

No. 2006/01902/A5

Neutral Citation Number: [2006] EWCA Crim 2775
IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
The Strand
London
WC2A 2LL

Tuesday 24 October 2006

B e f o r e:

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES
(Lord Phillips of Worth Matravers)

MR JUSTICE PITCHFORD

and

MR JUSTICE CALVERT-SMITH

REGINA

- v -

JOHN SAMUEL HUMBLE

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MR D E TAYLOR appeared on behalf of **THE APPLICANT**

MR R WRIGHT appeared on behalf of **THE CROWN**

J U D G M E N T
(As Approved by the Court)

Tuesday 24 October 2006

THE LORD CHIEF JUSTICE: I will ask Mr Justice Calvert-Smith to give the judgment of the court.

MR JUSTICE CALVERT-SMITH:

1. On 20 March 2006, in the Crown Court at Leeds, this appellant pleaded guilty to four counts of doing acts tending and intended to pervert the course of justice. The following day he was sentenced to concurrent sentences on all four counts, six years' imprisonment on counts 1-3 and eight years' imprisonment on count 4. He applied for leave to appeal against his sentence. His application was referred to the full court by the Registrar of Criminal Appeals and at the beginning of today's hearing we granted him leave to appeal on the basis that this is, if not unique, a highly unusual case and one in which a very long sentence was in fact passed.
2. In 1975 Peter Sutcliffe attacked three women in Keighley, Halifax and Leeds. Two of the victims survived and one died. In 1976 he attacked two more, both in Leeds, one of whom died and one of whom survived. In 1977 he attacked six women in Leeds, Bradford and Manchester. Four of his victims died; only two survived. In 1978, in Bradford and Huddersfield, he carried out his twelfth and thirteenth attacks and his seventh and eighth murders, albeit that the body of the first of those victims was not found until some months later.
3. On 8 March 1978 the Chief Investigating Officer in the case received the first of three letters from this appellant in which he claimed responsibility for the murders. He signed himself "Jack the Ripper". The letter was carefully worded and, as it was later admitted, it drew extensively, as they all did, on letters written by a person claiming responsibility for the late nineteenth century murders of prostitutes in London who has become known as "Jack the Ripper".
4. On 13 March 1978 a second letter was sent, this time to the Daily Mirror in Manchester. This was couched in the same sort of terms, claiming credit for having committed the murders of prostitutes and (although this was an unfortunate coincidence) predicting that he might strike again next in the City of Manchester.
5. In fact, Peter Sutcliffe, who was, it is conceded, unknown to the appellant, committed another murder in Manchester two months later.
6. In August 1978 Peter Sutcliffe (together with a large number of other people) was interviewed as a possible suspect.
7. In February 1979 an article appeared in the Sunday Mirror which revealed to the public for the first time that letters had been written by somebody claiming to be the murderer and, importantly, that the police suspected that they had indeed been written by the murderer. Rather than put the record straight at that stage, or having put the record straight following the murder in Manchester in 1978, the appellant decided this time, instead of a letter, to send a tape-recording to the police. It was, as has been conceded on this appeal, carefully worded, scripted and delivered. It was delivered in a Sunderland accent.

8. The appellant happened to have blood of Group B, shared by 6 per cent of the population. In an earlier letter the appellant had claimed responsibility for the killing of a lady named Joan Harrison, which had not been conclusively linked to the series of Yorkshire Ripper killings, but upon whose body semen of Group B had been left by whoever had killed her. All the signs pointed towards the writer of these letters and the maker of the tape-recording being the murderer. That was the impression that the police had. In one of the 1978 letters the appellant had predicted that the next killing would be in Manchester and would be of an older woman, and that had turned out to be the case. One last factor which must have driven the police to consider that the writer of the letters and the maker of the tape-recording was indeed the murderer was the thought that it would be inconceivable that anyone but the killer himself would wish to throw the police off the scent of what were in the public eye then, and perhaps still are now, the worst series of murders ever committed in this country.

9. Two things happened at once. First, a major incident room was set up in the North East, in Sunderland, as a result of the attribution of the accent to someone from that area. Secondly, the police went public and appealed for assistance at a press conference. The appellant must have been aware of the massive publicity that greeted the publication of the tape-recording. Indeed, he was later to admit that a neighbour of his had been one of those interviewed as part of routine searches and questioning in Sunderland.

10. On 2 September 1979 Peter Sutcliffe committed another murder in Bradford. Twelve days after that the appellant undoubtedly telephoned the police to say that the letters and the tape-recording were hoaxes. He did not write, let alone send a tape-recording, or provide any information which could have allowed the police to check whether this latest telephone call was true or false.

11. In November 1979 the appellant attempted to commit suicide. The court was told today that, following that attempt and his rescue by the police, he was treated for a depressive illness. He continued, however, to keep secret that he was the author of the letters and the tape-recording.

12. In 1980 Peter Sutcliffe carried out four further attacks, two of them fatal, in Leeds, Huddersfield and Pudsey. By the time of his arrest in January 1981, he had committed thirteen murders and seven other violent attacks. When arrested, Sutcliffe immediately admitted who he was, even though the officer who spoke to him had no idea until Sutcliffe told him.

13. In sentencing Sutcliffe at his trial, Boreham J expressed the hope that "the cynical and almost inhuman" behaviour which had thrown the police off the scent would one day result in the conviction of the person responsible.

14. Twenty-four years went by until it was possible, using modern techniques, for the saliva which had originally been used to prove the blood group to be subjected to DNA analysis. By this time the appellant's DNA was in the police database as a result of his subsequent arrests and convictions for comparatively minor offences since 2000. He was identified and arrested.

15. At first he remained silent, but later he confessed. During the police interviews he was unclear or illogical about his motivation. To suggest, as he did, that writing three letters purporting to come from

the murderer and posting them in Sunderland, let alone predicting where he may be going to strike next, might have had any other effect than diverting resources away from the investigation and on to the investigation of an innocent person was quite extraordinary. Mr Taylor, who represents the appellant today, suggests that the motivation may have been clouded by drink. But the letters are clear and cleverly worded; they draw on words and phrases used by the person who claimed to be Jack the Ripper one hundred years before.

16. In one part of his interview the appellant admitted that the sending of the tape-recording had been a desire for notoriety. In another part he said that he simply did not know why he had sent it, that "it was daft".

17. On the first day of what was to have been a contested trial, the appellant pleaded guilty. In passing sentence the Recorder of Leeds said:

"Any offence of that nature is serious since it represents the intention of the offender to manipulate our justice system and to produce injustice. As such, the courts have traditionally treated such offences with condign punishment. However, in your case the manner of your offending is, if not unique, almost so, for you devised a plan which manipulated the process of the investigation of one of the most horrific series of murders ever seen in this country....

....

I am satisfied that one of the factors which may well have contributed to his [Sutcliffe's] remaining at large for so long was your behaviour."

That, indeed, was the case. A little later the Recorder said:

"What I find to be significant is that having apparently failed to get a reaction from the first two letters [in 1978] you did not send any more until after that report eleven months later in the Sunday Mirror, and of which I am satisfied that you either read or you were aware of within the month you wrote the third letter. I consider that was because you now realised that your earlier letters were not being entirely ignored and you were causing some police reaction and you wanted that reaction to continue.

It is to be noted that Vera Millward had been killed in Manchester following the first two letters and Josephine Whittaker was killed only days after the third letter was sent. It was clear to you that the Ripper was

still at work. The potential consequences of misdirecting the investigation were made more obvious with each killing. Yet, even following that killing, you went on to send the sinister tape.

....

It cannot be said that your actions caused or even directly led to the deaths of the women who were murdered after your communications or that the killer would have been caught earlier, but when Peter William Sutcliffe, the true killer, was arrested, he was to comment to the police that their misdirection towards a Geordie killer had given him confidence because he did not have a Geordie accent. The least that can be said is that those victims would have stood a better chance of not being attacked had the police resources been directed within West Yorkshire. Indeed, it is likely that Sutcliffe, who had come to the attention of the police and been interviewed, may have been placed much higher in the list of suspects had the police not been searching for a man with a Geordie accent....

This behaviour in my judgment places your actions at the very top of offences of perverting the course of justice. It is almost impossible to envisage more serious acts of this nature."

We entirely agree with all the remarks which we have just quoted. Indeed, before us today it has not seriously been suggested that these offences are not at the very top of such offences.

18. On the appellant's behalf it is said that more account should have been taken of the plea of guilty and the remorse that was expressed with it. In passing sentence the Recorder of Leeds indicated that he had reduced his sentence by two years as a result of the guilty plea, but by no longer because of the lateness of it. Second, it is said that the passage of time (well over twenty years) should have mitigated what would otherwise have been the right sentence.

19. In the grounds of appeal it is urged that the sentence should have been mitigated by the fact that the police investigation itself could have been better conducted. That submission did not find favour with this court. Mr Taylor has not pursued it. In argument the court made it clear that, even if Peter Sutcliffe had been targeted earlier than 1981 when he effectively gave himself up, the fact that in the background of any contested trial of Sutcliffe would have been the fact that there was an unknown person who had convincingly claimed responsibility for the murders and even accurately predicted where the Ripper would strike next would have made the prospects of successfully convicting Sutcliffe very doubtful.

20. Fourthly, it was submitted that the court should take considerable account of the fact that the passage of the last twenty years means that the appellant is a different person to the one he was in his early twenties. He is now aged 50 and, until he began to serve his sentence for these offences, was an

alcoholic.

21. This case was indeed, as the Recorder of Leeds said, if not unique, almost unique. It was uniquely serious and had possibly fatal consequences. The offences were carefully planned and had the effect intended for them. The investigation which they corrupted and diverted was into the most serious crimes committed on the streets of this country in many people's living memory. The offences called for a very severe sentence.

22. The authorities such as they are on sentence in this area are limited. There is no guideline case. Sentences range from a non-custodial disposal in an exceptional case to short prison sentences, up to sentences of this sort of length in the most serious cases.

23. In a case so serious as this, the issues of personal mitigation and the passage of time lose much of their importance. In our judgment, although this sentence was indeed severe, it cannot be said that it was wrong in principle or clearly excessive. This appeal must be dismissed.
