

# Appeals Court Quashes Mother/Daughter Convictions For Murder Of “Victim” Who May Be Alive

The convictions of Shirley Banfield and her daughter Lynette Banfield for the murder of Shirley’s husband and Lynette’s father Donald Banfield [were quashed](#) by England’s Court of Appeals, which recognized there is no direct evidence he is even dead.

Shirley Banfield had a tumultuous relationship with her husband Donald who was a womanizer and heavy gambler. Their daughter Lynette was born in 1971. Donald was 63 when on short notice he retired as a bookmaker in January 2001. Unbeknownst to his family, in February and March 2001 Donald withdrew a total of \$43,500<sup>1</sup> from his private pension fund, and in the spring of 2001 Donald and Shirley sold their home for \$260,000 (£179,000) with the intention of moving to northeast England where housing was less expensive. Donald left the family home sometime after May 10, 2001. Donald was from Trinidad and he had previously disappeared without notice, so it was almost two weeks before his disappearance was reported.

A police investigation didn’t uncover any evidence of foul play in Donald’s disappearance. He could have simply left to start a new life free of the problems with his old life.

Within six months of Donald’s “disappearance” Shirley and her daughter Lynette moved to northeast England. Shirley had proceeded with the sale of the house. She also collected Donald’s state pension after his 65th birthday in 2003. For the seven years 2003 to 2009 she was paid about \$61,000<sup>2</sup> for his state pension.

In July 2009 the police reopened Donald’s case to determine whether Donald’s disappearance may have been the result of foul play.

Shirley and Lynette were eventually charged with a number of offenses, mostly related to dishonestly obtaining financial benefits from his state pension. However, they were also charged with jointly murdering Donald. On December 22, 2011 Shirley and Lynette pled guilty to all the financially related charges, but pled not guilty to murdering Donald.

During their trial at the Old Bailey in Lon-



Lynette Banfield during her trial in 2012 (Central News)

don the prosecution’s case was that sometime during the period May 11-16 Shirley and Lynette jointly murdered Donald. Their case was largely based on the guilty pleas of the mother and daughter to the financially related charges, which the prosecution argued gave them a motive to kill Donald.

Shirley and Lynette’s defense was that Donald had a history of disappearing, that he had gambling debts of almost \$75,000 and other tangled financial affairs unknown to Shirley, that he had recently drawn more than \$43,000 from his pension, that a police officer had seen him driving a car in August 2001, he had been seen in betting shops around London after May 2001, and his cell phone was charged and able to receive calls for months after the prosecution alleged he was murdered.



Shirley Banfield during her trial in 2012 (Central News)

Shirley and Lynette’s lawyers submitted to the judge at the close of evidence there was no case to answer and the charges should be dismissed because the prosecution’s evidence was insufficient to prove Donald was murdered, which woman may have been responsible, or whether both were responsible. The judge denied the request.

The women’s lawyer argued to the jury there was no evidence Donald was dead and their admitted financial crimes wasn’t evidence he was dead, much less than that they killed him. Their barrister also argued the prosecution did not present evidence of when, where or how he was killed, who was present, or what happened to his body. Based on the joint statement of Shirley and Lynette he could be in Trinidad, or he could have died from ill health sometime after Christmas 2008 which was the last time they said they saw him and he was not well.

On April 3, 2012 the jury convicted both woman of murdering Donald. Shirley was sentenced to 18 years to life in prison, and Lynette was sentenced to 16 years to life in prison. They were sentenced to serve those sentences concurrently with their financial crimes sentences.

The woman appealed, and England’s Court of Appeal unanimously quashed their murder convictions in [R. v. Shirley Banfield & Lynette Banfield](#), [2013] EWCA Crim

1394 (7-31-13). The court ruled:

13. The Crown’s case was that between 11-16 May 2001 the Appellants both murdered DB. The defence was that absent a body and any evidence DB had in fact been killed, the Crown could not prove a death let alone a murder, nor that either or both appellant/s had committed it or was present at the time of it. The case was speculative and circumstantial.

51. This was an alleged joint enterprise murder with no body, no suggested mechanism of death, no identified day when the murder was said to have occurred, no time and no place and no suggestion of what happened to the body.

63. The submission of no case to answer should have been allowed. These appeals will be allowed and both convictions will when we complete this judgment be quashed.



Donald Banfield before his disappearance in 2001 (Mirror UK)

Lady Justice Rafferty added, “For the most evident of reasons there could be no question of a retrial.”

In England 200,000 people [voluntarily disappear](#) each year, of which 2,000 are not heard from again, and the court of appeals ruling was consistent with the fact Donald may have been one of those 2,000 in 2001.

The appeals courts ruling did not affect Shirley and Lynette Banfield’s convictions based on their guilty pleas to illegally benefiting from Donald’s state pension. Shirley, 65, remained imprisoned serving her sentence of 4-1/2 years, and Lynette, 42, continued serving her 3-1/2 year sentence.

[Click here to read R. v. Shirley Banfield & Lynette Banfield](#), [2013] EWCA Crim 1394.

### Endnotes:

1 Donald withdrew £30,000 and the exchange rate in February and March 2001 was about \$US1.45 to the £.

2 Shirley was paid £34,382 and the average exchange rate from 2003 to 2009 was about \$US1.8 to the £.

### Sources:

[R. v. Shirley Banfield & Lynette Banfield](#), [2013] EWCA Crim 1394

[Shirley and Lynette Banfield’s murder convictions quashed](#), *BBC News*, July 31, 2013

[Wife and daughter accused of killing Wealdstone man Don Banfield have murder convictions quashed](#), *Harrow Times*, August 1, 2013

