



THE RECORDER OF SHEFFIELD

SENTENCING REMARKS

OF

**THE RECORDER OF SHEFFIELD
HIS HONOUR JUDGE JEREMY RICHARDSON QC**

AT

THE CROWN COURT AT SHEFFIELD

ON

THURSDAY 31ST MARCH 2022

REGINA

V

STEVEN JOYNES

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

Steven Joynes, you are aged 36 years.

You fall for sentence in respect of your guilty plea to Being the Owner of a Dog which was Dangerously Out of Control which resulted in the death of a person contrary to section 3 (1) and (4) of the Dangerous Dogs Act 1991.

The maximum sentence is one of 14 years imprisonment.

You have no previous convictions. The only matters on your record occurred a long time ago and have no relevance whatever to sentence in this case.

You pleaded guilty after the PTPH but well before trial. It is my judgment that the inevitable sentence of imprisonment should be reduced by one fifth by reference to the stage of the proceedings at which you entered the plea.

The Facts

The infant who was killed by your dog was called Elon. He was your 12 day old son. His mother is Abigail Ellis. You were her partner.

The dog that killed your son was Chow Chow/Alsation cross breed, which had been acquired by you in 2019 when it appeared your former partner could not cope with the animal.

You formed a relationship with Miss Ellis and moved to an address in Doncaster. She had children with a former partner who had died.

It is clear to me the dog was utterly out of control and this resulted in neighbours heightening fences to prevent the creature from jumping over into their gardens, as they found him to be intimidating and out of control.

Neighbours also saw you kick out at the dog and shout at it.

That is no way to treat a dog and reveals your complete inadequacy and inability to control the dog.

It is clear that you were aware the dog had bitten one of the children on the thigh on 9th April 2020. You were present when that occurred. All you did was to smack the dog – which, again, is no way to deal with a situation of that kind.

I have no doubt whatever that by the time your son Elon was born in September 2020 you were aware there was a particular need for care when the dog was around any of the children. You made no attempt to socialise the dog with the company of children, instead all you did was banish the creature to the back garden.

On 13th September 2020 you were at home with your partner, the older children and the new born infant, Elon. You were in the garden whilst your

partner was in the house with Elon. The dog was roaming freely in and out of the house without any form of supervision or restraint.

Elon was left on a sofa in the sitting room whilst his mother went to the lavatory. The dog entered that room and killed the baby. An ambulance was called but all attempts at resuscitation failed. The infant, 12 days old, had between 30 and 40 puncture wounds and 2 lacerations to the torso and abdomen. The pathologist indicated that death arose due to repeated bites from the dog.

The dog was subsequently put-down.

The Sentencing Guidelines

I shall pay close attention to the definitive guideline of the Sentencing Council on Dangerous Dog Offences which was revised in July 2016. Death was caused and therefore the harm caused was the greatest.

I am satisfied this case falls in category B because you failed to respond to the concerns which had been expressed about the dogs behaviour, furthermore you failed to take any action based upon the previous behaviour of the dog.

Consequently, the starting point is 4 years imprisonment with a range of 2 to 7 years.

There is the aggravating feature that the victim was a 12 day old infant who had no possible chance of defending himself.

The infant must have been terrified when attacked.

Mitigation

Mr Moss has advanced every point that could be made on your behalf and has done so with care. I am grateful to him for his submissions.

He rightly makes the following points:

- (1) You have no previous convictions.
- (2) You are filled with remorse – which I accept as genuine.
- (3) The infant killed was your own son.
- (4) You have suffered in relation to your mental health. In this regard I have read the psychiatric report where the details are set out.
- (5) The impact of an immediate custodial sentence will have an impact upon the wider family and may affect whether the children can return to the care of the parents.

I am unable to accept that this episode can be properly characterised as a momentary lapse. You were fully aware how aggressive the dog had been and the dangers it posed. You took no steps to control the dog that afternoon with the children around and about and an infant indoors. That prolonged inattention to the nature of the dog and the utterly obvious dangers it posed is actually a serious aggravating feature.

I accept the general proposition implicit in the submissions of Mr Moss that it is necessary for me to keep a sense of proportion about the sentence in this case.

Conclusion

The simple fact of the matter is this: you knew the dog was unmanageable and had vicious characteristics. You had made no attempt to socialise the dog with children. All you did was hit or kick the dog and put it outside. You were warned about its nature. You took no effective steps to protect any of the children – least of all your 12 day old infant son – from this dangerous dog. The dog had bitten one of the other children – about which you were aware.

You were an utterly inadequate dog-owner.

You failed to protect your infant son – or for that matter any of the children.

I accept the five points of mitigation I have just identified, but this is a serious case of its kind where a 12 day old baby was brutally killed by a dog which was dangerously out of control and you had done nothing whatsoever to deal with that situation.

What steps you took were the wrong ones and wholly inadequate.

You should never have kept this dog. There are plenty of dog charities who would have taken the dog and taken care of it appropriately. Instead, you kept the animal and it killed your son.

Given the nature of the creature – the fact it was an obviously dangerous dog – what eventuated, was a tragedy waiting to happen. It was inevitable that sooner or later the dog would attack a child in a very serious way.

The tiny baby must have been terrified in the final moments of his life being brutally attacked by a ferocious dog that eventually killed him.

You allowed this to happen.

It is my judgment that following a trial – and absent any mitigation – a sentence of 5 ½ years imprisonment would have been imposed.

Given the points of mitigation, the sentence is further reduced to 5 years and then by one fifth to take account of the stage at which you pleaded guilty. This leads to a sentence of 4 years imprisonment.

I have stepped back to ask whether that is too much in all the circumstances. I have come to the unhappy conclusion that it is not. A sentence of 4 years imprisonment is warranted in this serious case.

I do not consider you to be a fit and proper person to keep a dog having regard to the statutory criteria. I must keep a sense of proportion about this. It is my judgment that you should be disqualified from keeping a dog for 15 years.

Sentence

You must now stand up.

The sentence I pass upon you is one of 4 years imprisonment.

You will serve half of that in custody and the balance will be served on licence. You may be recalled if you breach any licence conditions.

I impose the necessary statutory charge in the appropriate amount with a collection order.

I disqualify you from keeping a dog for 15 years.

Take him down.