though you were drunk and shouting "I have killed my girlfriend" and you were seen to have cuts to both sides of your neck. At about the time that the ambulance arrived Ksenija died and on arrival at hospital life was pronounced extinct.

[6] It is not clear what exactly happened during the hour or so between Ksenija arriving home and her receiving the fatal wounds. However, both prosecution and defence counsel consider, and I think it likely, that when she arrived home from work she found you there in a drunken condition and that as a result words were exchanged which led to an argument between you and ultimately to your taking a knife from the adjacent kitchen and attacking her with repeated blows from which she fled to the neighbouring house in search of help.

[7] The autopsy report discloses that Ksenija had been stabbed a total of 12 times to the front and rear of her chest, to the right breast, twice in the front of the abdomen, once through the left upper arm, once on the back of the right forearm and once through the right forearm. The chest wounds caused significant internal bleeding into the chest cavities as well as external bleeding and it was this haemorrhage which was responsible for her death. She also suffered six incised or cutting wounds to the back of the right shoulder, the right upper arm, the back of the left forearm and the back of the left hand, some of which may have resulted from her trying to defend herself. There was no alcohol in her bloodstream.

[8] When you were admitted to hospital blood samples were taken at 20.50 hours which when later analysed revealed a range of between 230 and 279 milligrams of alcohol per 100 ml, a significant degree of intoxication. This is hardly surprising as, by your own admission, you had been on a drinking binge on the day of the murder and for some days previously. During that time you had consumed a quantity of vodka and beer.

[9] I have been provided with a moving account by Mariana, the mother of your victim. It must have been very difficult for her to express her feelings at the loss of her daughter in these terrible circumstances but she has done so in pathetic terms, expressing their mutual love for each other, the pleasure she had taken in their contact by SKYPE, the financial help that her daughter provided for her and the hope that eventually there might be grandchildren. She summarised her position thus:

“Now I am alone, I have no support, no shoulder to lean on, I have no family, I will never have grandchildren. It is very difficult and I do not know what for and how I should continue living.”

[10] In striking contrast to the qualities, universally attested to, of Ksenija, you Stammers have led a largely feckless existence dominated since your early teenage years by the abuse of alcohol. You squandered your educational opportunities in Latvia, engaged mostly in casual employment and then came to the United Kingdom about six years ago. Again you did mostly casual work and apparently conceived the idea of becoming an interpreter but instead, having met Ksenija, you came to Northern Ireland in March 2010 and shortly thereafter moved to live with her who, as I have said, was already well established here in secure employment.

[11] After several months here your drinking began to escalate and as a result and after warnings you lost a job in a packaging company which you had held for some 18 months, probably one of your longest periods of continuous employment. Thereafter, you drifted into some casual work both here and in England but returned here permanently in September or October 2011. It appears that in addition to your alcohol abuse you also had a gambling problem so that debts accumulated. You were denied state benefits in circumstances that are not clear to me so that the entire financial responsibility was thrown upon Ksenija who was not only keeping your home and herself but you as well. Against that background it is hardly surprising that there should have been an argument when Ksenija arrived home from work on the fatal evening to find you in a drunken state contributing nothing but increasing debt to the straightened financial resources of the family.

[12] I have been provided with a Probation Service Pre-sentence Report, a psychiatric report from Dr Loughrey and a clinical psychology report from a Dr Davidson. Dr Loughrey considers that you fulfil the criteria for what, following the American terminology of their manual DSM-IV he calls “alcoholism” and what is described in the corresponding United Kingdom manual by the more modern term of “Alcohol Dependence Syndrome”. He found no evidence on his examination of a major mood disorder, psychosis or learning disability. He concludes, rather oddly, that your “alcoholism” substantially impaired your ability to carry out the killing, a finding rather at variance with the known facts. He further concludes that there was probably some impairment of your ability to understand the nature of what you were doing and that you were probably able to form a rational judgement, albeit

there was some impairment, but that your ability to exercise self-control was significantly undermined by your level of intoxication. Dr Davidson expresses a similar view.

[13] In approaching the task of determining the minimum term that you must serve I am guided by the principles proscribed by the Court of Appeal in R v McCandless and others [2004] NICA 1 which involves the application of the guidelines contained in the English Practice Statement noted at [2002] 3 All ER 412.

[14] In the first place I have concluded, in agreement with the submission of Mr Tannahill, that this is a higher starting point case by reason of the facts that:

- (i) Your victim was a vulnerable and defenceless woman, much smaller and lighter than you who was attacked suddenly in her own home.
- (ii) The victim was subjected to a ferocious attack with multiple knife wounds. Unlike the position in A.G's Reference No: 6 of 2004 (Conor Doyle) where it was impossible to know how many of the stab wounds were inflicted before and how many after the victim's death, in this case it is clear that your victim suffered every one of the multiple wounds that you inflicted as we know that she did not collapse and die until after she had escaped from you.
- (iii) The prosecution fairly volunteered that there were no other aggravating factors and I accept that assessment.

[14] By way of mitigation I take account of the following factors:

- (i) Your admission of guilt which could not have been made at an earlier point than it was, even if you had no real alternative having been found with your victim's blood literally on your hands. Nevertheless, as the prosecution also volunteered, I treat you as being entitled to the fullest credit for your early indication of guilt, your co-operation with the police and your formal plea of guilty at the earliest practicable opportunity.
- (ii) Your expressions of remorse which I am satisfied in this case are genuine. Your counsel, Mr John McCrudden QC, offered to the court on your behalf an articulate apology for your actions and their consequences including those for Ksenija's mother and other relatives in Latvia.
- (iii) The absence of any significant criminal record in the United Kingdom. I was further informed that the position is believed to be the same so far as Latvia is concerned although no documentary evidence could be obtained from the authorities there.
- (iv) I accept that this attack was not planned or premeditated and that the knife was obtained on impulse from the kitchen a few steps from the living room.

[15] Mr McCrudden further urged upon me that I should make further allowance for the possibility that, had you chosen to contest the charge of murder, the jury might have convicted you of manslaughter by reason of the effects upon you of your Alcohol Dependence Syndrome. I do not feel able to accede to that submission. Firstly, because in R v Wilson, a decision of the Court of Appeal on a tariff hearing, Kerr LCJ said of Wilson who was accordingly to Dr Bownes, Consultant Psychiatrist, an alcoholic with personality-based problems associated with a lack of control and difficulty in coping with stress and who had reportedly consumed one and half bottles of poteen, a can of beer, three glasses of whiskey and a bottle of cider and who was found unfit for interview when taken into custody:

“[26] The gross intoxication of the prisoner at the time of the killing cannot be regarded as a mitigating factor but it distinguishes this case from the more serious variety where in total sobriety and with pre-meditation an offender murders his victim. To that extent this case merits a less condign sentence. The erosion of the prisoner’s moral restraint by his alcoholism is to be taken into account as an indicator that this was not a murder conceived and carried out in any planned way but this will only serve to deflect an increase in the starting point rather than a variation downwards of the minimum period.”

[16] My second reason for declining to accede to Mr McCrudden’s submission is that, while you might have chosen to plead not guilty to murder and trust in the evidence of Doctors Loughrey and Davidson being accepted by the jury to such an extent as to result in a conviction of manslaughter, (running the risk that if convicted of murder you would forfeit your discount for a guilty plea) the plain fact is that you freely decided, following advice from your lawyers, to plead guilty to murder because, as you put it to your solicitor, “her family has suffered more than they should have”.

[17] Taking account of all the above factors I have concluded that the appropriate period that you must serve before you will first become eligible to be considered for release is one of 12 years.

[18] I wish to add one more observation. Mr McCrudden expressed concern that I might make an upward adjustment in the sentence by reason of the conclusion of the Probation Board Risk Management meeting that you pose a significant risk of serious harm for the reasons set out in the Probation Pre-sentence Report. I again make it clear as I did at the hearing that I have not taken account of, reflected in the sentence nor indeed formed any view as to the validity of the Probation Board

assessment. Obviously, an up to date assessment of that type will require to be made at the point at which you first become eligible to be considered for release which will be based upon the factors pertaining at that point in time.