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IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
Strand
London, WC2A 2LL

Thursday, 27 June 2019

B e f o r e:

LORD JUSTICE HOLROYDE

MR JUSTICE WARBY

MR JUSTICE JULIAN KNOWLES

R E G I N A

v

COURTNEY GEORGIA BRIERLEY

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Non-Counsel Application

J U D G M E N T
(Approved)

1. MR JUSTICE HOLROYDE: Courtney Brierley was convicted after a trial in the Crown Court at Manchester of four offences of manslaughter. She was sentenced by the trial judge William Davis J to concurrent terms of 21 years' detention in a young offender institution. Applications for leave to appeal against conviction and against sentence were refused by the single judge. They are now renewed to the full court.
2. The applicant was aged 20 at the time of the relevant events in December 2017. She was in a relationship with Zak Bolland, then aged 23. Bolland had for a time been engaged in a feud with Kyle and Lewis Pearson. There had been a number of tit for tat incidents, including daubing graffiti, smashing windows and causing damage by fire to cars and dustbins. The applicant had been involved in some of those incidents.
3. The feud culminated in an attack on the Pearson family home in the early hours of 11 December 2017. Bolland, his friend David Worrall and the applicant had been drinking and taking cocaine. A young woman called Toome came to the house looking for a mutual friend and was persuaded to take them to a petrol station, where petrol was bought. Bolland and Worrall used the petrol to make two petrol bombs. They also armed themselves with a machete and an axe. They and the applicant were then driven by Toome to the Pearson family home. The two men went into the back garden and broke a rear window of the house. Worrall threw the smaller of the petrol bombs into the house. It ignited, but only to a limited extent. Worrall then left the garden. As he did so, Bolland threw the larger petrol bomb into the house. It exploded with great force and within a very short time the whole house was ablaze. Kyle Pearson and a friend were able to escape from the upstairs window, though suffering from smoke inhalation. Four younger siblings, aged between 7 and 15, died in the fire. Their mother survived but suffered life-threatening injuries which required months of hospital treatment and from which she will never recover.
4. The applicant, Bolland and Worrall, were jointly charged with four offences of murder, three offences of attempted murder and arson. The prosecution case against the applicant was that she had encouraged and assisted her co-accused, with full knowledge of their plans. Her case was that she was aware that petrol had been purchased but did not know that petrol bombs had been made and did not know of any intention to set fire to anything other than rubbish bins, as had happened on an earlier occasion.
5. It is unnecessary to go into the details of the prosecution evidence at trial or of the evidence which the applicant gave in her own defence. It suffices to note that it is rightly conceded by her trial counsel in their written advice on appeal that the evidence was such that the jury were entitled to find that she did assist and encourage her co-accused.
6. The learned judge provided the jury with written directions of law and with routes to verdicts in respect of each of the three accused. The jury were, of course, directed to consider each accused separately and were directed as to the several possible alternative verdicts.

7. On each of the four counts alleging murder the jury found the applicant not guilty of murder but guilty of manslaughter. They found her not guilty of the charges of attempted murder. Bolland was convicted of all the offences of murder and all the offences of attempted murder. He was sentenced to life imprisonment with a minimum term of 40 years. Worrall was convicted of the four offences of murder. He was found not guilty on the charges of attempted murder but guilty of three offences of attempting to cause grievous bodily harm with intent.
8. The grounds of appeal against conviction contend that in the light of the evidence and the way the case was put by the prosecution, the applicant's convictions are unsafe. It is argued that her convictions are inconsistent with other verdicts, contrary to the way the case was conducted and left to the jury, and irrational. In particular, it is said that the applicant in her evidence admitted knowing that the house was occupied. It is submitted that it is difficult, therefore, to see how the jury could have followed the route to verdict in the way they must have done without concluding that the applicant was guilty of the offences of murder. It is also said to be difficult to see how the jury could have been sure that she assisted or encouraged her co-accused to throw petrol bombs into an occupied house and yet not sure that she intended any occupant to suffer serious injury.
9. The written grounds of appeal argue that in those circumstances it can be inferred that the jury were overwhelmed by the complexity of the judge's directions and unable to follow them. It is suggested that the jury's verdicts could be explained by a finding that the applicant had assisted or encouraged her co-accused in an unlawful act other than the throwing of petrol bombs into the house, which carried an obvious risk of some injury but was not intended to cause death or serious injury. But, it is argued, such an explanation - though correct in law - could not be supported in view of the way the case was conducted and in view of the route to verdict provided by the judge.
10. The ground of appeal against sentence is closely linked. It is accepted that the sentence of 21 years' detention could not be regarded as manifestly excessive if the applicant had been party to a plan to petrol bomb an occupied house; but if that was not the basis of her conviction, then the sentence is said arguably to have been excessive in length.
11. We have considered those grounds of appeal. Given that a number of alternative verdicts were possible in law, depending on the jury's findings as to the acts and intentions of each individual accused, and given that the cases against and for each of the three accused differed in significant respects, it was inescapably necessary for the routes to verdict provided by the judge in each case to cover all the possible verdicts which were open to the jury. We reject the submission that they were over complicated or were so difficult to follow as to be likely to cause confusion. We note that at one stage of their deliberations the jury asked for a further direction in respect of the case against Worrall but they did not feel it necessary to seek any assistance in respect of this applicant.
12. We also reject the submission that the verdicts are irrational or are so inconsistent with other verdicts that the convictions are unsafe. The convictions of manslaughter can readily be explained on the basis identified by the judge when he came to pass sentence,

namely that the jury were sure that the applicant assisted or encouraged the others to attack the house with petrol bombs and knew that the house was occupied, but not sure that she intended anyone in the house to be killed or seriously injured. As the judge rightly noted, the same basis explains the acquittals on the counts charging attempted murder. It would, of course, have been open to the jury also to be sure of the intent necessary for convictions of murder, but they were not bound to find that intent proved. The suggested inconsistency between the verdicts, far from casting doubt on the safety of these convictions, is in our view an indication that the jury properly considered the cases of each accused separately and, as they were entitled to do, reached different conclusions about their respective intentions at the material time.

13. We are, therefore, satisfied that there is no arguable ground on which the safety of the convictions could be challenged. It follows that we are also satisfied that there is no arguable ground on which the sentence could be said to be manifestly excessive.
14. These renewed applications accordingly fail and are refused.

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