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**-v-**

**JASON COOPER**

**Mold Crown Court**

**Sentencing Remarks of Mr Justice Picken - 27 March 2018**

1. Jason Cooper, you have been found guilty of murdering Laura Stuart and of wounding David Roberts with intent to cause him grievous bodily harm.
2. Laura Stuart was your former partner, the two of you having split up some six weeks before you set upon her in the early hours of Saturday 12 August 2017. David Roberts was a friend both of yours and of Laura Stuart who stepped in to try to protect Laura Stuart after you had stabbed her. You stabbed him, too: in the shoulder, elbow and ear.
3. Whereas David Roberts survived the attack, Laura Stuart did not. She sadly died the next day, the fatal wound being a wound to the chest which penetrated 12 cm and struck the superior vena cava, causing catastrophic internal bleeding, leading to cardiac arrests and hypoxic brain injury. You also stabbed Laura Stuart twice in the back, penetrating tissue and muscles to a depth of 9 cm and 7 cm, and in the head, damaging the skull bone with the blade penetrating the scalp and, on exit, penetrating the ear, at a minimum depth of 11.5 cm.
4. Not content with stabbing Laura Stuart, however, as Laura Stuart lay on the floor having been stabbed, you returned to kick her in the face with such force that it was described by Gareth Roberts, David Roberts' father, who witnessed the attack, as being akin to a Premiership footballer taking a penalty kick. So much force was used, indeed, that Laura Stuart's nasal bones and cheek bones became detached.
5. Although at trial you did not dispute doing these things, you denied having any intention to kill or cause Laura Stuart serious harm, and put forward a diminished responsibility case which saw you attribute what you did to alcohol dependence syndrome. You denied also intending to cause David Roberts grievous bodily harm.
6. The jury took less than an hour to reject what you had to say. They saw through your lies and accepted the prosecution case that you knew exactly what you were doing that night.

This was to do what you had previously threatened you would do. You had made it clear in the days leading up to the attack that you were going to kill or, as you put it, “erase” Laura Stuart and you made it clear immediately after the attack, both when speaking to Gareth Roberts and to the police after they had arrived on the scene, that you had done precisely what you had wanted to do.

7. It is clear from the evidence that you were extremely possessive and controlling of Laura Stuart. The evidence was consistent on this. Three examples will suffice, the first two given by Laura Stuart’s mother, Mrs Elizabeth Griffiths. First, she described her daughter phoning her when the two of you had arguments and how Laura Stuart would leave the phone on so that she could hear things. On one occasion it was so aggressive that Mrs Griffiths went to the house and banged on the door. Laura Stuart opened the window a fraction but you were right behind her and she could not open it more. This was in the Spring of 2017. Secondly, Mrs Griffiths explained that you did not like Laura Stuart having any relationship with friends at all, let alone any men. She added that she changed her phone to a retina-recognition handset because you would use her thumb when she was asleep to read her messages. Thirdly, Angharad Carter (the daughter of the licensee of the Golden Lion, Paul Carter) referred to Laura Stuart being in the pub and telling her that she kept receipts to show you where she had been.
8. It is clear that you were not willing to let Laura Stuart live her own life after the two of you broke up at the end of June last year. The evidence relating to the days leading up to that night when you killed Laura Stuart demonstrate this very clearly. An example concerns a message which you sent Jamie Dowell the previous Sunday, 6 August 2017, after you had received a text message from Emyr Jones saying that he had spent the night with Laura Stuart. At just before 3 pm that day, you texted Jamie Dowell saying “*I’m ready to kill mate that’s how I feel*”. Later that day, you met up with Jamie Dowell in the Golden Lion in the evening in order, Jamie Dowell explained, to clear the air since it seems that you thought that Jamie Dowell was seeing Laura Stuart. You had had a few drinks. Jamie Dowell thought that you wanted to hit him. Laura Stuart was there that night playing pool with Angharad Carter. There was no talking between Laura Stuart and you, but you were talking in such a way as she could hear you calling her names. Paul Carter, the landlord, asked you to leave. You agreed but, as you did so, you threw some change at Laura Stuart’s feet, saying something like “*that is all you are worth, you whore*” before leaving.

9. This is just an example, however, since on the night that you killed Laura Stuart you left the RAF Club where you otherwise spent the whole evening to go to the Golden Lion where, according to Angharad Carter, you stood close to Laura Stuart and stared at her for several minutes before getting into an altercation with James Brown and being asked to leave by Paul Carter. This led you to send a series of messages in which there is reference to James Brown (*"the coke head is dead"*) and to Emyr Jones (*"being dealt with"*). You also said *"I'm not fighting I'm going down for murder"* and that Laura Stuart should *"run"* as you were going to kill her. The messages continued late into the night, indeed right up to the time came when you set upon Laura Stuart just before 4 am the next morning. In the meantime, you had gone home and had a normal conversation with your lodger, Ian Jones, about his ability to pay the rent. You then picked up a kitchen knife and headed back to the centre of Denbigh where you knew that Laura Stuart was out drinking.
10. Turning to the circumstances of the murder itself, as Laura Stuart crossed the High Street in Denbigh with David and Gareth Roberts, so that they could head down Love Lane, you came running towards the three of them from the High Street with a knife in your hand and screaming or shouting something. The knife was up by your right shoulder. Laura Stuart turned round and then started to run away. You got to her and struck her with the knife at least three times. David Roberts tried to pull you away but you stabbed him as well. You then walked away from David Roberts back towards Laura Stuart and, whilst she was on the floor slightly lying on her side, you kicked her. Gareth Roberts explained that, when you had stopped kicking Laura Stuart, you stood there laughing and said *"I said I was going to do it and I have"*. He thought that you were quite proud of yourself. There was no remorse, he explained, in your eyes. You subsequently, having stayed at the scene for some minutes, walked off and discarded both the knife and your mobile phone, although in the case of the latter only after you had sent two of your friends text messages saying that you had murdered Laura Stuart. You then headed back up Love Lane to give yourself up to the police.
11. Laura Stuart was 33 at the date of her death and a mother to two children who must now come to terms with having to live without their mother and in the knowledge that the reason why that is so is that she was murdered. You, and you alone, are to blame for her death. Two victim impact statements have been read out in Court today. One is from David Roberts. The other is from Mrs Griffiths and it makes sad reading. It is clear that the family members' lives have changed forever. I should record that throughout the trial

Laura Stuart'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.

12. There is only one sentence that the law allows to be passed for the offence of murder. That is a mandatory sentence of imprisonment for life. I am required to specify the minimum term, pursuant to Section 269 and Schedule 21 of the Criminal Justice Act 2003, which must elapse before you can be released on licence.
13. Pursuant to paragraph 5A of Schedule 21, Parliament has set the starting point for the minimum term for anyone who takes a weapon to the scene of a murder intending to commit any offence or have it available as a weapon and used that knife or weapon in committing the murder, and that starting point is 25 years. There is no issue in this case that this is a case in which a knife was taken by you to the scene and so that the appropriate starting point is, indeed, 25 years.
14. Having chosen that starting point, I am required then to take into account aggravating and mitigating factors in your case. In doing so, I confirm that I have had regard to an authority relied upon by Mr Harrington, namely *R v Dillon* [2015] EWCA Crim 3 in reaching my decision as to the appropriate length of the minimum term in your case.
15. It has been submitted by Mr Harrington on your behalf that there are no aggravating factors pursuant to paragraph 10 of Schedule 21. I cannot accept that submission. I am clear that, on the contrary, there was a significant degree of planning or premeditation in this case: see paragraph 10(a) of Schedule 21. This was not a spontaneous attack. The evidence demonstrates that you made up your mind to kill Laura Stuart a couple of hours or so before the attack upon her. You had, indeed, threatened to kill her in messages sent to her and others in the days leading up to the murder. You armed yourself with a knife and stalked her. You waited for Laura Stuart to come out of the Golden Lion. The CCTV showed that, once you saw Laura Stuart leave the pub, you then ran to make sure that you caught up with her. It is fanciful to suppose that you merely happened to chance upon her. Indeed, in one text message you even pretended that you were at home in bed in order, no doubt, to lull Laura Stuart into a false sense of security.
16. In addition, although not statutory aggravating features, I consider that there are the following further aggravating features in your case.
17. First, it should not be overlooked that you did not stop at stabbing Laura Stuart. On the contrary, having stabbed David Roberts when he stepped in to try to stop you, a matter

to which I shall return shortly, you returned to where Laura Stuart was lying and kicked her more than once, including twice to the face with considerable force. Not content, therefore, with inflicting on Laura Stuart a fatal stab wound, you decided that you would continue the attack in this brutal way.

18. Secondly, there is, then, the further aggravating feature that what you did to Laura Stuart that night was the culmination of a sustained pattern of controlling behaviour in relation to Laura Stuart during the course of your relationship. The evidence of this is considerable and has already been mentioned. Whether, as Mr Harrington suggested, Laura Stuart gave as good as she got in the arguments which took place between you is somewhat beside the point. It was you who sought to control her.
19. Thirdly, although Mr Harrington suggested that you are remorseful about what has happened, in your evidence before the jury you demonstrated no regret at the fact that Laura Stuart, somebody whom you told the jury you had once loved, had died as a result of your having stabbed her to death. I also bear in mind in this respect that you said this to the police as you were being arrested: *"Thing is mate, I'm not sorry about that, I am about him"*. The *"that"* was Laura Stuart.
20. Fourthly, there is also the fact that the jury has found you guilty of the offence concerning David Roberts. It is beyond argument that the offence of wounding with intent falls within Category 1 of the relevant Assault: Definitive Guideline. This is, in short, a Greater Harm and Higher Culpability case, involving as it does injury which is serious in the context of the offence and the use of a weapon namely the knife which you took to the scene. As such, had the Court been sentencing for this offence alone, the appropriate sentencing range after trial would have been between 9 and 16 years' imprisonment (with a 12-year starting point). In this case, I have no doubt that a sentence of at least 12 years would have been appropriate. The Court is not sentencing you for this offence separately. Instead, you are being sentenced for the offence involving David Roberts at the same time as you are being sentenced for the murder of Laura Stuart, both those offences having been committed as part and parcel of one overall incident. In such circumstances, as Mr Elias suggested and as acknowledged on your behalf by Mr Harrington, the appropriate course is to impose a concurrent sentence in respect of the lesser offence but to take account of the fact that this was committed in arriving at an increased minimum term in respect of the murder offence.

21. I turn, next, to the mitigating factors listed in paragraph 11 of Schedule 21. I am clear that none of these is applicable in your case, notwithstanding the submissions which have been made on your behalf. Specifically, I am satisfied that this is not a case in which paragraph 11(c) is applicable. This requires it to be the position that the offender suffers from a mental disorder or mental disability which (although not falling within Section 2(1) of the Homicide Act 1957) lowers his degree of culpability. The recognised medical condition in your case is your (then) alcohol dependence syndrome. However, in view of the jury's verdict and in particular the rejection of your diminished responsibility case which was based on the fact that at the time of the stabbing you suffered from this syndrome, I cannot accept that it would be appropriate to treat your culpability as having been lowered in the sense required. The jury's verdict clearly demonstrates that your alcohol dependence syndrome played no part in influencing your thinking or behaviour when you killed Laura Stuart. I am satisfied, in any event, taking account of the evidence at trial, that it did not lower your degree of culpability.
22. It has also been contended on your behalf that this is a case to which paragraph 11(d) applies, in that you were provoked, it is suggested, by the circumstances in which you found yourself having broken up with Laura Stuart. Reliance in this respect has been placed on your being in debt and your learning about Laura Stuart's relationships with other men. However, as you acknowledged during the course of your evidence, the debts which you had were debts for which you and Laura Stuart were equally responsible and, the relationship having come to an end, Laura Stuart was free to have relationships with other men. I am clear, in short, that you were not provoked to murder Laura Stuart and that what you did was done because you could not bear the thought of her carrying on with her life and being happy in a relationship with anyone else.
23. Lastly, Mr Harrington has prayed in aid paragraph 11(g)'s reference to the age of the offender. He does so at the same time as referring to the facts that your only previous criminal conduct was when you were young and that you admitted responsibility for the killing whilst denying that it was murder (as opposed to manslaughter). Again, however, I am not persuaded that these are mitigating factors in your case: you are now 28 and were 27 at the time of the murder, and so you are not an especially young man; the fact that you have not committed an offence for some years is also not especially significant in the context of a case such as this; and the fact that you admitted the stabbing is hardly

surprising considering the incontrovertible evidence that it was you who was responsible for it.

24. I come, then, to the minimum term which I consider is appropriate in your case. The aggravating features in your case lead me to increase from the starting point of 25 years to 31 years. As I have indicated, I do not consider that there are any mitigating features in your case. It follows that there should be no reduction from that 31-year term.

**[Stand up Mr Cooper]**

25. I sentence you in respect of the murder count to imprisonment for life with a minimum term of 31 years. From this must be deducted the 225 days that you have spent on remand in custody for this offence. The minimum term is accordingly 30 years and 140 days. The victim surcharge must also be paid. Formally, as regards count 2, there will be a concurrent sentence of 12 years' imprisonment.
26. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which must be served before you are considered for release. After it is served, there is no guarantee that you will be released at that time, or at any particular time thereafter. It is then only if the Parole Board decides you are fit to be released that you will be released. Moreover if, and when, you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your life sentence. It is in these ways that a life sentence protects the public for the future.