



JUDICIARY OF
ENGLAND AND WALES

The Queen

-v-

Ben Bamford

Lewes Crown Court

23rd November 2016

Sentencing remarks of Mr Justice Spencer

1. Ben Bamford, I have to sentence you for the brutal murder of Paul Jefferies in his own home on the night of 23rd February 2016. For murder there is only one sentence prescribed by law: life imprisonment. Because you were under 18 years of age when you committed this murder your life sentence has to be expressed as detention at Her Majesty's Pleasure. That is the sentence I shall pass in due course, But I am also required first to determine the minimum period you must serve in custody before you are even eligible to be considered for release on parole.
2. You were convicted by the jury after a two week trial. Your defence was that the killing was the result of an excusable loss of control which should reduce murder to manslaughter. The jury rejected that defence on the clearest evidence.
3. The man you murdered, Paul Jefferies, was 52 years old. He held a responsible position as a senior civil servant working for HM Revenue and Customs as a policy advisor on taxation matters, writing submissions for Ministers. It is evident that he was good at his job and was well regarded. He was a shy man and a very private man. Sadly he had lost contact with his family many years ago. That rift seems to date back to his student days when they were unable to come to terms with his declared sexuality as a gay man. Following the breakdown of a long standing relationship he moved from London to Sussex, purchasing a cottage in the village of Mayfield. It is

clear that he had spent a great deal of time and effort making his home comfortable. He commuted to London, where he worked long hours.

4. You first met Paul Jefferies through a gay dating website when you were still only 15 years old. In order to access that website you had to declare that you were over 18, and you made that declaration falsely. Paul Jefferies must have known that you were under 18 because you were still at school when you met him, studying for examinations and living at home with your parents. However, you accepted in evidence that you had never told him your real age, and in particular that you were then still under 16.

5. It is apparent from the exchanges of text messages which the jury were shown that even at that early stage, aged 15, you saw your relationship with Paul Jefferies as an opportunity to obtain money from him. He was taken by surprise when you asked, in one message, if you could have a little money. You reassured him that you meant you simply wanted to borrow £10; you were not requesting that he pay you for anything which was going on between you. I accept, as I am sure the jury did, that there was a degree of sexual intimacy between you and Paul Jefferies in the summer of 2014 over a period of several weeks, but that came to an end a few days before your 16th birthday when you told Paul Jefferies in terms, in a text message, that although you thought he was really nice, you were just not gay. He assured you that it was absolutely fine; he had enjoyed meeting you, and if it helped clarify things for you, he was glad; you should feel free to contact him about anything at any time.

6. It was more than 17 months later that you made contact with him again, the day before Christmas Eve 2015. By then you were 17 years old. By arrangement you stayed the night at his home. The telephone evidence suggests that you were there for 12 hours or so. I cannot accept that you had forgotten when you gave evidence that you had spent the night at his cottage, whatever intimacy took place between you on that occasion.

7. By December 2015 you had become involved with drugs. You were not only using cannabis and diazepam yourself but also selling those drugs. Your parents were concerned that you might be doing so. They did their best to help you by urging you to get rid of the drugs and sort yourself out. Your mother told you that if you were in debt and needed money to get out of the problems you were in, she would provide it. You rejected that sensible advice and chose instead to carry on with your drug

dealing. It is quite apparent from the text messages the jury saw that in the days leading up to the killing you were under considerable pressure from your own supplier to pay what you owed. You were a small time dealer in cannabis and diazepam, but with some commercial motivation and not simply to finance your own habit.

8. By 5pm on Tuesday 23rd February you had committed yourself to paying your supplier £400 by Friday. You did not have £400, or any immediate prospect of raising it. Within the hour you were in contact with Paul Jefferies asking to meet up with him that night. It is quite clear that you were making the running. You saw it as an opportunity to persuade Paul Jefferies to provide you with the money you desperately needed. You fully expected when Paul Jefferies picked you up and took you back to his cottage that there would be consensual sex of some kind between the two of you that night. You were quite willing to go along with that. Before you met him that night you had taken drugs, diazepam and cannabis. You told the psychologist you had smoked more cannabis than usual. I have no doubt that this accounts in part at least for what followed.

9. Only you know precisely what happened in the cottage in the hour and a half or so you were there. You have never told the whole truth about what happened. You appeared to remember far more when you told your mother about it a few days afterwards than you claimed to be able to remember when you gave your evidence to the jury. I accept that there was some sexual activity between the two of you, probably over a period of an hour or more. You both ended up naked upstairs on the bed. As you admitted in evidence, you did not tell Paul Jefferies that you did not want penetrative sex. There was no injury or reddening to his penis indicative of forceful sex, although that does not preclude it. I am sceptical whether he did penetrate you, not least because I find it difficult to believe that there would not have been at least some discussion beforehand about the use of condoms. You have mentioned no such conversation, nor is there any evidence that a condom was used. Your DNA was found on his penis, so there was clearly some sexual contact. If there was penetration, it was only after it began that you told him to stop, even on your own account. You were able to remove yourself physically from any threat or danger by making the excuse that you needed the toilet.

10. If you were intending immediately to leave the cottage, expecting to be able to let yourself out of the front door and thereby escape from a dangerous situation, it is

strange that you went downstairs only in your boxer shorts. You say that you panicked on discovering that the door was locked and you could not find the key. You say you picked up a small knife in the kitchen and took it upstairs with you in case you needed to ward off further unwanted sexual advances. You told the jury in evidence that when you got back upstairs Paul Jefferies was lying on the bed facing the other way. He turned towards you. You said nothing; he said nothing. You then stabbed him as he lay there, you thought only once. That account can only be a fraction of the truth. The reality is that you must have stabbed him many times in the bedroom, in an outburst of extreme violence, as the photographs clearly demonstrate. Precisely what triggered that outburst we shall never know unless and until you choose to disclose it. It may have been to do with sex. It may have been to do with money.

11. Paul Jefferies came downstairs naked and bleeding. There was further extreme violence in the corner of the sitting room. He must have picked up the telephone handset to call for help because it was found, stained with his blood, on the floor in the opposite corner of the room. Close by there were two bloodstains on the wall consistent with his bloodied head being struck against the wall. You accept that you struck him over the head with an object. In all likelihood that was the candlestick which was found broken into three pieces, bearing traces of his skin and blood.

12. But it was in the kitchen that the final merciless carnage took place. You slashed his throat at least twice with a bread knife, leaving the marks of the serrations visible on the skin. He must have been quite helpless and defenceless by then, and in all likelihood you inflicted those injuries from behind, drawing the knife across his throat so that his windpipe and jugular vein were completely severed. Quite separately you stabbed him at least five times in the neck, contributing to the gaping wound which caused his death. You must have used another sharper knife to inflict those stab wounds because the bread knife was blunt nosed and would have left a different pattern around the entry wounds. There were similar slash wounds to the back of his neck, but not so deep. Although the jury were spared them I have seen the photographs of the horrific fatal injuries.

13. The massive loss of blood from the wounds to his neck would immediately have reduced the blood pressure in his body. I accept the logic of the pathologist's opinion that the other two deep stab wounds to Paul Jefferies' body, to his left loin and to his right upper chest, must have been inflicted at a later stage, after that fall in blood

pressure. That is the only explanation for the comparative lack of bleeding from those very serious wounds, each of which could otherwise have been fatal in itself. One penetrated the spleen and the kidney. The other passed between the ribs and into the lung. The dimensions of those wounds mean that only the small knife found in the bedroom could have caused them. That drives me to the conclusion that you must have inflicted those wounds at the end, in the kitchen, and you must have discarded the small knife in the bedroom afterwards when you went upstairs to put on the rest of your clothes before leaving the house.

14. You had a deep wound at the base of your right thumb which severed the tendons. You have never suggested that Paul Jefferies had a knife in his hand at any stage, indeed he had several defensive injuries including a wound which completely penetrated his left arm. I therefore conclude that you got that injury to your own hand from the force of your use of the knife in stabbing him repeatedly. Given the ferocity of the attack, it is hardly surprising that when the knife struck bone or some other obstruction your hand would have slipped from the handle down onto the blade. You bled heavily from that injury to your hand, but it may well be that the drips of your blood on the bedding got there only when you went back upstairs and picked up your clothes from the floor nearby to get dressed.

15. In total you inflicted in excess of 40 knife wounds to the head and body of Paul Jefferies, with at least three knives. They included stab wounds to his face, close to the right eye, and to his forehead, where the knife scored the skull. In addition you inflicted many blunt force injuries to his skull with the candlestick and possibly the sharpening steel, which resulted in multiple lacerations. The overall attack must have lasted several minutes, during which time he was conscious and mobile. You must have realised by the end that he was fatally injured. You placed a tea towel over his head and shoulder as he lay dying on the floor, probably because you could not bear to look at what you had done.

16. Despite that, you were sufficiently composed to get dressed, find his house and car keys, unlock the front door and let yourself out. You locked the door behind you. You drove off in his Audi TT, an automatic, although you had never driven an automatic car before and were still only a learner driver. Within minutes of leaving the house you were on your mobile phone to friends. You drove several miles to Crowborough where you picked them up and they persuaded you to let them drive you to hospital in Eastbourne because you needed medical attention for your injuries.

At the hospital you had to come up with an explanation for your injuries and pretended that they were caused by self-harming. It was when you were in your hospital bed that your girlfriend took the “selfie” photograph in which you were making an obscene gesture, and this less than three hours after you had killed a man.

17. Within hours of being discharged from hospital two days later you had the effrontery to travel back to the vicinity of the murder in the dead man’s car with your friends, intending to retrieve the coat you had left behind. You left the scene hastily when you saw police activity at the cottage, the body having been discovered earlier that evening. Next day you told your father about your drug debt and the trouble you had got into, and your father provided the money to pay off the debt.

18. You had already disclosed to your mother some patchy details of what had occurred. She continued to press you next day for a proper account of how you had come by your injuries, and bit by bit part of the truth emerged, but only part. On discovering to their horror that what you were saying tied in with news reporting of a murder in Mayfield, your parents very properly insisted that you go to the police and hand yourself in. On the Saturday your mother took you to the police station. In your interviews you provided a prepared statement but gave no account of the extent of the injuries and how they were inflicted save for the bland admission that “in an attempt to obtain keys and escape I caused Paul injury”.

19. For the purposes of the trial there was a thorough investigation by psychiatrists and a psychologist of your mental state, to see whether any psychiatric defence might be available. There was none. I have considered the content of all three reports. They provide no explanation or excuse for your actions that night in murdering Paul Jefferies. I note with concern, however, that you told the psychologist you did not feel sorry for Paul Jefferies although you regretted what you had done. I have detected no real remorse in your demeanour during the trial, whether in the witness box or in the dock.

20. I turn to the provisions of schedule 21 to the Criminal Justice Act 2003 which sets out the approach I must follow in deciding what minimum term you must serve. Because you were under 18 years of age when you committed this murder the prescribed starting point is 12 years. That is the starting point for any murder committed by someone under 18, however serious. But although 12 years is the starting point, it is not necessarily the finishing point. I have to consider and balance

all the aggravating and mitigating factors, including those specifically set out in the schedule. I must also have regard to what the sentence might have been had you been over 18 at the time.

21. There is one statutory aggravating factor, by reference to paragraph 10 of the schedule, namely the mental or physical suffering inflicted on the victim before death. For the reasons I have already explained, I am quite satisfied that you subjected Paul Jefferies to a prolonged and sustained attack involving extreme violence, which took place in three separate rooms, upstairs and downstairs in the cottage. Even in the kitchen it is apparent that he had been moving around whilst bleeding. He must have endured unimaginable suffering, both physical and mental, during those tortured last few minutes of his life. I regard that as a gravely aggravating factor.

22. That goes hand in hand with the more general aggravating factor that this was an attack involving the use of at least three knives as well as another blunt object. You had not gone to the cottage armed with a knife. Had you done so, and had you killed him with that knife, the starting point for an adult would have been a minimum term of 25 years. However, you picked up a knife downstairs in the kitchen which you took upstairs and used in the bedroom at the start of the attack. On your own admission he said and did nothing immediately before you started to stab him which could even begin to excuse or explain that outburst of violence. If your grievance was the way in which he had treated you sexually a few minutes earlier, your actions in returning to the bedroom and beginning to stab him were far more in keeping with a considered desire for revenge. I have no doubt that your behaviour was fuelled by the drugs you had taken before you went to the cottage, cannabis and diazepam. Whilst there was not a significant degree of planning or premeditation, amounting to an aggravating factor under paragraph 10, this was not a spontaneous reaction to events which had upset you.

23. It is an aggravating factor that you left Paul Jefferies bleeding and dying on the floor of his own home and did nothing to summon help for him. Instead your thoughts were only for yourself. You took his car and you and your friends kept that car, so that two days later you returned to the scene in that car quite prepared to enter the house and retrieve the coat which you had left behind. No doubt you feared that it would lead the police to you if they found it first.

24. Had I been satisfied that you killed Paul Jefferies in the course of attempting to rob him, the starting point would be much higher, because it would have been a murder done for gain. However, there is simply no evidence that you stole or attempted to steal any money from him that night. Wallets, phones, i-pads and other valuable property were left untouched. You undoubtedly went to the house only in order to persuade him to give you money. It was not because you wanted to have sex with him, although you knew that was bound to happen. Whilst that financial motivation for visiting the house does not aggravate the killing itself, it is part of the circumstances which deprive you of mitigation which might otherwise have been available.

25. I turn to the mitigating factors. By reference to paragraph 11 of the schedule, I accept that there was no significant premeditation of the killing itself, but for the reasons I have already explained you made a considered decision to go back upstairs with the knife. That dilutes the force of any mitigation of lack of premeditation.

26. Under the schedule the fact that the offender was provoked in a way not amounting to a defence of provocation can be a mitigating factor. The reference to a defence of provocation must now, of course, be read as a reference to the defence of loss of control. For the reasons I have already explained, I accept that there was some sexual activity between you and Paul Jefferies on the bed which may have involved the early stages of penetrative anal sex. But even your own description of how that ended so easily and so quickly leads me to conclude that there is very little weight I can attach to this as a mitigating factor. You had initiated the meeting that evening knowing full well that sexual activity of that kind could be expected. You cannot have been surprised when it happened. The jury heard that in recent weeks you had frequently searched on the internet for gay and straight pornography, with a focus on anal sexual intercourse.

27. The only other mitigating factor under the schedule is your age. You were only 17½ at the time of the offence. That is already reflected, of course, in the starting point of 12 years not 15.

28. You have the general mitigation of previous good character in the sense of an absence of convictions. I ignore for present purposes your cautions for theft and assault. But the mitigation of your good character is offset by the criminality of your

drug dealing, which is what led directly to the fatal events. I accept that you were still coming to terms with your own sexuality, and sexual identity.

29. It is to your credit that you handed yourself in to the police, at your mother's prompting. That simplified the police investigation. You have never denied the killing itself, nor could you have denied it.

30. I am all too conscious that your parents are also victims of your offending. You have had the advantage of being brought up in a loving and supportive family. Your parents have conducted themselves with great dignity throughout the trial. Your mother gave evidence for the prosecution of the conversations which she had with you in the aftermath of the killing. That must have been a dreadful ordeal. You have to live with the consequences that your actions have had and will continue to have for your parents, as well as for yourself.

31. Because of your age, I am required by the decided cases, and as a matter of principle, to have regard to the level of your maturity or otherwise, as well as your chronological age. There are indications in the psychiatric and psychological reports of some immaturity. But that has to be balanced against the sophistication of the way in which you were running your own small business as a drug supplier, and the calculated way in which you conducted yourself after you left the house on the night of the killing and in the days which followed.

32. Had you been five months older at the time of the offence, and aged 18, the starting point would have been 15 years not 12 years. There has to be a significant increase from the starting point of 12 years to reflect the aggravating factors I have mentioned. In my judgment the aggravating factors in your case outweigh considerably the mitigating factors. Balancing all those factors, my conclusion is that the minimum period you must serve in custody, including the time already served on remand, is 16 years. That is equivalent to a determinate sentence of 32 years.

33. Stand up please. Ben Bamford, for this offence of murder you will be detained at Her Majesty's Pleasure. That is the same as a sentence of life imprisonment. You will serve a minimum of 16 years, less the 268 days you have spent on remand. Thereafter it will be for the Parole Board to decide whether and if so when you should be released. If and when you are released you will remain on licence for the rest of your life.

