



JUDICIARY OF  
ENGLAND AND WALES

**Sentencing remarks of Mr Justice Kerr**

**The Queen**

**-v-**

**Edwin Pyott**

**Birmingham Crown Court**

**11 December 2015**

1. Mr Pyott, please remain seated for the moment. Last February, you attacked Danny McDermott with a knife and killed him, for no obvious reason. He thought you were his friend, yet you stabbed him to death in the neck.
2. You went up to Mr McDermott's flat to visit him. He had drunk a lot of alcohol and was probably intoxicated. While you were there, you took a knife and inflicted vicious stab wounds to his neck. He was unable to defend himself.
3. It was a brutal, senseless act of horrifying violence. You left his sister without her beloved brother and his young daughters forever deprived of their father. You took from his mother the son she misses so much. Their lives are blighted by your cruelty.
4. For this offence of murder, the sentence I am required by law to pass is one of life imprisonment.
5. I have to determine the minimum term of imprisonment which you must serve before being eligible to apply to the Parole Board to be considered for release.
6. 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 the sentence, before consideration can be given to your release.
7. A minimum term is not the same as an ordinary sentence of 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 your case may be referred to the Parole Board for consideration of your release upon licence. It means the actual length of time that you will spend in prison before that process can take place.

8. 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 the 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 are ready for release into society.
9. If you are released at that time, or any later time, you will be released on licence with specific conditions attached, and may be recalled to continue serving your life sentences if you breach any licence conditions that are imposed upon you.
10. The prosecution have accepted, and I accept, that you did not take the knife to the scene of the murder. I therefore take the statutory starting point for the minimum term as 15 years. I reach that starting point without taking account, at this stage, of aggravating and mitigating features in your case which I now consider.
11. The period I take as the starting point must be substantially increased because of the following aggravating features:
  - (1) This was a brutal and ferocious knife attack, involving several stab wounds to the neck. You deliberately took up that fearful weapon and used it to cut his neck.
  - (2) You are a strong and heavily built man. Mr McDermott was not. He could not match your strength. There were no defensive injuries. He was defenceless against you.
  - (3) You were on friendly terms with Mr McDermott. He invited you into his flat. You betrayed him and killed him in his own home.
  - (4) After stabbing him fatally, you rifled through his pockets to find his keys which you stole and used to let yourself out and lock the door of the flat from the outside.
  - (5) You then cleaned the knife and disposed of your bloodstained clothing, intending to avoid punishment by destroying forensic evidence against you.
  - (6) You lied afterwards, repeatedly denied the murder and said those to whom you had confessed were lying. This must, though, be balanced against your admissions and expressions of regret.
  - (7) I am sure, also, that you tried to hide your guilt by cutting

your arm to simulate the effect a struggle; and by suggesting officers check your flat for forensic evidence you knew was not there.

12. These aggravating factors make it necessary to adjust the 15 year starting point substantially upwards, to a minimum term that would be in the region of 23½ years before taking account of mitigating features.
13. Those mitigating factors are:
  - (1) You did not, as the Crown accepts and I accept, intend to kill Danny McDermott, although you set out to cause him really serious injury with the knife.
  - (2) The offence was not premeditated. You formed the intention to harm Mr McDermott very shortly before you stabbed him. You did not arm yourself with the knife beforehand.
  - (3) You confessed to several friends and to your mother that you had done the killing, and expressed regret and distress. That must be balanced against your lies and attempts to deceive.
  - (4) You suffer from a severe abnormality of mental functioning. I have taken careful note of the psychiatric evidence for the defence, including a recent addendum from Dr Collins. This reduces your culpability to a limited extent. I have taken account of what the Court of Appeal said in **McFly** [2013] EWCA Crim 729.
14. In my judgment the effect of those mitigating factors would be to reduce the appropriate minimum term to about 20½ years, before considering your criminal record and before giving you any credit for your guilty plea.
15. You have a long history of violent offending, including three robberies committed with the help of a knife used to threaten your victims and, in one case, to injure one of them.
16. Mr Atkins QC, who spoke eloquently on your behalf, reminded me that those offences were committed quite a long time ago, in late 2004. That is true. You were sentenced to 7½ years in February 2005.
17. You were then in prison or secure hospital until your release on licence in December 2009. You were recalled to prison after only four days because you had threatened a member of staff with violence at the hostel where you had been placed, and remained in prison until the end of April 2012 (pp.27-30 of Dr Collins' report).
18. You committed this offence just under three years later, on 10

February 2015. I do not accept that your previous convictions are irrelevant. You are a man with a long history of inflicting violence on innocent people, fuelled by abuse of Class A drugs and alcohol.

19. In view of your previous violent offending, I would increase the appropriate minimum term for this murder to one of 22 years. However, I must consider the amount by which that period should be reduced to give you appropriate credit for your plea of guilty.
20. I have taken account of the relevant sentencing guideline, and the remarks of the Court of Appeal in **Evans (John)** [2014] EWCA Crim 1916. You were entitled to explore with your legal and medical advisers the possibility of diminished responsibility.
21. I do not hold that against you. Yet, despite your mental disorder you showed a canny understanding of the legal process including tactical considerations, you mixed truth with lies in the aftermath of the killing and you disposed of evidence to escape punishment.
22. Moreover, after you were found fit to plead by Dr Collins in mid-September 2015, you continued to maintain your innocence and, in the defence statement signed on 9 October 2015, you ran defences of accident and self-defence.
23. Against that background, you pleaded guilty to murder last week, on the first day of your trial, after being examined by Dr Sanikop. Mr Atkins QC submits that you had admitted the killing straight away. But you admitted it only to some people.
24. Those admissions apart, you did all you could to avoid paying for your crime. In all the circumstances, I think 10 per cent credit for your guilty plea is slightly too generous a discount.
25. Stand up please, Mr Pyott. The sentence of the court for the murder of Danny McDermott is life imprisonment, with a minimum term to be served of 20 years, less 298 days spent on remand in custody awaiting trial.
26. The statutory charges apply.