

R -V- LYNDA RICKARD, WAYNE RICKARD, SHANDA ROBINSON, DENISE NEAL,

MICHAEL DUNKLEY & JUNE ALSFORD

SENTENCE

1. The relevant surcharge applies in all cases.
2. Lynda Rickard, Wayne Rickard and Denise Neal I adjourn your confiscation hearings and have set confiscation timetables.
3. Lynda Rickard. I now begin with you.
4. You have been convicted by the jury of the murder of Anthony Sootheran and an offence of fraud by obtaining a car using his deceased mother Joy's bank account without her permission. You have previously pleaded guilty to three counts of fraud involving the improper use of his bank accounts while he was alive, one count of fraud involving the improper use of his mother's accounts, two counts of forgery involving the forging of the wills of both Anthony and Joy Sootheran, one count of possessing forged documents with intent to commit fraud, two counts relating to your attempts to pervert the course of justice by seeking to persuade a court that the two wills forged by you were genuine, and one offence of obtaining benefits by deception.
5. These offences were committed over a period of 10 years or more. Over that time you cynically and systematically bled this family of its money. You obtained a minimum of £50,000 from the bank account of Joy Sootheran and £40,000 from the accounts of Anthony Sootheran. The reality is that you probably obtained much more than this but these are the bare minimum amounts of which I

can be certain. You forged wills which, had they been accepted as genuine, would have benefitted you to the tune of approximately £750,000 in the case of Joy and in excess of £1 million in the case of Anthony.

6. You had access to Joy's accounts because you were her carer, living with her in the same property. She liked you and trusted you, and you abused that trust, continuing to steal from her even when, to your knowledge, she had been diagnosed with dementia.
7. When she died, you turned your attention to her son, Anthony, who was aged in his late 50s. He owned the farmhouse in which you lived. He rented it out to you and then paid you to be allowed to live in one room of his own property. He was complex character, suffering most probably from OCD and clinical depression. He was reclusive and vulnerable. You sought to prey on his insecurities by isolating him further and making him completely dependent on you. You made it difficult for people to visit him at the farmhouse. In particular, you tried to drive a wedge between him and his daughter by telling her on many occasions that he didn't want to see her whereas, I am sure from the evidence, he genuinely did. You then stole regularly from the bank accounts of a man whose vulnerability was plain for all to see – including you.
8. Your greed was such that, when you thought that Anthony Sootheran might act in a way which would derail your gravy-train, you murdered him. You did so when you thought that he might move out of the farm and into a cottage near to one owned by his daughter so that they could see one another regularly. This would have ended your control over his bank accounts and resulted in him selling the farm out from under you so that you would have been homeless. You had tried to obtain a large injection of cash and property by forging his mother's will. This attempt was foundering as it was being challenged through the courts. Therefore you forged a will in Anthony's name and killed him to try to make good on it. You needed witnesses to each of the forged wills and

persuaded friends or acquaintances of yours to lend their signatures to your fraud. As a result of that, each of them has lost their good character and falls to be sentenced by me today.

9. You murdered Anthony in a most cruel and hard-hearted way. You starved him of food and left him on a mattress on the floor in his room to die. He died on 18<sup>th</sup> March 2014. Dr Krokar, the geriatrician called by the Prosecution at trial, gave evidence of how his decline must have occurred. He would have last been able to walk due to a fall on 23<sup>rd</sup> February. He would probably have been completely immobile from that date but certainly from about 4<sup>th</sup> March. His immobility led to him forming a very large bedsore. This would have been caused at or about the end of February and would have broken through the skin on or about 4<sup>th</sup> March from which time it would have emitted a foul smell. It would have caused him such pain that he would have been given morphine had he been in hospital. He would have been unable to swallow or ingest food or to pick up unaided anything within his reach for a few days before his death and towards the end of his life would have been obviously hot, sweaty and confused. The geriatrician gave evidence that he would have lost the capacity to make rational decisions for himself some days before death. He would have been incontinent for a number of days and unable to reach a bathroom or a commode. The images of him in death as seen by the jury paint a stark and horrific picture of Anthony's last days. He died a man relieved not only of much of his money but of his dignity as well.
10. You must have watched him die in this way. Someone – and it can only have been you - must have gone into his room if for no other reason than to clean away his excrement from the floor. You could have ended this man's terrible suffering at any moment by feeding him or getting medical help for him. You were prevented from doing so only by your own extraordinary greed.
11. After death you sought to stage manage the scene before the doctor arrived. I am sure that you put clean clothes into his room, tidied it up and put food close to his body to make it appear as if it

would have been accessible to him in life. This was all carefully thought through and planned by you. Only after you did it was the doctor called.

12. After you killed Anthony, you continued to remove money from his accounts, sought to inherit under the forged will and made a deceitful claim for benefits using a document forged in Anthony's name by way of support. This benefit fraud netted you over £14,500.
13. You also had in your possession a number of other forged documents (tenancy agreements) in Anthony's name which you have accepted by your plea you intended to use for further fraud had your arrest not prevented it.
14. Hannah Sootheran, Anthony's daughter, has made a victim impact statement. She obviously and rightly feels very hurt that you treated her father and grandmother in this way. She rightly blames you for keeping her away from her father in the last months of his life. She has also had to spend over £100,000 in fees to prove that the wills were fraudulent. Your behaviour has had a lasting impact on her in many ways.
15. Given your conviction for murder, the only sentence I can pass on you is one of life imprisonment.
16. I must fix the minimum period you will serve before the Parole Board can consider you for release. They will only release you after that time if they form the view that it is safe to do so. Otherwise, you will remain in prison for the rest of your life.
17. The starting point for fixing the minimum term is set by Schedule 21 of the Sentencing Code at 30 years. That is because this is a case of murder done for financial gain and thus one in which the seriousness of the crime is particularly high.
18. Your offending is aggravated by the following factors:

- a. There was a significant amount of planning and premeditation involved. You isolated Anthony Sootheran, forged his will and then starved him to death. This was not an offence committed on the spur of the moment.
- b. Anthony Sootheran was vulnerable in the ways I have already referred to.
- c. Anthony Sootheran would have suffered greatly in the days leading up to his death. It is impossible not to conclude that he was in great pain and would have realised that he was in mortal danger and that you were not going to help him.
- d. You stole at least £50,000 from Anthony Sootheran in life.
- e. You stole at least £75,000 from his mother in abuse of your position of trust as her carer.
- f. You forged two wills and sought to make good on each of them by getting people to submit false witness statements attesting to their validity.
- g. You were responsible for drawing others into your scheme by persuading them to witness the wills you had forged.
- h. You had other forged documents at your disposal which you intended to use to further benefit yourself financially.
- i. You committed a benefit fraud after Anthony's death using yet another forged document in his name as part of your claim.

19. I turn to your mitigation:

- a. You have no previous convictions. That will be factored into the sentence in your favour but is of less significance in a case like this where you have committed such an array of offences over a protracted period.
- b. I note that you are 62 years old.
- c. You are not in good health nowadays.

20. The aggravating features of this case significantly outweigh the mitigating factors. Taking everything together, the least minimum term appropriate is one of 28 years. I have reduced it from a period of 33 years which would have been appropriate had you been considerably younger.
21. I reduce that term by a further 400 days to reflect the time you have spent on qualifying curfew and which should count towards your sentence. If that figure proves to be inaccurate, it can be corrected administratively without the need for a further court hearing.
22. I will pass concurrent sentences for the other offences. Each concurrent sentence I pass reflects, where appropriate, proper credit for guilty plea which is 10% for all counts but the benefit fraud which attracts a discount of 25%. Each sentence has been fixed by reference to the appropriate guideline where one exists:
- a. Counts 4, 7, 8 & 9 (the fraud counts relating to the improper use of Joy and Anthony's bank accounts) and the fraud relating to the purchase of the Shogun – 4 years 6 months on each concurrent.
  - b. Counts 10 & 14 (the counts relating to the forging of the 2 wills) – 4 years on each concurrent with each other but consecutive to those on the fraud counts.
  - c. Counts 13 & 17 (the counts relating to the attempts to pervert the course of justice in relation to the 2 wills) – 18 months – concurrent with themselves but consecutive to the other sentences.
  - d. Count 18 (possession of the other forged documents for use in fraud) – 3 years concurrent.
  - e. The benefit fraud on the other indictment – 12 months consecutive to the other sentences.
- Thus the total sentence for the other offences is 11 years concurrent to the life sentence for murder.
23. I now turn to you, Wayne Rickard.

24. On the jury's verdict you did not assist your wife to murder Anthony Sootheran. Nevertheless, the jury have convicted you of allowing the death of a vulnerable adult. You lived in the same household as Anthony and your wife. You were the only person who could have saved Anthony Sootheran but instead of doing so, you left him to die the most horrible of deaths.
25. You must have known that your wife was not feeding him properly. You would have seen that food was not leaving the kitchen in the quantity necessary to sustain Anthony Sootheran's life. He disappeared from view for the last few weeks of his life and this would have alerted you to the fact that he was seriously unwell. Although you did not necessarily see him on a daily basis, you did see him often enough to notice when he was not about. You cannot have been unaware of his suffering. Your bedroom was in close proximity to his. He would have been in constant pain. Either the smell coming from his weeping sore or the sound of him in pain must have been obvious to you. I can only conclude that you decided not to help him because you hoped to profit from his death when, as you expected, your wife inherited a substantial sum of money from him.
26. You have also been convicted of fraud. You and your wife purchased a Mitsubishi Shogun motor car using a cheque drawn on Joy Sootheran's bank account without her knowledge or permission. The value of that car was in excess of £30,000. You lived in the same house as Joy and would have known at the time you did this that she suffered from dementia. Knowing that she was in that state, you stole from her.
27. Finally, you were convicted of attempting to pervert the course of public justice. You did that by making a false witness statement in High Court proceedings attesting to the validity of Joy's will when you knew full well that it was false. This again was done in the hope of financial gain for your family.

28. Your most significant piece of mitigation is the fact that you were of effective good character before involving yourself in these events. Not only did you have no relevant previous convictions but up until 2010 you were a hard working man. I note that you are not in good health.
29. There are no guidelines for the offence of allowing the death of a vulnerable adult. However, this is a serious offence of its type. Anthony Sootheran died in appalling circumstances. This was a failure by you to act to help him over a period of weeks. Your failure to act was, I am sure, motivated by financial greed.
30. There are guidelines for the offence of allowing the death of an infant. I have had regard to those guidelines and, on the facts of this case, I shall apply them. Anthony Sootheran was completely dependent on your family when he died, immobile, isolated and unable to summon help for himself: he was in the equivalent position of a young child. Within those guidelines, this is a harm category 1 offence as it resulted in death. There are a number of culpability A factors present: this was a prolonged period of neglect and not a failure to act on one or two discrete occasions; there was a deliberate disregard for Anthony's welfare; and you took no steps at all to assist him. The starting point is therefore one of 9 years. Balancing the significant aggravating feature that you did what you did from greed against the mitigation of your good character, the correct sentence on this count is one of 8 years.
31. There must be a consecutive sentence for the fraud involving the Shogun. That was an offence of high culpability as you deliberately targeted a vulnerable victim (Joy, to your knowledge, was suffering from dementia when you misused her bank account). It is a category 3 offence given the value of the car. The starting point is therefore 3 years which I would normally reduce to 30 months to reflect your good character.



32. There must be a further consecutive term for the offence of perverting the course of justice. In my judgment the correct sentence for this offence would usually be 18 months, given that it was done with a view to your family profiting to the tune of many hundreds of thousands of pounds.
33. I must have in mind the concept of totality. Were I just to add together these three sentences, the overall sentence would be excessive. Therefore, in order to prevent that, I further reduce the sentences on the fraud and perversion counts by 9 months on each.
34. The final sentences are these:
- a. For allowing the death of a vulnerable adult – 8 years
  - b. For fraud – 21 months consecutive
  - c. For perverting the course of justice – 9 months consecutive.

The total sentence is one of 10 ½ years' imprisonment. The 400 days you have spent on qualifying curfew will count towards that sentence. You will serve half of the sentence and then be released on licence. If you breach any of the terms of your licence you are liable to be returned to custody to serve the rest of this sentence.

35. You can take Mr and Mrs Rickard down.
36. Shanda Robinson and June Alford. You witnessed Joy's will. You did so at the behest of Lynda Rickard but you both knew that what you were doing was illegal and morally wrong. I am sure having heard the evidence that Joy was dead at the time the will was signed. The basis of the charge was not only that you knew that it was a forged will but that you signed it intending that Lynda Rickard should gain from it. Anyone who signs a will knows what a significant document it is. Your actions made it more likely that the will would be accepted as genuine and acted upon. Although you might not have known the exact amount Lynda Rickard stood to inherit, you would

both have anticipated that the estate would have been worth a significant amount of money. Joy came from a wealthy family. You both then went on to make witness statements in High Court proceedings attesting to the validity of the will when you knew it to be false. In that sense, your actions were not a one-off piece of offending but a course of conduct.

37. The offences of fraud fall into category 1C of the guideline. Category 1 because the intended and risked loss was in excess of £500,000. Category C because I accept that you were not motivated by personal gain and that you had a peripheral role in the fraud. The starting point is therefore one of 3 years imprisonment. Your position is aggravated by the fact that your victim was vulnerable.
38. Shanda Robinson. I turn to your mitigation. You were of good character. I have read references from your husband and mother uploaded in anticipation of sentence and bear in mind those presented on your behalf at trial. I also bear in mind your good work record for Royal Mail and that you are a mother of a 14 year old child.
39. The correct sentence for you on the fraud is 24 months. There must be a consecutive sentence for the conspiracy to pervert the course of justice. I reduce that to a minimum to take account of totality. That minimum is 8 months. The total sentence on you therefore is one of 32 months imprisonment. I have in mind the COVID crisis in passing this term. You will serve half of that and then be released. If you breach the terms of your release licence you will be returned to custody to serve the remainder of the sentence.
40. June Alsford. You are in a very different position to that of the other signatories to the wills. You pleaded guilty. Indeed, I deduce from the evidence, that you attempted to get Shanda Robinson to do likewise. There is evidence that you alone broke rank and eventually stood up to Lynda Rickard refusing to tow the party line any longer. You alone have shown remorse and regret for your actions. Your actions in admitting what you had done to Brethertons must have assisted the police

in investigating others. Since pleading guilty you have had to wait for a considerable period for sentence while others have stood their trial. You are 78 years old and in poor health. You have attracted strong references.

41. In your case as in Shanda Robinson's I would have passed a total sentence of 32 months had you not pleaded guilty. You will get 25% credit for your guilty pleas. Thus the sentence on you will be one of 18 months for the fraud and 6 months consecutive for the conspiracy to pervert the course of justice.
42. The total sentence of 2 years means that I must consider whether that sentence should be suspended. I look to the relevant guideline. You are someone who can be rehabilitated and who is unlikely to offend again. There is particularly strong personal mitigation and, in saying that, I refer to your bravery in breaking ranks with the others and your genuine remorse. While a conviction for offences of this nature usually demand an immediate custodial sentence, your mitigation allows me to hold back from passing one on you now. Therefore the sentences I pass will be suspended for 2 years. If you stay out of trouble for 2 years you will not have to serve the sentence: if you do not, it is likely that you will. I would normally attached to that order a requirement that you perform unpaid work for the community by way of direct punishment. I have been told that you are not suitable for that and so I cannot do so. You do not need probation supervision. Therefore I attach no requirements to the suspended sentence.
43. Denise Neal and Michael Dunkley. You are in a similar position in respect of the will of Anthony Sootheran save that it was signed while he was still alive and not after his death. You both knew that you were putting your name to a forgery intending that it should be used for the enrichment of your friend. I bear in mind that neither of you went on to make a false witness statement in High Court proceedings.

44. You, Denise Neal, received payment for lending your signature to this enterprise. I am sure that the money which went from Anthony's bank account to yours close in time to the signing of the will was some payment for you from Lynda Rickard. Anthony was not up to signing cheques at that stage. It is inconceivable that he would have suddenly decided to pay you for helping to care for his mother 18 months after her death, as you claimed at trial. Equally inconceivable is your evidence that you thought that it might be a birthday present to you from him for which you decided not to thank him in person. Your personal gain is an aggravating feature of your offending.
45. I turn to your mitigation, Denise Neal. You were of good character and you did what you did when you had just found out that your mother had been diagnosed with terminal cancer. I have read the letter from your father speaking well of you. You had a good work record. For a period you looked after Joy without recompense. You have a daughter who will suffer as a result of this sentence. The pity is that you did what you did when you had the desire to work in end of life care.
46. Michael Dunkley. You too are of good character. I take account again of everything urged on me on your behalf.
47. The least sentence I can impose on you, Michael Dunkley, is one of 24 months imprisonment. On you, Denise Neal (given your personal gain), the least sentence is one of 27 months. I have in mind the current public health crisis in fixing those terms.
48. Denise Neal, your sentence is too long to allow me to suspend it.
49. Michael Dunkley, I do not suspend your sentence. You lack the powerful mitigation available to June Alsford. You have shown no regret or remorse for what you have done. Despite your good character, the serious nature of what you have done demands that your sentence be served immediately.

50. You will each serve half of those sentences and then be released on licence. If you breach any term of your licence you will be returned to prison to serve what remains of the sentence.
51. Take them down.
52. I cannot pass on from this case without firstly thanking counsel for the hard work they obviously put in behind the scenes to focus on the important issues. Their careful and detailed preparation of the case made the jury's job as well as my own much easier than it might otherwise have been.
53. Secondly, I should like to commend those who investigated these crimes. It was a painstaking investigation conducted by DCI Howard with significant roles being played by DC Kennett, DC Eva, DC Nicklin, Louise Church and Portia Whiffin. They are all to be commended.
54. Unusually I also commend Miss Brady, the Prosecution junior, who, I am told, received instructions in this case when it was a relatively small fraud but, after examining the case papers encouraged the reopening of the case so that justice could be done.

Mr Justice Wall

Reading Crown Court

1<sup>st</sup> June 2021