

## **R v Amos Wilsher and Jason Wilsher Sentencing Remarks**

### **Introduction**

1. Amos Wilsher and Jason, please sit down for the time being. What I have to say will take some time.
2. This case concerns a planned series of robberies targeting elderly and vulnerable people, which tragically resulted in the deaths of two of them and the wounding of another.
3. The jury have found you both guilty of the murder of Arthur Gumbley, the wounding of Dennis Taylor and conspiracy to rob, all in November 2017. The jury have found you, Amos Wilsher, guilty also of the murder of Josephine Kaye in February 2020. You, Jason Wilsher, were 18 years old at the time of the offences in 2017, and are now 23. You, Amos Wilsher, were 24 at the time of those offences, and 27 at the time of the offence in 2020. You are now 29.

### **Facts**

4. Together you formed a plan to target very elderly people living alone and violently to rob them in their homes. Pursuant to that plan, you committed the attack on Arthur Gumbley, which extremely sadly resulted in his death, and the attack on Dennis Taylor, which left him wounded and battered. The burglary at Knighton Road, Little Aston, was very likely also done pursuant to the same plan, though no charge is brought in relation to that incident.
5. Your preparations for these attacks included buying a Mazda car the day before the first attack, and driving to London and back in order to collect it. The car

was used for the purpose of driving around to identify your victims, to take you to and from their homes; and afterwards the car was set on fire, presumably in an attempt to destroy evidence.

6. Your first victim pursuant to this plan was Arthur Gumbley. Mr Gumbley was 87 years old at the time of your attack, living in Little Aston, near Sutton Coldfield. He had retired some 14 years previously after a long career and 50 years of marriage, and was much loved by his children, grandchildren and other relatives.
7. On the evening of 21 November 2017 you broke into his home, where he was sitting alone, through the kitchen door. On encountering Mr Gumbley, one of you hit him on the forehead, knocking him to the floor. We cannot be sure which of you inflicted which injuries on Mr Gumbley, but the jury's verdicts show they were sure it was a joint attack in which you both participated, either directly or by deliberately helping and encouraging the other. Having been knocked to the floor, Mr Gumbley was kicked in the side, punched in the arm and dragged through his home leaving trails of blood. His watch was ripped from his wrist, tearing the skin away from the back of his hand. You were there to look for money, which you kept demanding, and you ransacked his house, stealing a watch, jewellery, coins and other possessions.
8. Mr Gumbley was left with multiple injuries, including mild to moderate traumatic brain injury, four rib fractures, laceration to the back of his left hand exposing knuckle bone, skin loss to his other hand, carpet burns to his back, and extensive bruising around his left eye and to his arms, wrists, shoulder, jaw and chest. The injuries were assessed as having been caused by, among other things,

punches, kicks, the dragging of an object across his left hand, being dragged along the floor, defensive injuries and – in the case of the rib fractures - significant blunt impact trauma inflicted with severe force. These injuries, together, contributed significantly to his death in hospital about three weeks later on 12 December 2017.

9. I have read the victim personal statement from Mr Gumbley's daughters and son, Sandra Bromley, Susan Boys and Michael Gumbley, his grandchildren Samantha Cutting and Christopher Bromley, and his son-in-law David Boys. The statements of Mrs Boys and Mrs Bromley have also been read out in court today. All these statements speak movingly of the enduring emotional upset, loss, awful memories, justifiable anger, and sense of fear which the circumstances of his death have caused them.
10. Four days later, on 25 November 2017, you targeted Dennis Taylor. Mr Taylor was 82 years old and living alone at an isolated farmhouse near Mansfield in Derbyshire. At about 6.30pm the two of you, and an unknown third person, knocked on his door pretending to be the police. You had turned the security sensor to face upwards so that it did not function. When he unlocked the door all three of you burst in, wearing masks and baseball caps. You knocked Mr Taylor to the floor in his kitchen, punching and kicking him. One of you sat on top of Mr Taylor, holding his arms up his back, face down on the carpet. The other two went around the house, coming back from time to time for instructions. From the very start you were demanding cash or gold.
11. As with Mr Gumbley, we cannot be sure which of you inflicted which injuries on Mr Taylor, but the jury's verdicts show they were sure it was a joint attack

in which you both participated, either directly or by deliberately helping and encouraging the others. Throughout the attack, Mr Taylor was hit, punched and kicked, mainly on the head and shoulders, even when he was on the ground and could not move. Mr Taylor, who fortunately survived the attack and was able to give evidence, said he could not imagine why you used so much force.

12. You found Mr Taylor's two safes, one of which you prised from the wall. You demanded that Mr Taylor tell you the number, and the person sitting on Mr Taylor shoved a knife or a pointed screwdriver through his lip. With the pointed object held to his neck, Mr Taylor was forced to open a safe, from which you took rings, watches and jewellery of sentimental value. You also took the watch Mr Taylor was wearing, and cash.
13. You then ran away, leaving Mr Taylor in a pool of blood on the carpet. He spent three days in hospital then a week recovering. His injuries included a cut through his upper lip, broken nose, two broken fingers, two black eyes, bruising all over particularly his shoulders and the backs of his hands, and cuts on his face. Mr Taylor in his victim personal statement says he was terrified during the attack and thought he was going to die. It took him a long time to recover from its physical effects, and he still has a scar on his face and shoulder pain. His memory and sense of personal safety have also been affected.
14. The third attack took place 2½ years later and involved only you, Amos Wilsher. Your victim was Josephine Kaye, who lived alone in a bungalow in Stoke-on-Trent. She was 88 years old and 4'8" tall. Like Arthur Gumbley, she had worked hard all her life to provide for and support her family, and was a much loved member of her family.

15. In the afternoon of 27 February 2020 a man, almost certainly you, visited Mrs Kaye's bungalow pretending to be from the gas company. You told her the gas would be going off, and took the padlock from the gate which protected the side of Mrs Kaye's house including her front door. In the early evening, you went back and turned the security sensor to face upwards away from the door. You rang the doorbell. When Mrs Kaye opened the door, you pushed your way inside saying you were the police. You immediately snatched the panic device from Mrs Kaye's wrist. You also unplugged her telephone.
16. You pushed Mrs Kaye into the living room and then her bedroom. Mrs Kaye pleaded with you not to knock her about or let her fall, and told you that she had a bad hiatus hernia and arthritis of the spine. In spite of that, you pushed her down to the bed. When she asked you not to do that again, your reaction was to lift her up by her shoulders, twist her round, and shove her down on the corner of the bed. That must have been the stage at which you fractured her femur, but I am in any case sure that it was your treatment of Mrs Kaye – described by her afterwards as very rough indeed – that resulted in her broken leg. You continued pushing Mrs Kaye, leaning and pressing on her, pushed her down off the bed into the corner, pushed her against the washing machine, and dragged her around her home. This was cruel violence inflicted on a slight and vulnerable elderly lady. The jury's verdict shows they were sure that you intended to cause her really serious harm.
17. You were, once again, looking for money and valuables. You prised a safe from the wall using a long screwdriver, and stole more than £20,000 in cash.

18. Mrs Kaye was taken to hospital because of her fractured leg. Very sadly, she suffered complications and died 19 days later on 17 March 2020. There is no doubt that the injuries you inflicted contributed significantly to her death.
19. I have read the victim personal statements of Mrs Kaye's daughter Barbara Brian, grandson Melvyn Brian, granddaughter Samantha Hope and 9-year old great-granddaughter Evelyn. The statements of Samantha and Evelyn Hope have also been read out in court today. These statements speak of Mrs Kaye's gentle and generous nature, their terrible memories of the aftermath of the attack, their feelings of loss, and how it is impossible to understand the level of violence used against Mrs Kaye. The circumstances of Mrs Kaye's death devastated the whole family.

**Sentence: Amos Wilsher**

20. Turning to sentence, I begin with you Amos Wilsher. You have been convicted of two murders, as well as wounding with intent and conspiracy to rob.
21. The sentence for murder has been set by Parliament. The law requires me to sentence you to life imprisonment for those offences.
22. I have to decide whether to set a minimum term you must serve in prison before becoming entitled to apply for parole, or whether to make what is called a whole life order, meaning you will never be entitled to parole. I also have to consider whether life sentences should be imposed for the offences of conspiracy to rob and wounding with intent. Those decisions depend on the seriousness of the offences of which you have been convicted, considered together.

23. I shall come back to those questions shortly, after considering individually the four offences of which you have been found guilty.

*Murder of Mr Gumbley*

24. You murdered Mr Gumbley for gain, because you killed him in the course of or furtherance of robbing him. Parliament has decided that where a person aged 18 or over commits a single murder for gain, that will normally be regarded as a particularly serious murder making the appropriate starting point for the minimum term 30 years: unless, that is, the court makes a whole life order. Assuming that the court has no reason to take a different starting point, the court then has to consider whether, in all the circumstances, the minimum term should be 30 years, or longer or shorter than that, bearing in mind aggravating and mitigating factors.
25. The murder of Mr Gumbley was aggravated by the fact that he was particularly vulnerable because of his age and his frailty. He was also vulnerable because he lived alone. It is aggravated too by the mental and physical suffering which he endured for three weeks before he died. Furthermore, the attack on Mr Gumbley was a group attack by two men.
26. Your previous convictions also aggravate the offence. Most relevantly in my view, they include convictions in 2012 for robbery and in August 2017 for domestic burglary. Since then you have also been convicted of an aggravated burglary committed in May 2018, against an elderly man and his son in Brentwood Essex, for which you are currently serving a sentence of 12 years' imprisonment with an extension period of 5 years.

27. The murder of Mr Gumbley involved a significant degree of planning or premeditation, in the form of the purchase of the Mazda for use in the robbery, the selection of the wealthy area of Little Aston, and your targeting of Mr Gumbley as an elderly person living alone.
28. At the same time, I cannot be sure that you intended to kill Mr Gumbley, either when you attacked him or when you planned the robbery. I am required to sentence you on the basis of those facts of which I am sure. I also cannot be sure, on the evidence given at trial, that when planning the robbery you intended to inflict really serious harm on Mr Gumbley, although I am sure you intended to use some violence in order to achieve your purpose. Counsel for Jason Wilsher made the points that the injuries in fact inflicted on Mr Taylor were, as I shall come on to explain, in the lowest of the three categories for that offence, and that the Knighton Road burglary took place when no occupants were present. Counsel suggested that those matters indicate that it was not necessarily an inherent part of the plan to use excessive violence: rather, the plan was that violence would be used if necessary in order to intimidate and control the occupants, should they be present. There is an element of speculation in that submission, but it is fair to say I cannot be sure that either you or Jason necessarily premeditated the infliction of really serious harm. In these circumstances, I consider it more accurate to say that the robbery, rather than the murder, of Mr Gumbley was planned and premeditated.
29. It is a mitigating factor that you intended to cause Mr Gumbley really serious harm but did not intend to kill him. You used what can only be described as severe violence against Mr Gumbley, given his age. However, there is no



indication that you took or used a weapon in the attack; and on the evidence I do not feel sure that what you did created such an obvious and serious risk of death that I should significantly discount lack of intention to kill as a mitigating factor. I also take some account of the fact that you were a fairly young adult, aged 24, at the time of this offence.

*Murder of Mrs Kaye*

30. You went on to commit a second murder, of Mrs Kaye, 2½ years later. That too was a murder for gain, because you killed Mrs Kaye in the course of or furtherance of robbing her. So once again, the starting point for the minimum term would normally be 30 years, unless the court decides to make a whole life order.
31. The murder of Mrs Kaye was aggravated by the fact that she was particularly vulnerable because of her age and frailty. Mrs Kaye was also vulnerable because she lived alone. It was aggravated too by the mental and physical suffering which she endured for nearly three weeks before she died.
32. Your previous convictions further aggravate the offence. I have already summarised those I consider to be of most relevance. Moreover, when you committed the murder of Mrs Kaye you were on the run from police, having breached your bail and not attended your trial at Basildon Crown Court for the offence of aggravated burglary.
33. Your attack on Mrs Kaye involved a significant degree of planning or premeditation. You bought the screwdriver and gloves used in the robbery six days before the offence, arranged to have the Honda Civic available for use in the robbery, identified Mrs Kaye's home as a target, and visited Mrs Kaye at

lunchtime on the day of the robbery, stealing her padlock so that you could gain access to her front door later on.

34. I cannot be sure that you intended to kill Mrs Kaye, either when you attacked her or when you planned the robbery. In addition, I cannot be sure, on the evidence given at trial, that when planning the robbery you intended to inflict really serious harm on Mrs Kaye, although I am sure you intended to use some violence in order to achieve your purpose. In these circumstances, as with the attack on Mr Gumbley, I consider it more accurate to say that the robbery, rather than the murder, of Mrs Kaye was planned and premeditated.
35. It is a mitigating factor that you intended to cause Mrs Kaye really serious harm but did not intend to kill her. You used excessive and cruel violence against a very elderly lady who had just told you about her medical vulnerabilities. At the same time, there is no indication that you took or used a weapon in the attack; and on the evidence I cannot be sure that what you did created such an obvious and serious risk of death that I should heavily discount lack of intention to kill as a mitigating factor or, at least, discount it altogether.

*Wounding of Mr Taylor*

36. The wounding of Mr Taylor with intent falls in culpability category A in the sentencing council's guideline for such offences. It involved a highly dangerous weapon, was a prolonged assault, and was an attack on a victim who was obviously vulnerable as an 82-year-old man living alone. The robbery was also planned and premeditated, though I cannot be sure that the wounding was. The wounding falls in harm category 3, because Mr Taylor fortunately did not in fact suffer injuries that would place the offence in a higher category. The

starting point under the sentencing guideline would therefore be 5 years' imprisonment, with a category range of 4-7 years. The offence was aggravated by your previous convictions, and the fact that it was a group attack by three men. This offence by itself would merit a sentence of 6 years' imprisonment.

*Conspiracy to rob*

37. In considering the offence of conspiracy to rob, I have regard first to the sentencing guidelines for the offence of robbery itself. The robberies of Mr Gumbley and Mr Taylor were part of a sophisticated and organised plan, which as I have already outlined included the purchase, collection, use and destruction of the Mazda, and the targeting of a particular type of victim, namely very elderly people living alone. Both robberies in fact involved the use of very significant force, and I am sure you intended from the outset to use at least some violence to carry out the robberies. Those factors would themselves place the robberies in the high culpability bracket in the sentencing guideline. The robbery of Mr Taylor also involved, at least as matters turned out, production of a bladed or pointed article to threaten violence.
38. Both robberies also involved serious physical harm to the victims, and the ransacking of their homes; and I am sure you planned from the outset both to use at least some violence and to ransack your victims' homes looking for money or other valuables. That would place the planned robberies in harm category 1.
39. On that basis, the starting point under the guideline for each of the robberies as a substantive offence would be 13 years' imprisonment, with a range of 10-16 years. The robberies were aggravated by your having targeted vulnerable

victims in their own homes, the prolonged nature of the attacks, the fact that they were group attacks, and the facts that in the robbery of Mr Taylor face masks were worn to conceal identities and Mr Taylor was physically restrained. The offences are also aggravated by your previous convictions, in particular those for robbery and burglary.

40. You are being sentenced for the murder of Mr Gumbley and the wounding of Mr Taylor in any event; and I have taken account of the fact that the murder of Mr Gumbley was committed as part of a robbery when deciding the starting point of the minimum term for that murder (unless I make a whole life order).
41. On the other hand, the sentence for wounding Mr Taylor will reflect only part of the criminality of the attack on him, and it will be appropriate to impose a sentence for conspiracy to rob which reflects the fact that you planned to (and did) rob him as well as wounding him.
42. Other things being equal, I would impose concurrent sentences of imprisonment for conspiracy to rob and for wounding Mr Taylor with intent, increasing the sentence for the conspiracy so as to reflect the overall criminality of the conspiracy and the wounding with intent. The sentence I would impose would be one of 15 years' imprisonment, to run concurrently with a sentence of 6 years' imprisonment for wounding with intent. I shall return later to what the sentences will actually be.

*Whole life order or minimum term?*

43. As I explained earlier, I have to decide whether to set a minimum term you must serve in prison before becoming entitled to apply for parole, or whether to make what is called a whole life order, meaning you will never be entitled to parole.

44. Parliament has decided that where a person aged 21 or over at the time of the offences commits offences of exceptionally high seriousness, then the appropriate starting point is a whole life order. Parliament has also decided that where a person aged 21 or over murders two or more persons, and each murder involves a substantial degree of premeditation or planning, then that will normally be regarded as exceptionally serious offending making a whole life order the appropriate starting point.
45. You have been found guilty of the murder of both Mr Gumbley and Mrs Kaye. Your attack on each of them involved a significant degree of premeditation and planning, as I have already outlined. At the same time, I cannot be sure, and the evidence does not show, that you intended to kill Mr Gumbley or Mrs Kaye, either in advance or when you attacked them. In addition, as I have said, I cannot be sure that you planned in advance to cause really serious harm, as opposed to some harm, to your victims. In these circumstances, the court should hesitate before concluding that this is an appropriate case in which to make a whole life order.
46. Your offending was extremely serious for many reasons: you murdered two people for gain; you did so in the course of robberies which themselves certainly were planned and premeditated; you conspired to rob, and you robbed and wounded a further victim, Mr Taylor, with intent to cause him really serious harm; you picked on elderly frail individuals living alone as your victims; they suffered pain and distress as a result in the weeks leading to their deaths; and you had a bad criminal record.

47. I have nonetheless concluded in all the circumstances that this is not a case where a whole life order is the appropriate starting point. There will, however, need to be a very substantial minimum term.
48. I therefore have to decide the minimum term you must serve: and I stress the word minimum. The end of the minimum term is not the point in time at which you will necessarily be released. It only fixes the point when you will be entitled to apply for parole. It will then be for the Parole Board to decide whether you can be released on licence, and that will depend on the risk which at that time they assess you pose to others. If the Parole Board do decide to release you at that or some later stage, you will then be on licence for the rest of your life. That will mean that if you offend again or do not follow your licence conditions, then you are likely to be returned to prison.
49. The minimum term must reflect the fact that you have been found guilty of two murders, and the aggravating features I have already described in relation to each of them. It must reflect the fact that you did not intend to kill either Mr Gumbley or Mrs Kaye, though I bear in mind that I have already taken that factor into account to a degree in deciding not to make a whole life order.
50. The minimum term must also reflect your offending as a whole, including the conspiracy to rob and the wounding with intent of Mr Taylor. That is because I am going to impose concurrent sentences for those offences, in other words sentences which run as the same time as you serve your sentences for murder. The minimum term must therefore take account of the sentences I shall impose for conspiracy for rob and wounding with intent, and specifically the custodial part of those sentences, in other words the part you would have to serve in prison

before becoming eligible for parole. The custodial part of a sentence of 15 years for conspiracy to rob would be 10 years.

51. Furthermore, the sentence of life imprisonment, including the minimum term, will commence today when I pass sentence. It therefore also needs to take account of the fact that you are already in prison serving a sentence of 12 years' imprisonment, with an extension period of 5 years, for aggravated burglary, imposed on 29 June 2020. The custodial portion of that sentence is 8 years, of which approximately 6 years remain (after taking account of the fact that you spent time remanded in custody for that offence from 13 March 2020 to 29 June 2020).

*Life sentences for conspiracy to rob and wounding with intent?*

52. I next consider what sentences should in fact be imposed for conspiracy to rob and wounding with intent, including whether life sentences should be imposed for those offences too.
53. Parliament has decided that where a person aged 21 or over is convicted for certain types of crime, which include conspiracy to rob and wounding with intent, the court must consider whether there is a significant risk to members of the public of serious harm caused by the offender committing further specified offences. The specified offences include violent offences such as robbery, wounding with intent and aggravated burglary.
54. If so, then the court has to consider whether the seriousness of the offence, and one or more offences associated with it, justifies the imposition of a life sentence. In deciding the question of risk, the court must obtain a pre-sentence report unless it considers it unnecessary to do so.

55. You have been convicted of two murders, conspiracy to rob and wounding with intent in these proceedings, and so they are all associated offences with each other.
56. The offences you have committed, in themselves and also in the context of your previous convictions, make clear that you pose a significant risk to members of the public of serious harm caused by your committing further specified offences, specifically those involving violence. It is not necessary to obtain a pre-sentence report in order to reach that conclusion.
57. The murders you have committed plainly justify the imposition of a life sentence, because that is the sentence prescribed by law. The question I must decide is whether the seriousness of your offending as a whole justifies the imposition of life sentences for conspiracy to rob or for wounding with intent as well. I do not consider that it does. I bear in mind that the primary aim of the legislation in question is public protection. That protection is already achieved by the life sentences I must impose for murder, whose effect is that even after you have served the minimum term, you will not be released unless and until the Parole Board consider it right to do so in the light of the risk you then present.

*Minimum term and sentences*

58. The result of all this is that I shall set a minimum term for the offences of murder of which you, Amos Wilsher, have been convicted, to run concurrently with determinate sentences for conspiracy to rob and wounding with intent.
59. Because all these sentences will run concurrently with each other, the minimum term must reflect the totality of your offending, including both murders, the



conspiracy to rob and the wounding with intent. I take account of the aggravating and mitigating factors I have referred to. I also take account of the fact that there is significant overlap between the factors which lead to the 30 year starting point for both murders, namely that they were murders for gain, and the facts which underlie the conspiracy to rob; and there is also overlap between the factors which aggravate the murders and those which aggravate the conspiracy to rob and the wounding.

60. Beginning with the starting point of 30 years for one murder, there must clearly be a substantial increase to reflect the fact that you have committed two murders, in addition to conspiracy to rob and wounding with intent. Those matters call for a substantial uplift in the minimum term. The offences are further aggravated by all the factors I have mentioned when discussing them individually. The murders are mitigated by your lack of intention to kill (which has already played a part in my decision not to make a whole life order), and (at least in the case of the murder of Mr Gumbley) to a modest degree by your fairly young age at that time.

61. I must take account too of the remaining custodial term of 6 years of the sentence you are already serving for aggravated burglary.

62. Importantly, I also must apply the principle of totality, in order to arrive at an overall sentence that is just and proportionate in all the circumstances.

*Imposition of sentence: Amos Wilsher*

63. Amos Wilsher please stand up.

64. Amos Wilsher, I sentence you for each of the murders of Arthur Gumbley and Josephine Kaye to life imprisonment, with minimum terms (to run concurrently) of 38 years. For conspiracy to rob, I sentence you to 15 years' imprisonment, to be served concurrently with the sentences for murder. For wounding with intent, the sentence is 6 years' imprisonment, to be served concurrently with the sentences I have just imposed. Those are the shortest sentences which I can impose that reflect the criminality of your conduct as a whole.
65. Please sit down.

*Ancillary orders*

66. I shall make deprivation orders under section 152 and 153 of the Sentencing Act 2020 in respect of:
- i) The Audi A3 AO62SYH (recovered by police on 5 March 2020)
  - ii) The VW Golf bearing registration no. RJ60SOC (recovered by police on 13 March 2020)
  - iii) The cash recovered from room 101 of the Bentley Hotel after your arrest there on 13 March 2020 (approx. £3000, exact amount to be confirmed).
67. I am satisfied that these were lawfully seized from you and/or in your possession when arrested for these offences, and were used or intended to be used for the purpose of avoiding apprehension for the murder of Mrs Kaye. I understand that in the light of these orders, the police will arrange for the restoration of these assets or their proceeds to Mrs Kaye's family at a time and in a way that is convenient to them.

68. If the statutory surcharge applies then it will be drawn up in the appropriate amount.

**Sentence: Jason Wilsher**

69. I now turn to you Jason Wilsher. You have been convicted of the murder of Arthur Gumbley, as well as wounding with intent and conspiracy to rob.

70. As you have heard me say, the sentence for murder has been set by Parliament. The law requires me to sentence you to life imprisonment for that offence.

71. I have to set the minimum term you must serve in prison before becoming entitled to apply for parole. I also have to consider whether life sentences should be imposed for the offences of conspiracy to rob and wounding with intent. Both decisions depend on the seriousness of the offences of which you have been convicted, considered together.

72. I first consider individually the three offences of which you have been found guilty.

*Murder of Mr Gumbley*

73. You murdered Mr Gumbley for gain, because you killed him in the course of or furtherance of robbing him. That made it a particularly serious murder, for which the appropriate starting point for the minimum term is 30 years. There is no reason to take any other starting point here. I must then consider whether, in all the circumstances, the minimum term should be 30 years, or longer or shorter than that, bearing in mind aggravating and mitigating factors.

74. I have already made the point that the murder of Mr Gumbley was aggravated by the fact that he was particularly vulnerable because of his age and his frailty.

He was also vulnerable because he lived alone. It is also aggravated by the mental and physical suffering which he endured for three weeks before he died. Furthermore, the attack on Mr Gumbley was a group attack by two men. I cannot be sure that you personally struck Mr Gumbley, and accept that the DNA found on the drawer handle upstairs may suggest that you were the person who ransacked his house. Nonetheless, the jury by its verdict has concluded that even if you did not yourself physically harm Mr Gumbley, you deliberately helped or encouraged the person who did.

75. You have some potentially relevant previous convictions. These include convictions in May 2015 for robbery (committed in July 2014, being a robbery of an elderly male), in October 2016 for domestic burglary (committed in June 2015) with the occupant not present, and in October 2017 for affray (violence against a fellow inmate at a Young Offenders Institution). You were aged 16, 16 and 18 at the time of those offences. The first was committed along with a brother 9 years older than you. After the offences we are concerned with, you were convicted in December 2018 for battery (committed in August 2018, and involving violence against the female carer of an elderly male at his home). In my view the first three of these are aggravating factors, although their weight is reduced by your young age at the time, the presumed influence of your brother in relation to the robbery, and the non violent nature of the burglary.

76. The murder of Mr Gumbley involved a significant degree of planning or premeditation for the reasons I summarised earlier. At the same time, I cannot be sure that you intended to kill Mr Gumbley either when you attacked him or when you planned the robbery. Moreover, for the reasons I have already given,

I cannot be sure, on the evidence given at trial, that when planning the robbery you intended to inflict really serious harm on Mr Gumbley, although I am sure you intended to use some violence in order to achieve your purpose. I consider it more accurate to say that the robbery, rather than the murder, of Mr Gumbley was planned and premeditated.

77. It is a mitigating factor that you intended to cause Mr Gumbley really serious harm but did not intend to kill him. You used what can only be described as severe violence against Mr Gumbley, given his age. However, there is no indication that you took or used a weapon in the attack; and on the evidence I do not feel sure that what you did created such an obvious and serious risk of death that I should discount lack of intention to kill as a mitigating factor.
78. It is also relevant that you were only 18 when you committed the offence, and according to your counsel had had limited schooling. Although you already had a criminal record, and participated in the planning and preparation of the attack on Mr Gumbley, those factors do not necessarily demonstrate maturity. As your counsel says, greater age can among other things lead to increased awareness of the impact of your actions on others, and greater ability to withstand the influence of others. In my view, your young age at the time remains a mitigating factor of considerable significance.

*Wounding of Mr Taylor*

79. The wounding with intent of Mr Taylor falls in culpability category A in the sentencing council's guideline for such offences, for the reasons I gave earlier. I cannot be sure that you were the person who actually sat on Mr Taylor and used the pointed weapon to cut through his lip and to threaten him. Nonetheless,

the jury by its verdict has concluded that even if you did not yourself physically harm Mr Taylor, you deliberately helped or encouraged the person or persons who did.

80. The wounding fell in harm category 3. The starting point under the sentencing guideline would therefore be 5 years' imprisonment, with a category range of 4-7 years. The offence was aggravated to some degree by your previous convictions, and the fact that it was a group attack by three men. It is mitigated to a degree by your age. This offence by itself would in your case merit a sentence of 5 years' imprisonment.

*Conspiracy to rob*

81. In considering the offence of conspiracy to rob, I have regard first to the sentencing guidelines for the offence of robbery itself. The robberies of Mr Gumbley and Mr Taylor were part of a sophisticated and organised plan, as I have already outlined. Both robberies in fact involved the use of very significant force, and I am sure you intended from the outset to use at least some violence to carry out the robberies. Those factors would themselves place the robberies in the high culpability bracket in the sentencing guideline. The robbery of Mr Taylor also involved, at least as matters turned out, production of a bladed or pointed article to threaten violence.
82. Both robberies also involved serious physical harm to the victims, and the ransacking of their homes; and I am sure you planned from the outset both to use at least some violence and to ransack your victims' homes looking for money or other valuables. That would place the planned robberies in harm category 1.

83. On that basis, the starting point under the guideline for each of the robberies as a substantive offence would be 13 years' imprisonment, with a range of 10-16 years. The robberies were aggravated by your having targeted vulnerable victims in their own homes, the prolonged nature of the attacks, the fact that they were group attacks, the facts that in the robbery of Mr Taylor face masks were worn to conceal identities; and Mr Taylor was physically restrained. They are also aggravated to some degree by your previous convictions for robbery and burglary, though subject to the considerations I have already mentioned.
84. You are being sentenced for the murder of Mr Gumbley and the attack on Mr Taylor in any event, and I have taken account of the fact that the murder of Mr Gumbley was committed as part of a robbery when deciding the starting point of the minimum term for that murder. However, it will be appropriate to impose a sentence for conspiracy to rob which reflects the fact that you planned to (and did) also rob Mr Taylor as well as wounding him.
85. Other things being equal, I would impose concurrent sentences of imprisonment for conspiracy to rob and for wounding Mr Taylor with intent, increasing the sentence for the conspiracy so as to reflect the overall criminality of the conspiracy and the wounding with intent. The sentence I would impose in your case would be one of 12 years' imprisonment, to run concurrently with a sentence of 5 years' imprisonment for wounding with intent.

*Life sentences for conspiracy to rob and wounding with intent?*

86. I have considered whether I should impose life sentences for the offences of conspiracy to rob and wounding with intent.

87. You have been convicted of murder, conspiracy to rob and wounding with intent in these proceedings, and so they are all associated offences with each other.
88. The offences you have committed, in themselves and also in the context of your previous convictions, make clear that you pose a significant risk to members of the public of serious harm caused by your committing further specified offences, specifically those involving violence. It is not necessary to obtain a pre-sentence report in order to reach that conclusion.
89. The murder you have committed plainly justifies the imposition of a life sentence, because that is the sentence prescribed by law. However, I do not consider that the seriousness of your offending as a whole justifies the imposition of life sentences for conspiracy to rob or for wounding with intent as well. Public protection is already achieved by the life sentence I must impose for murder, whose effect is that even after you have served the minimum term, you will not be released unless and until the Parole Board consider it right to do so in the light of the risk you then present.

*Minimum term and sentences*

90. I therefore have to decide the minimum term you must serve: and in addressing you, Jason, I must again stress and explain the word minimum. The end of the minimum term is not the point in time at which you will necessarily be released. It only fixes the point when you will be entitled to apply for parole. It will then be for the Parole Board to decide whether you can be released on licence, and that will depend on the risk which at that time they assess you pose to others. If the Parole Board do decide to release you at that or some later stage, you will then be on licence for the rest of your life. That will mean that if you offend



again or do not follow your licence conditions, then you are likely to be returned to prison.

91. The minimum term must take account of the aggravating features I have already described in relation to each offence. You murdered Mr Gumbley for gain; you did so in the course of a robbery which itself certainly was planned and premeditated; you conspired to rob, and you robbed and wounded a further victim, Mr Taylor, with intent to cause him really serious harm; you picked on elderly frail individuals living alone as your victims; Mr Gumbley suffered pain and distress as a result in the weeks leading to his death; and all the other aggravating features apply to which I have referred when considering each offence individually.
92. Conversely, the minimum term must also reflect the fact that I cannot be sure, and the evidence does not show, that you intended to kill Mr Gumbley, either in advance or when you attacked him. In addition, as I have said, I cannot be sure that you planned in advance to cause him really serious harm, as opposed to some harm. The minimum term must also reflect the fact that you were only 18 when you committed these offences.
93. In addition, the minimum term must reflect your offending as a whole, including the conspiracy to rob and the wounding with intent of Mr Taylor. That is because, as with Amos Wilsher, I am going to impose concurrent sentences for those offences, in other words sentences which run as the same time as you serve your sentences for murder. The minimum term must therefore take account of the sentences I shall impose for conspiracy for rob and wounding with intent, and specifically the custodial part of those sentences, in other words

the part you would have to serve in prison before becoming eligible for parole. The custodial part of a sentence of 12 years for conspiracy to rob would be 8 years.

94. I take account of the fact that there is significant overlap between the factors which lead to the 30 year starting point for the murder of Mr Gumbley, namely that it was a murder for gain, and the facts which underlie the conspiracy to rob; and there is also overlap between the factors which aggravate the murder and those which aggravate the conspiracy to rob and the wounding.
95. It is important that I also apply the principle of totality, in order to arrive at a sentence that is just and proportionate in all the circumstances.
96. Beginning with the starting point of 30 years for murder, there would need to be an uplift to reflect the facts that you have also committed conspiracy to rob and wounding with intent; and an uplift to reflect all the aggravating factors I have mentioned when discussing the offences individually. On the other hand, the murder is mitigated by your lack of intention to kill, and all the offences are mitigated by the fact that you were only 18 when you committed them.

*Imposition of sentence: Jason Wilsher*

97. Jason Wilsher please stand up.
98. Jason Wilsher, I sentence you for the murder of Arthur Gumbley to life imprisonment, with a minimum term of 25 years, less 1,271 days spent in custody on remand. For conspiracy to rob, I sentence you to 12 years' imprisonment, to be served concurrently with the sentence for murder. For wounding with intent, the sentence is 5 years' imprisonment, to be served

concurrently with the sentences I have just imposed. Those are the shortest sentences which I can impose that reflect the criminality of your conduct as a whole.

99. If the statutory surcharge applies then it will be drawn up in the appropriate amount.
100. Please would you both now go with the officer.

**Concluding remarks**

101. Finally, I wish pay tribute again to the families of Mr Gumbley and Mrs Kaye for their dignity and strength during the trial and today's hearing; and to Mr Taylor for his fortitude in giving evidence at trial. I also pay tribute to the police for their careful and thorough investigation and preparation of this sad case.