

10 years to serve before parole

"The truth will come out," one of three men who had just been sentenced to life imprisonment told his Supreme Court judge on Wednesday.

Carlos Pereiras (26) was found guilty by a jury in May of the murder of Phillip Walsham by throwing him off a footbridge at Stirling station eight years ago.

Justice Eric Heenan ordered Pereiras, Sam Fazzari (27) and Jose Martinez (28) to serve 10 years before being eligible for parole.

Justice Heenan said the death of Phillip Walsham was a great tragedy.

His family had been inconsolable in their grief and their lives turned upside down.

"Nothing will return their son to them," he said.

His murder had been a vicious, unprovoked and cowardly attack.

Mr Walsham had done nothing to provoke it and nothing to attract attention to himself.

Fazzari, in particular, was guilty of "unprovoked, gratuitous violence".

The jury's decision meant jurors had rejected defence contentions on a number of key factors.

These were that the accused men did not have time to return to the scene of the crime and that they had visited McDonald's restaurant in Tuart Hill, instead of returning to Stirling station as was the prosecution case.

Justice Heenan said that despite evidence about the damage to the exterior of Mr Walsham's T-shirt, the jury must have concluded that Mr Walsham had been hit on the back by a tyre lever in the final altercation with the three men.

"Of all the evidence, perhaps this is the most direct link between the death and the defendants," he said, "although that may be a debatable proposition."

At the trial, two expert witnesses called by the prosecution cast doubt on whether Mr Walsham received a wound to his shoulder while wearing a Nine Inch Nails T-shirt, as alleged by the prosecution (POST, 20/5).

Pre-sentence reports showed that all three men came from close and loving families.

They were hard-working and none had any offences against them before the attacks on Mr Walsham.

They were aged 18 and 19 at the time.

Justice Heenan said the most significant factor to take into account in setting a minimum term was the youth of the three men.

When two of the men vehemently protested their innocence, Justice Heenan told them they had the legal right to appeal.