



JUDICIARY OF
ENGLAND AND WALES

In the Crown Court at Nottingham

The Queen

- v -

DYLAN JACKSON

Sentencing Remarks of the Hon. Mr. Justice Picken

10 December 2015

1. After a trial lasting some eleven days or so including jury deliberations, you were convicted by the jury of murdering Louis Simpson.
2. On 13 April 2015, you attended at Mr Simpson's flat in Compton Road, Wolverhampton. You did so with the intention of cheating Mr Simpson. Your plan was to supply him with a package which you made look like heroin but which actually you had made out of ash from incense sticks which you had purchased. There was a dispute on the evidence as to whether, as you maintained, the deal involved Mr Simpson paying you £500 for the fake drugs or, as the prosecution alleged, something in the region of £2,500 or £3,000.
3. Whatever the amount involved, what is clear is that, as you frankly admitted to the police when you were first interviewed and as you maintained in evidence at trial, you set out to cheat Mr Simpson, a drug addict and somebody who appears also to have had some involvement in drug dealing. You did so, you

explained, having committed similar scams on multiple previous occasions. Those previous scams, however, involved smaller amounts of fake drugs and so smaller amounts of money. They also involved street users, not dealers. The scam involving Mr Simpson, which led to his death, involved a larger quantity of drugs and a larger amount of money. It also involved, as you recognised at the time, somebody who, as well as being an addict, was also involved in the supply of drugs.

4. Once inside Mr Simpson's flat, you asked him for the money. He handed it over to you, albeit, as I say, it is not entirely clear how much. He then asked you for the drugs. You handed the package containing the fake drugs over to him. It seems that he became immediately suspicious as to what you had given him. He started to get up from the settee on which he was sitting. He wanted to get his money back. Your response was to go towards him with a kitchen knife.
5. Your position throughout has been that you only did this because he pulled out a sawn-off rifle from somewhere on his right, probably down the side of the chair, and he pointed it at you. Your evidence was that you grabbed a knife from the coffee table next to where Mr Simpson was sitting and you acted in self-defence by trying to get the gun out of Mr Simpson's hand. Therefore, although you accepted that you stabbed Mr Simpson and caused him the various wounds which you did, including the fatal wound in the left side of his back which led to the knife entering his heart, you only did this, you insisted, because you were trying to prevent yourself from being shot.
6. For the offence of murder, the sentence I am required by law to pass is one of detention for life.
7. I have to determine the minimum term of detention which you must serve before being eligible to apply to the Parole Board to be considered for release. To do so, I have to consider the provisions of Schedule 21 to the Criminal Justice Act 2003 regarding the seriousness of the offence, to determine the minimum term of that life sentence that you must serve as the punishment and deterrent term of your sentence, before consideration can be given to your release.

8. A minimum term is not the same as an ordinary sentence of detention or imprisonment where a defendant will normally serve only half of that sentence before being released on licence. A minimum term is the term that must be served before the case may be referred to the Parole Board for a consideration of the prisoner's release upon licence. It means the actual length of time that the prisoner will spend in detention or prison before that process can take place. Whether or not you will be released after the minimum term has been served will be for the Parole Board to consider at the end of your minimum term. The Parole Board will not decide that you can be released at that stage, unless it is satisfied that you are not a risk to the public and that you are ready for release into society. If you are released at that time, or any later time, you will be released on licence with specific conditions attached, and you may be recalled to continue serving your life sentence if you breach any licence conditions that are imposed in your case.
9. In considering the matter of minimum term, I proceed, obviously, on the basis that, as demonstrated by the jury's verdict of guilty to murder, they did not accept that you acted in reasonable self-defence. However, it is less clear precisely on what basis the jury arrived at that conclusion, in particular whether, although they convicted you of murder, they were sure that you took to Mr Simpson's flat the knife which, in the event, you used to kill Mr Simpson.
10. Whether you brought the knife used to kill Mr Simpson to Mr Simpson's flat or not, either scenario would be consistent with the jury's verdict. It seems to me that there are four possibilities. One possibility is that the jury were satisfied, so that they were sure, that you brought the knife to Mr Simpson's flat intending to rob Mr Simpson, that the gun was never produced by Mr Simpson, and that your claim that you acted in self-defence was, in the circumstances, not sustainable. Another possibility is that the jury concluded, again so that they were sure, that you brought the knife to Mr Simpson's flat and the gun was produced by Mr Simpson but that your actions after Mr Simpson produced the gun were unreasonable. A third possibility is that the jury were satisfied that Mr Simpson produced the gun and that this provoked you to pick up the knife from the coffee table but that what you did thereafter was unreasonable. A last possibility is that the jury were satisfied that Mr

Simpson did not produce the gun and that you did not bring the knife to Mr Simpson's flat, and that what you did in the struggle with Mr Simpson which followed his realisation that the drugs you had thereafter was unreasonable in relation to your use of the knife.

11. These are all possibilities and it cannot be known which was the conclusion reached by the jury. In these circumstances, it is for me to form a view in the light of the evidence and sentence on that basis. Only if I am sure that you brought the knife to Mr Simpson's flat should I sentence you on the basis that this is what you did.
12. I am not sure that the knife which you used to stab Mr Simpson was a knife which you brought to Mr Simpson's flat as opposed to a knife which you picked up from the coffee table. I take into account in this regard the fact that there was positive evidence heard at trial from Miss Adcock, somebody who spent 8 hours or so a day at Mr Simpson's flat and who cleaned for him, that she had never before seen the knife which she saw in your hand as you left the flat. I bear in mind also that Mr Wynter, who was in the flat when Mr Simpson was stabbed, stated that he had not previously seen the knife which you used and, further, that it was not a knife which was on the coffee table as you claimed. However, I am not satisfied that I can have complete confidence in either of these witnesses' evidence on the question of whether you brought the knife to the scene. Mr Wynter, in particular, seems to have paid only limited attention to what was happening before his eyes, and he may have been under the influence of drugs at the time. He did not actually see where the knife came from, specifically whether you had it with you when you came in or whether you picked it up from the coffee table. As for Miss Adcock, she had been taking drugs and she was not in the room when the struggle was taking place but only came in after it had come to an end. More generally, it is clear that there were a number of different knives in the flat and I cannot be sure that the knife you used was not a knife which you picked up when inside the flat.
13. It follows that it is not appropriate that I treat this as a case in which paragraph 5A(2) of Schedule 21 applies, namely as a case in which a knife was taken to the scene with the intention of committing an offence or with the intention of having the knife available to use as a weapon. As such, I do not

take as the starting point a minimum term of 25 years but instead proceed on the basis that the appropriate starting point is 15 years in line with paragraph 6 of Schedule 21.

14. There are the following aggravating features, statutory or otherwise, in your case:

(i) This was a brutal knife attack in which Mr Simpson was stabbed at least four times – and this happened in his own home.

(ii) Mr Simpson was not in good health owing to his serious drug addiction. You may not have known about his various illnesses, but you did know that he was a drug addict and you would have understood from his physical appearance that he had all the usual attributes of a drug addict. Whether or not this is a matter which comes within paragraph 10(b) of Schedule 21 which deals with victims who are vulnerable because of disability, I regard the fact that you would have known that Mr Simpson was a drug addict and to some extent vulnerable as a result as a feature which aggravates the offence to some, although only to a reasonably limited, degree. I bear in mind in this context that you yourself acknowledged in evidence that your practice of scamming drug addicts entailed your dealing with vulnerable people. Mr Simpson was a drug addict just like the others who you scammed on a lesser scale.

(iii) There was a significant degree of planning or premeditation. I accept that you did not go to Mr Simpson's flat on 13 April 2015 intending to kill him. The prosecution has not suggested that you did. However, you did go there intending to cheat Mr Simpson, and it is clear that there was an element of planning in and about what you did. It seems to me, therefore, that paragraph 10(a) applies and that, even if it does not strictly do so because you did not plan to murder Mr Simpson when you went to his flat, nevertheless the fact that you planned to go to his flat and cheat him and that this is what led to the murder is an aggravating feature of this case. The planning is demonstrated by the lengths to which you went to cover your tracks with the taxi firm which you used to travel to Mr Simpson's flat, as well as by the fact that you had given

Mr Simpson a false name when in contact with him concerning, and in the lead-up to, the deal.

- (iv) I bear in mind also that you have previous involvement with knives or knife-type weapons: first, as an 11 year old boy when you produced two metal bars with jagged edges and attacked somebody; and secondly, a conviction for possession of a bladed article in a public place on 5 June 2010 when you were stopped by police officers and found to have in your possession in a public place a kitchen knife with a 7½ inch blade which, as set out in the agreed facts at paragraph 16.3 in divider 2 of the Jury Bundle, you slid out of your pocket. Nevertheless I take account of the facts that these offences were committed when you were young and also that these are your only previous offences.

15. The mitigating factors, statutory or otherwise, in your case are these:

- (i) First, this is a case in which paragraph 11(a) of Schedule 21 applies. The prosecution concedes, as I have noted already, that you did not have a specific intent to kill Mr Simpson, albeit that you clearly were willing to use violence, if necessary, when seeking to cheat Mr Simpson since you told the Police that you would, if necessary, do this.
- (ii) It has been suggested on your behalf that this is also a case in which paragraph 11(e) of Schedule 21 applies, in that you acted in self-defence or fear of violence. This, in circumstances, however, where the jury have convicted you of murder and so have rejected the case that you acted in reasonable self-defence. It cannot be known, in the light of the jury's verdict, whether they considered that Mr Simpson produced the gun as you maintained he did. As I have explained, it is a possibility that the jury considered that Mr Simpson did so but that nevertheless you did not act in reasonable self-defence. In the circumstances, I bear in mind that you may have done what you did with Mr Simpson having produced a gun.
- (iii) There is then the point that you are a young man, aged 19 at the time of the murder and now only 20. This is a statutory mitigating factor under paragraph 11(g) of Schedule 21.

- (iv) I also take account of the difficult circumstances of your upbringing, including the fact that your father died when you were just 3 years old and the fact also that you have seen domestic violence when growing up. I have read in this respect a moving statement provided by your mother. She explains about these matters as well as the problems, health and drug-related, which she has encountered and which you, therefore, have had to witness from a young age.
16. Taking all those matters into account, weighing the mitigating factors against the aggravating features which I have identified, the sentence which I impose for the murder of Mr Simpson is detention for life, with a minimum term to be served of 16 years, less 223 days to reflect the period you have spent on remand awaiting trial.
17. I need also to sentence you in respect of certain other offences to which you have pleaded guilty. My sentences in respect of these other offences will be concurrent to the sentence of detention for life:
- (1) For the possession of the gun which you took from Mr Simpson's flat, I am required to impose a sentence of detention with a minimum term of 5 years by reason of section 51A of the Firearms Act 1968. I do not consider that this is a case in which there are exceptional circumstances which would warrant a lesser term. I take account of the submissions made on your behalf in relation to exceptional circumstances. However, the fact remains that you took the gun from Mr Simpson's flat and you had it in your possession for more than just moments. The fact that the gun was not unearthed until several weeks later and then only because you disclosed where it was is not something which puts your case into the exceptional circumstances bracket. The gun could have been found in the meantime. The fact that it was not, in fact, found is not the critical consideration. In any case, given the sentence which I have imposed in relation to the murder count, it is somewhat immaterial whether the 5 year minimum term is reduced or not. I am not permitted to reduce that length of sentence to reflect your guilty plea. In the circumstances, the sentence for this offence will be one of 5 years'

detention to run concurrently with the life sentence in respect of the murder count.

(2) As to the offence of offering to supply a controlled Class A drug to Mr Simpson, the Drug Offences Definitive Guidance indicates that for a case such as yours, Category 3 (street dealing and a significant role given that you were looking to make a financial gain) the range is 3.5 years to 7 years with a starting point of 4.5 years. The starting point is appropriate in your case. The appropriate sentence, taking account of your guilty plea and giving you one third credit for that, is therefore 3 years. This will also be concurrent to the life sentence in respect of the murder count.

(3) As to the possession count relating to the small quantity of cocaine (a Class A drug) found on you when you were arrested on 29 April 2015, the sentence is one month's detention. Again this will be concurrent to the life sentence in respect of the murder count.

18. The statutory charges apply. I also order confiscation and destruction of the gun, the fake heroin and the drugs found on your possession when you were arrested.
19. Lastly, I should record that throughout the trial Mr Simpson's family have attended. I commend them for the dignity which they have each shown in listening to evidence which must have been distressing for them. I have read the moving tribute which has been paid to Mr Simpson's memory by his mother. Every day, Mr Simpson is missed by his family. His family now have to face empty days without him because of what you did.

-ENDS-