



**APPEAL COURT, HIGH COURT OF JUSTICIARY**

**[2025] HCJAC 36  
HCA/2025/000161/XC**

Lord Justice Clerk  
Lord Matthews  
Lord Armstrong

**OPINION OF THE COURT**

delivered by LORD BECKETT, THE LORD JUSTICE CLERK

in

**APPEAL AGAINST SENTENCE**

by

**JOHN FARQUHAR**

Appellant

against

**HIS MAJESTY'S ADVOCATE**

Respondent

**Appellant: Ogg (sol adv); Paterson Bell Solicitors  
Respondent: Macintosh (sol adv) AD; the Crown Agent**

1 August 2025

**Introduction**

[1] In this appeal against sentence, the appellant challenged the length of the punishment part of 22 years imposed when he was sentenced to imprisonment for life on 4 April 2025 for murder and attempting to defeat the ends of justice. He contended that on account of its spontaneity, this crime of murder did not merit such a long period even when

considered along with the other charge on the indictment and his serious criminal record.

We refused the appeal and now give our reasons.

## Procedure

[2] The appellant first appeared on petition on 23 October 2023 and was remanded in custody. He offered to plead guilty to culpable homicide at a preliminary hearing on 1 October 2024. The Crown rejected his pleas and trial was fixed for 14 July 2025. He gave notice on 12 March 2025 that he would plead guilty. The charges to which he pled guilty stated:

“(003) on 17 October 2023 at 6 Gairbrig Crescent, Guardbridge, near St Andrews you JOHN FARQUHAR did assault Garry Thomson, residing there, and did repeatedly strike and stab him on the neck and body with a knife and you did murder him; you JOHN FARQUHAR did commit this offence while on bail, having been granted bail on 15 June 2022 at Edinburgh Sheriff Court;

(004) on 17 October 2023 and 18 October 2023 at 6 Gairbrig Crescent, Guardbridge, near St Andrews and elsewhere you JOHN FARQUHAR, being conscious of your guilt in respect of the crime libelled at charge (003) hereof, did:

- (a) lock the front door of said house;
- (b) remove the knife used by you in the commission of said offence from said address and hide or otherwise dispose of same;
- (c) flee the scene by travelling to St Andrews;
- (d) pretend to Yazzmine Florence, c/o Police Service of Scotland, Detroit Road, Glenrothes that you had not seen Garry Thomson, her father, and were unaware of his whereabouts, the truth being as you well knew that he was at that time lying deceased within said house; and
- (e) incite John Robert Copeland, c/o Police Service of Scotland, Detroit Road, Glenrothes to delete text messages you sent to his mobile telephone;

and all this you did with intent to conceal said crime and to conceal evidence connecting you thereto and to avoid detection, arrest and prosecution in respect thereof and with intent to defeat the ends of justice and you did thus attempt to defeat the ends of justice;

you JOHN FARQUHAR did commit this offence while on bail, having been granted bail on 15 June 2022 at Edinburgh Sheriff Court.”

### **Circumstances of the appellant and previous convictions**

[3] The appellant is 59 and lived alone in Fife, working as a kitchen porter. He has a record of previous and other convictions extending from 1986. Some are serious and relevant:

- on 17 December 1990, the High Court imposed imprisonment for 5 years for assault to severe injury and danger to life;
- on 7 January 2002 the High Court imposed imprisonment for 4 years for assault and robbery with a bail aggravation;
- on 24 March 2006 he was convicted of having a knife in a public place;
- on 12 September 2006 the High Court imposed imprisonment for 4 years and 8 months, *in cumulo*, for a charge of assault and attempted robbery and a charge of assault and robbery;
- on 22 August 2014 he was admonished for a domestic assault;
- on 3 April 2024, he was sentenced to imprisonment for being concerned in supplying cocaine for 30 months on Sheriff Court indictment.

### **Victim information**

[4] Mr Garry Thomson was 60 when he died. He was much loved by his four adult daughters and his grandchildren. His daughters wrote eloquently in a combined victim statement about the profound effects on each of them and on Mr Thomson's grandchildren from the sudden loss of their father in such traumatic circumstances. There has been a serious psychological impact on each of his daughters and, in some cases serious physical illness and disruption to their ability to function as they normally would with emotional, practical and financial implications. As reflected in charge 4, the appellant lied to

Ms Florence as she sought to find her father having become increasingly concerned by her inability to make contact with him and she instigated the involvement of the police leading to the discovery of Mr Thomson's body almost two days after he was murdered.

### **The circumstances of the crimes**

[5] The appellant lived at 5 Gairbrig Court, Guardbridge and the deceased lived in the flat above him. The appellant was a suspect in a drugs supply case in Edinburgh, ultimately culminating in his conviction of 3 April 2024. His status, as a potential victim of human trafficking, was being investigated meant he was assigned a police liaison officer and provided with accommodation. It was later determined that he was not a victim of human trafficking.

[6] Mr Thomson was known to be alive when his daughter spoke to him by telephone between 7.12am and 7.18am on 17 October 2023. It is apparent that at some time within the next half hour, the appellant entered Mr Thomson's flat. It appears that Mr Thomson revealed in conversation that he knew something of the appellant's criminal past, that he was involved in drugs and had a pending court case. Apparently concerned that sensitive information about his circumstances may become more widely known locally, the appellant struck Mr Thomson with a knife, inflicting at least seven blows with it, four of them on the neck and others to both hands suggesting that Mr Thomson had sought to shield himself from the knife. The worst of the wounds to the neck was found to transect the middle third of the common carotid artery and left jugular vein, extending for 5.2cm and causing a notch in the cervical spine, a finding suggesting the use of significant force. Mr Thomson fell to the ground where his body was later found.

[7] The appellant departed, removing the knife which was never recovered. He initially returned to his own flat before returning to the scene of his crime to find pain killers. This time he left with Mr Thomson's flat keys and bank cards. He took the bus to St Andrews arriving shortly after 9.00am. He bought numerous items in various shops and spent the day drinking, with two associates, paying for all of this with Mr Thomson's bank cards before returning to his flat in the evening.

[8] Ms Florence continued to try to contact her father the following day and, increasingly worried, went to his home but could get no answer, prompting her to contact the police in the early evening. As she waited for the police to arrive she saw the appellant. When she asked if he had seen her father he said he had not. Together they tried calling Mr Thomson's mobile phone but heard no ringing from his flat. The appellant pretended to be looking around for signs of activity. After a while he left, saying he was going to a nearby village and would tell her father to phone her if he saw him. Eventually police officers broke in and found Mr Thomson's dead body on the floor, visibly wounded, and showing signs of rigor mortis. In due course, text messages between the appellant and an associate suggested he was planning to flee the area and make for Edinburgh. He instructed his friend to delete their exchange of messages.

[9] DC Archer made routine attempts to contact the appellant on 19 October, the appellant finally answering at 1.20pm. He said he was not good and had murdered his neighbour referring to putting a knife to his neck. The appellant said he had cut his own wrists and considered killing himself. He would not say where he was but a police search located him walking south on the Fife Coastal path. He later admitted what he had done, confirming that he had panicked, fled the scene taking the knife, keys and bank cards. He threw the knife away. The keys and cards were recovered in his flat.

### **The judge's reasons**

[10] The only points made in mitigation were that the appellant had earlier offered to plead guilty to culpable homicide and out of conscience determined to plead guilty to murder once the Crown rejected his plea and a trial was fixed. The appellant expressed remorse and explained his actions were triggered by the deceased's words making him fearful of people who may locate him. He was seen to have some injuries consistent with his having attempted some measure of self-harm.

[11] The judge explained his reasoning in his detailed sentencing remarks, summarising the impact of the crime on Mr Thomson's family and noting the nature and extent of the wounds the appellant inflicted. He noted the appellant's deception to Ms Florence and his callous conduct following the murder. He noted his most serious previous convictions for crimes of violence, recognising their nature and specifying their dates. He considered the circumstances of charge 4 to be materially aggravating as was the appellant's status on bail for offending that later resulted in a prison sentence for drug trafficking. Taking account of the bail aggravation and given the effect of the concurrent sentence of 3 years he imposed on charge 4, he identified as a starting point a punishment part of 23 years, before reducing it to 22 years on account of the plea of guilty to murder after trial was fixed but some months before the trial.

### **Submissions**

[12] Ms Ogg, Solicitor-advocate for the appellant, adopted written submissions and addressed us further. Albeit this was a terrible crime with a significant impact on the deceased's family, the crime was not premeditated. It was a gross overreaction to what the

deceased had said. Given the relatively early acceptance of responsibility for causing death reflected in the appellant's rejected plea of guilty to culpable homicide, his remorse and the passage of time since his serious convictions for crimes of violence, the sentence imposed was excessive.

### **Decision**

[13] This was a particularly serious example of murder. Even if there was no premeditation it was an intentional killing, aggravated by the appellant's departure without making any attempt to seek assistance for Mr Thomson. His deception and attempts to conceal what he had done are also materially aggravating of this particularly violent attack involving the infliction of four serious knife wounds to the neck, and efforts to inflict more thwarted only by Mr Thomson's defensive actions. The appellant attacked Mr Thomson in his own home in circumstances where he had offered no physical threat to the appellant. The appellant was on bail and has three sets of High Court convictions for aggravated forms of assault, all attracting substantial prison sentences. He has continued to offend in other ways more recently.

[14] There is nothing in the grounds of appeal directed to the level of reduction made for the appellant pleading guilty to murder when he did and we are not persuaded that there is any material mitigation in his earlier plea of guilty to culpable homicide for actions that plainly constituted murder. The appellant may be remorseful, but remorse seems only to have developed after his deplorable actions following the murder. The judge took account of all relevant considerations and carefully evaluated them before imposing a sentence appropriate to the particular circumstances of the case. We were unable to conclude that the

punishment part was excessive. There has been no miscarriage of justice. Accordingly, we refused the appeal.