



IN THE CROWN COURT AT BIRMINGHAM

R

v

KAYNE ROBINSON, DARIELLE WILLIAMS, DEVONTE MAY & GEARY BARNETT

SENTENCE NOTE OF MR JUSTICE GOOSE

25 MAY 2018

1. Kayne Robinson and Darielle Williams, you have both been convicted by the Jury of Murder after a trial lasting almost 6 weeks. The Jury were unable to reach a verdict in your cases, Devonte May and Geary Barnett, but you have now pleaded guilty to the offence of Assisting an Offender, contrary to s 4(1) Criminal Law Act 1967. Your pleas have been accepted by the prosecution. It is now my task to sentence each of you.
2. On the 13th September 2017 Mekel Sterling, a 34 year old family man, with a partner and young children, was standing outside a shop on Great Hampton Row, Hockley in Birmingham, when at 9.41pm a VW Golf car drove past slowly. From within that vehicle a submachine gun was used to murder him. At least 6 shots were fired, one of which struck Mekel Sterling to the chest, causing his almost instant death. Afterwards the car drove off at high speed.
3. Mr Sterling was an innocent member of the public who was murdered by you in a planned gang attack upon others, which involved at least three other

men. His family, and his 4 children, have suffered a profound loss, which they will have to live with for the rest of their lives. The victim personal statement by Mr Sterling's sister describes powerfully the damage you have caused to so many other lives.

4. The background to this murder was gang related violence on the streets of Birmingham where firearms were the weapons of choice. Those who engage in such violence are exceptionally dangerous, as this murder has clearly demonstrated. The use of a sub-machine gun on the streets of Birmingham is a truly frightening act, in an escalating level of serious violence.

5. On the 12th September, the night before this murder, a Ford Kuga vehicle was driven on Dudley Road at 9pm. It contained a number of men wearing masks and hoods for disguise. They had at least two firearms: a handgun and a long barrelled weapon, probably a rifle or shotgun. That vehicle drove passed a takeaway shop and shots were fired, causing panic amongst members of the public. Two men from the car got out and chased others across the forecourt of a petrol station. No-one was in fact injured.

6. Within minutes that vehicle was driven to Tudor Street, a short distance from the first shooting. The men in the Ford Kuga were intent on shooting the occupants of an A Class Mercedes, which was a car driven by you Kayne Robinson and was parked outside 19, Tudor Street, your father's home. At 9.02pm the Ford Kuga pulled up by the Mercedes. Two men from the Mercedes, associated with you Kayne Robinson, ran off chased by two men from the Kuga firing shots at them. This was a residential area. Shortly afterwards the Ford Kuga and its occupants drove off.

7. When this attack in Tudor Street happened, you Kayne Robinson were inside number 19, Tudor Street. Immediately after that shooting you began to make

telephone calls to others, including to you Darielle Williams. I have no doubt that your plans to retaliate for what had happened, began that evening.

8. This murder was carefully planned and ruthlessly carried out. The premises from which much of your planning was conducted was within Unit 5, IMEX Business Park, Western Road, Birmingham. You knew that there were CCTV cameras in the IMEX Business Park so, to avoid detection, it was decided that there should be no CCTV recording from within Unit 5. At 11.44 that night, less than 3 hours after the shooting in Tudor Street, the hard drive was disconnected on the CCTV recorder. It was not until 1.37 pm on the 14th September, the day after this murder, that it was reconnected.

9. At about midnight on the 12th September, not long after the CCTV in Unit 5 was disconnected, you both went to Great Hampton Row, the scene of the murder, to carry out a reconnaissance in preparation for the next day. Your mobile phones were found to use a cell site which covered the scene.

10. You decided to use two vehicles: a Golf that was to be the attack vehicle and a Mondeo, which was to assist Kayne Robinson after the offence. By your plea to assisting as offender, accepted by the prosecution, it is not now asserted that you participated in the shooting, but that you did know about it and agreed to help Robinson in its aftermath. The Golf vehicle was used in the shooting because it could not be connected to any of you and the Mondeo was fitted with a false registration plate. After the shooting the Golf had its number plate changed to a false one, before it was parked out of the way.

11. Later, during the afternoon of the 13th September, you Darielle Williams brought a bag of clothing to Unit 5. That was so that you could put them on, over your own clothes, to prevent any gunshot residue from the shooting being on your clothes. This was because you were the one who was to carry out the shooting and you didn't want your own clothes to bear the evidence to prove it. In CCTV recordings from across the rear yard of IMEX, you could be seen putting on the overclothing in the minutes before the Golf set off to carry out the shooting. At least three others were standing by watching you as they readied themselves for the murder that was to take place. Those over-clothes have never been recovered by the police.

12. The most sinister aspect of this murder was the choice of weapon. It was a submachine gun, capable of firing 20 rounds a second. It was brought to Unit 5 under cover of darkness shortly before the murder, and spirited away afterwards. It has never been recovered. The choice of such a highly dangerous weapon demonstrates your dangerousness. In retaliation for what happened the day before, you were prepared to take a submachine gun onto the streets of Birmingham to commit murder. The fact that it has not been recovered means that it remains available for future violent crime.

13. In the hours leading up to 9.37pm, when the Golf car left the IMEX Business Park to carry out the shooting, you were at the IMEX with others, ready for the planned shooting. You Kayne Robinson drove the Golf and you Darielle Williams were in the back with another man. You Williams, I am sure, held the submachine gun ready to fire it and became the shooter. The second car, a Mondeo contained you Devonte May and Geary Barnett. The prosecution accept that your role was to assist Kayne Robinson after the offence was committed. At 9.41 CCTV recordings show the Golf being driven slowly along Great Hampton Row, to the Costcutters shop. The passenger window was lowered and through that window the submachine gun was fired by you

Williams. At least 6 shots were fired, one of which killed Mekel Sterling. He had nothing to do with this gang related dispute, but was a tragic victim.

14. After the shooting CCTV and traffic cameras showed the Golf travelling at high speed, in excess of 70mph in a 30 mph limit, as it drove away from the scene. The Mondeo joined the Golf, seconds behind, also travelling at very high speed. This was all part of the plan after the shooting, which included taking Kayne Robinson back to IMEX and parking the Golf well away from the shooting and the IMEX Business Park. In addition the submachine gun was taken away and has not been recovered; the two vehicles were driven away to be parked or hidden, with false registration plates; the golf was cleaned, to remove potential forensic evidence; the over-clothes worn by Darielle Williams were disposed of and mobile phones were changed, not to be used again. Finally the CCTV in Unit 5 was reconnected. As the planning in preparation was careful, so it was in the aftermath.

15. The seriousness of this murder was particularly high. It involved the use of a firearm in a carefully planned murder. The deceased was an innocent member of the public, nothing to do with your gang violence. You Kayne Robinson played a leading role in the planning of this murder and you were the driver of the Golf car, driving to the scene and slowing down, to allow Williams to use the submachine gun to murder the deceased. You Darielle Williams also played a leading role and willingly agreed to use that submachine gun to murder the deceased.

16. The role played by you May and Barnett, to assist Robinson as an offender whom you knew had committed a very serious offence involving a murder by shooting with a firearm, was also serious in its culpability. The offence committed by Robinson, whom you assisted, was murder with a firearm; your assistance was to drive him from a pre-arranged place, away from the Golf

vehicle used in the shooting, so that he could be away from the car and the scene as soon as possible; you Barnett also removed a green container once back at the IMEX which must have had evidential significance because it has never been recovered. Whilst the interests of justice were not ultimately frustrated, the fact that Robinson was able to escape from the Golf so quickly, made detection of him more difficult than would have been the case. Also the removal of that green container must have been to inhibit the course of justice. I will reflect these factors in your sentences May and Barnett. There is no guideline for your offence from the Sentencing Council, but I have taken into account the Court of Appeal decision of A-G's Reference (No 16 of 2009) (Yates) [2010] 2 Cr APP R (S) 64.

18 This offence of murder was aggravated in its seriousness by:-

- a. A significant degree of planning
- b. The fact that this murder was in the context of gang related violence, a retaliatory murder for the shooting incident by another gang the day before. This was against a background of gang violence in the City of Birmingham which has been a major concern in this city over many years, as set out in the statement of PC Russell.
- c. The fact that this was a submachine gun, an exceptionally dangerous firearm
- d. In your case alone Kayne Robinson, you committed this offence whilst the subject of an Injunction obtained against you under the s34 – 36 of the Policing and Crime Act 2009. That Order was to prevent you from gang related violence, from being in the area of Great Hampton Row where this murder took place and also prohibited you from having contact with, amongst others, Ashai Grey, Jacob Brown and Darielle Williams, with all of whom you were in contact in committing this offence.

19. Although I am sure it was you Williams who fired the shots, both of you played a leading role in this offence. Your role as the driver Robinson was as important as that of the shooter, as you opened the passenger window and drove slowly passed the target, to allow Williams the opportunity to fire the submachine gun, and then drove away at high speed. Also you were in breach of the Court Order that was designed to prevent you having contact with your co-accused and from being in the area where this murder took place. I am satisfied that your culpability, Kayne Robinson and Darielle Williams, is equal and you will be sentenced accordingly.

20. Each of you have previous convictions:-

- a. Kayne Robinson (24) you have 4 convictions for 6 offences, 5 of which were for possession of drugs, but none for violence
- b. Darielle Williams (23) you have 3 convictions for 3 offences, one for possession of a knife and another for Class A drugs possession.
- d. Devonte May (24) you have 4 convictions for 5 offences, two for drugs possession, one for Affray and one for possession of an offensive weapon
- e. Geary Barnett (19) you have no previous convictions, but have a Caution and a Reprimand for drugs possession.

Whilst neither of you, Kayne Robinson and Darielle Williams has previous convictions for significant violence, in the circumstances of this offence of murder, that carries little by way of mitigation.

21. The mitigating factors for each of you are as follows:-

- a. Kayne Robinson, you are aged 24. Little more can be said in mitigation.
- b. Darielle Williams, you are aged 23. Little more can be said in mitigation for you also.
- c. Devonte May, you are aged 24. Your offence was limited to the driving of the Mondeo after the shooting, which carried Robinson away. You had been seeking work before this offence in an attempt to improve your circumstances.
- d. Geary Barnett, you were aged 18 at the time of this offence. You have no previous convictions, although you have a Caution and Reprimand for drugs possession.

22. I shall pass sentence for the offence of Murder first

23. The sentence that I am required to impose for Murder is fixed by law: for both of you it is Imprisonment for Life.

24. Under section 269 Criminal Justice Act 2003 I must fix the minimum period, that each of you must serve in custody, before you may apply to the Parole Board to consider when you may be released. Both of you were aged 18 or over when you committed this offence. Under paragraph 5 of Schedule 21 to the 2003 Act, the starting point for your minimum term is 30 years. That term must then be adjusted for each of you to reflect the aggravating and mitigating factors.

25. Stand up Kayne Robinson and Darielle Williams. (May & Barnett remain seated)

I sentence both of you to Imprisonment for Life. The minimum term to be served before you may apply to the Parole Board for release from custody will be in your case Kayne Robinson 33 years, less the time you have served in custody on remand. In your case also Darielle Williams the minimum term to be served before you may apply to the Parole Board for release from custody will be 33 years less the time you have served in custody on remand. Please sit down.

26. I shall now pass sentence on the offence for Assisting an Offender. Stand up Devonte May and Geary Barnett. I shall discount your sentences for your plea by 25%. You had not been charged with this offence before, but your case had always been to deny any involvement in the events that concerned this trial. Devonte May you will serve 3 years imprisonment, less the time you have served in custody on remand. Geary Barnett you will serve 2.5 years detention in a Young Offender Institution, less the time you have served in custody on remand.

You will each also pay the Statutory Charge in the appropriate amount within three months of your release.