



SENTENCING REMARKS

OF

THE RECORDER OF SHEFFIELD
HIS HONOUR JUDGE JEREMY RICHARDSON QC

AT

THE CROWN COURT AT SHEFFIELD

ON

MONDAY 12TH AUGUST 2019

REGINA

V

SCOTT DAWSON

And

CAROL DAWSON

Preamble

You may remain seated. You must listen with care to what I am about to say.

In the printed version of these sentencing remarks there will be headings for ease of reference.

These sentencing remarks will be made available to you, your lawyers, the press and the public a short while after the conclusion of this hearing. I also direct that the printed version of these remarks shall be placed within the relevant section of the Digital Case System.

Introduction

Scott Dawson, you are aged 41 years.

Carol Dawson, you are aged 72 years.

On 6th September 2018 you both participated in the murder of Gary Dean. You each played your part. It is a reasonable inference that it was you, Scott Dawson, who executed the killing and took the lead. It is also a reasonable inference that you, Carol Dawson, fully participated in the killing by encouraging and facilitating the execution of it.

The murder of Gary Dean was executed with brutal determination.

Furthermore, it had been planned. Gary Dean suffered terribly in the last few minutes of his life as he was savagely beaten and shot with an air rifle.

I have no doubt you both intended he be killed.

I am required by law to sentence each of you to Life Imprisonment.

I am also required to determine the minimum term you must serve before you are permitted to apply for release on licence. I have not the slightest doubt that the seriousness of your criminality is particularly high and warrants a starting point of a minimum terms of 30 years.

In reaching this conclusion I have applied the provisions of section 269 and schedule 21 of the Criminal Justice Act 2003. I have determined the minimum term by reference to the seriousness of the circumstances of this case and have not approached this task in a formulaic or mechanistic fashion.

I reject the submission made on your behalf, Carol Dawson, that I should commence my analysis with a starting point of 15 years. I make it plain that if I did, I would almost certainly reach the same position as I do by commencing at what I judge to be the correct place.

The family of Gary Dean have been very badly affected by his murder. Their suffering was exemplified by the personal statements which were read in court on Friday last. Gary Dean was a much-loved man. He was also a vulnerable individual due to his autism.

You both, on the other hand, were filled with venom and a desire for revenge for what you, inaccurately, perceived was police inaction. Neither of you could control your tempers or exercise any semblance of judgment. It is clear you, Scott Dawson, have a violently explosive personality and manner. When you perceived your campaign of intimidation had failed, you both decided to act with murderous intent to rid yourself of the man you thought was thwarting your plans for the farm. In fact, he was doing nothing of the kind. Gary Dean was a man afflicted with autistic traits which made him, on occasion, act in an antisocial manner, and was irritating to some people.

You lost all sense of proportion and became envenomed with a desire for revenge when you thought nothing was being done to prevent this essentially harmless man from behaving in what was at worst in 2018 a mildly anti-social manner.

Your conduct may only be characterised as deeply malevolent.

It was truly wicked and cruel in its execution.

The Facts

I do not intend to set out the facts of this case in any detail.

Gary Dean lived with his wife at Moor End Houses at Silkstone Common near Barnsley in South Yorkshire. He was aged 48 at the time of his death. He was undoubtedly on the autistic spectrum and could, on occasion, be a very difficult man arising from his condition. His wife worked as the headmistress of a local primary school. He did not work.

Gary Dean obsessively pursued his pastimes whilst his wife went to work. He enjoyed running and cycling. He also had an obsession about diesel trains. He was unable to tolerate loud noises. He was an acutely focused individual who harboured several obsessive traits. There were times when he behaved in an abnormal and anti-social manner when he did not appreciate the insensitivity and annoyance he caused to some people. There is evidence to suggest that once people appreciated the root cause of his behaviour, they began to understand, if not tolerate his behaviour. Simon Roberts, who was an acquaintance of Gary Dean through their shared interest in running, insightfully described his friend in this way – “Gary had difficulty regulating his emotions, particularly connected to loud noises”.

The one thing is clear – although he could be annoying and anti-social on occasion – he was not an overly aggressive individual. He would only ever confront someone when he knew he could safely retreat.

You told the police you inherited some money and bought land at Silkstone Common. You did not farm it yourselves but let part of it out to a farmer. This farmland was near to where Mr and Mrs Dean lived. It was also close to the Trans Pennine Trail and forested areas which you did not own.

It is clear that during 2016 and 2017 Gary Dean aggravated you both by his use of that forested area and running across your land. It is right to observe that there was – and is – a public right of way across your land. It is clear from the evidence that you, Scott Dawson, reacted very adversely to anyone going across your land if they strayed, however inadvertently, from the footpath. The episode with the woman and the straying dog reveals your temper, attitude and threatening manner.

It is clear that you are both very close as mother and son.

You both regarded Gary Dean very adversely. Instead of trying to understand his problems and approach them as others had, you commenced a vendetta. This involved peddling truly unpleasant rumours and starting a process of targeted intimidation against him. You made repeated complaints to the police. The content of those telephone calls – all of which were played to the jury – demonstrated your malicious nature and unreasonable attitudes.

It is plain you felt the police were not doing enough.

Eventually the police commenced a prosecution against Gary Dean. It failed and he was acquitted. I have real doubts as to whether it should ever have been commenced. However, the magistrates rightly acquitted Gary Dean. I have real reservations as to whether it was right to have made a restraining order against him, however they did.

I have no doubt whatever, you were both instrumental in the vendetta which embraced vile conduct towards both Mr and Mrs Dean.

I harbour not a shred of doubt that you, Scott Dawson, are a man who is prone to lose your temper rapidly and violently. The conduct of which the jury heard during the trial relating to your neighbours and others exemplified your violent tendencies and manner. Your conduct during some of the whinging and malevolent telephone calls made by your mother to the police, when you yelled violently, demonstrated your manner and bearing beyond doubt. It is clear you had the desire to take the law into your own hands.

Although, the situation calmed for a while in 2018 following the magistrates court case, I have no doubt that the running across your land and the starting of small fires adjacent to your land by Gary Dean infuriated you.

I have little doubt you both encouraged the other to act. The venom within each of your characters permeated the other to make a truly toxic and dangerous situation.

It is plain, that during the summer of 2018 you planned to take the law into your own hands given the failure – as you saw it – of the authorities to take action.

In early September 2018 I have no doubt that your perceived Gary Dean to be a further irritant. You acquired a firearm – an air rifle. Given the lies you told the police I have doubts it was for any legitimate use. There is much to suggest that; given your obsession with the behaviour of Gary Dean. I have every reason to believe it was stored at your home, Carol Dawson.

I have had the advantage of presiding over the trial for 5 weeks. Neither of you gave any evidence to explain your conduct. There is simply no cogent explanation other than you both intended that Gary Dean should be removed completely and this meant killing him.

Had your intention been simply to injure him seriously, your guilt would have been ascertained as he could have explained what occurred. It appeared to

you both that all the previous aspects of your venomous campaign were not working as you wished. Gary Dean was carrying on as he had before. He had to be removed.

You both fed off the venom within each other.

This toxic admixture led to murder.

The work pattern and term times of Gary Dean's wife were ascertained. You had acquired a firearm and you hatched a plot to kill him with the use of that firearm and other weaponry, including a metal pole.

I do not doubt that the fire that Gary Dean started on 5th September 2018 which was in the forested area close to the stile and adjacent to your land, was the catalyst for your murderous conduct.

You, Carol Dawson, materially assisted your son. You laid in wait and reported that Mrs Dean had left. You both knew that Gary Dean had an almost ritual habit of going running in the morning before he had his breakfast.

It was the clear intention of you both to kill Gary Dean that morning.

It was you, Scott Dawson, who took the leading role as the executioner of the plot. By taking a powerful air rifle and arming yourself with a pole the intention to kill Gary Dean is plain and obvious.

I reject any idea that you, Carol Dawson, had a lesser intention. You knew the weaponry your son had, and you knew of his inherent violently explosive character.

It was you, Carol Dawson, who materially assisted by being a party to the plot and actively participating on the day before, during and after the killing.

It is clear that you, Scott Dawson, brutally attacked Gary Dean. I have no doubt that you intended to kill him. The ferocity and manner of the attack – as revealed by the post-mortem evidence of the pathologist – admits of no other explanation.

You shot Gary Dean in the back.

He was attacked in the field with other weaponry about his head and body.

He managed to escape – up to a point – into the adjacent culvert. He scabbled along it bleeding and doubtless terrified.

Instead of just leaving him, you pursued him into the forest.

You further attacked him and finished your murderous plot.

Thereafter, with the active assistance of your mother, you sought to cover-up what you had done. You destroyed evidence.

When interviewed by the police you both told lie after lie to seek to camouflage your wicked conduct.

The camouflage soon fell away once the police gathered evidence. Your deceit was exposed.

It was an amalgam of carefully gathered police evidence that eventually brought you both to justice.

Neither of you gave evidence in the trial. I have little doubt that had you done so, the true nature of your characters would have been even more exposed.

The Key Features

I am entirely satisfied there are the following very serious features:

- (1) There was plainly an intention to kill Gary Dean. You are, thus, not entitled to any mitigation by reason of a lesser intention. I have no doubt that was the intention of both of you.
- (2) You both were aware of the firearm – albeit a powerful air rifle. You both intended that to be used in the attack upon Gary Dean. I have every reason to believe it was stored at your home, Carol Dawson.
- (3) It is important I keep a sense of proportion given that the weapon used here was an air rifle – albeit a powerful one. I cannot ignore the description of what it could do when used. That was a feature read to the jury in the trial.
- (4) I regard the fact that this firearm was used and the fact that this murder was the culmination of a vendetta or for a revengeful motive elevates your criminality and the seriousness of the case to being particularly high and therefore covered by paragraph 5(1) of schedule 21 of the 2003 Act.
- (5) Gary Dean had autism and was vulnerable by reason of that. That is, however, a factor which will not overly aggravate the minimum term.
- (6) There was planning and premeditation of some significance – this includes ascertaining the work times and term times of Mrs Dean, the acquisition of the air rifle, the plan for the day and the cover-up after the event.
- (7) I have no doubt at all that Gary Dean suffered a cruel and vicious death. He was brutally attacked in the field. He managed to crawl into and along the ditch to try to escape. He was then further attacked and brutally killed by that ditch in the forested area. In consequence he endured both the mental and physical suffering as you pursued and prolonged the attack.

(8) You both participated in the cover-up afterwards. I have every reason to believe you would have sought to cover-up more had the chance arose. You both destroyed key evidence and cleaned-up afterwards with ruthless determination. In this part of the plan, you, Carol Dawson, took a leading role.

Mitigation

The following features have been advanced as mitigation in this case:

Scott Dawson

Mr Ryder QC has sought to argue that I should keep a sense of proportion given all the circumstances of the case. He also urges upon me to have in mind the fact that you have no previous convictions to your name.

I have those submissions well in mind when assessing the correct minimum term.

Carol Dawson

Mr Kent QC has urged me to commence my search for the appropriate minimum term at the starting point of 15 years. I reject that submission.

I do, however, accept that I should take into account the fact that you, Carol Dawson, were not the actual killer. You were a key participant. I am sure you were close at hand, but not immediately at hand when your son executed what you knew was to happen and had helped lay the ground for it.

I shall also take into account your age and the fact that you too have no previous convictions.

I do not doubt for one moment the minimum terms in this case will fall hard upon you both.

The fact that you both have no previous convictions to your names is something I have in mind; but makes only a very modest contribution to the reduction to what I judge to be the appropriate minimum terms.

Conclusion

It is my view that given the important features of this case that I have already identified, I am justified in placing this case within the category postulated by paragraph 5(1) of schedule 21 of the 2003 Act.

The seriousness of this case is plainly particularly high.

I accept the submission that I should not indulge in double counting of features to overly elevate the minimum term even higher than the starting

point. Even in a serious case such as this, it is important to keep a sense of proportion.

I have no doubt at all that the appropriate minimum term for you, Scott Dawson, is 31 years.

In your case, Carol Dawson, it is not clear on the evidence as to whether you were physically present at close quarters when your son executed the brutal killing. You were certainly not far away and knew exactly what was planned, given the encouragement and material assistance you gave. You intentionally participated in a material way by offering assistance and help to your son execute the plan that you hatched with him. You knew of the level of violence that was to be visited on Gary Dean. Additionally, you actively participated in the cover-up which was all part of the plan.

I am also not unmindful of your age and the fact you will almost certainly die in prison.

I will make an appropriate reduction to the minimum term as you were not the actual killer.

In these circumstances, I have no doubt the appropriate minimum term for you, Carol Dawson is 26 years.

Sentence

You must now both stand up.

In both your cases I direct the statutory charge applies.

The sentence I pass upon you, Scott Dawson, is one of Imprisonment for Life for the murder of Gary Dean. I fix the minimum term in your case at 31 years. You may not apply for release on licence until that term has elapsed. You will not be released until the Parole Board is satisfied that it is safe for you to be released. That may never be the case.

I direct that 179 days shall count towards that minimum term.

The sentence I pass upon you, Carol Dawson, is one of Imprisonment for Life for the murder of Gary Dean. I fix the minimum term in your case at 26 years. I appreciate that for you, it is highly likely you will die in prison given your age. Whether, when you are near death, the Secretary of State exercises the prerogative of mercy will be a matter for him or her at that stage.

I direct that 179 days shall count towards that minimum term.

Take them down.

