



Courts and Tribunals Judiciary

AYLESBURY CROWN COURT

THE KING

V

JUSTIN PLUMMER

Sentencing Remarks of Mr Justice Cavanagh

25 July 2023

1. Justin Plummer was convicted on 19 June 2023, after a trial in this Crown Court, of the murder of Janice Cartwright-Gilbert. The murder took place on 28 February 1997, over 26 years ago.
2. This is the sentencing hearing. Justin Plummer has refused to leave his cell so as to attend this hearing. He was not prepared to attend either in person or via Prison Video Link. I am satisfied that there is no good reason for his non-attendance. The date of this hearing was fixed on 19 June. He is not unwell. There are no reasons outside his control why he is unable to attend this hearing. He has simply taken the decision that he is not prepared to attend this hearing. I have considered, therefore, whether it is in the interests of justice for the hearing to proceed in his absence. I have decided that it should proceed. Justin Plummer has voluntarily waived his right to attend his sentencing hearing. He is represented by counsel, Ms Katy Thorne KC, who was trial counsel. He has had ample opportunity to give instructions to his solicitors and counsel in advance of this sentencing hearing. Ms Thorne KC has mitigated ably on his behalf. In fact, for reasons I will explain, there is only one sentence, and only one minimum term, that I can impose upon him. To adjourn this hearing would cause great inconvenience for the Court and for other Court users, and, most importantly, it would potentially exacerbate the distress of his victim's former partner and her family.
3. Accordingly, I will now proceed to pass sentence.
4. Before I do so, I make the following observation. This is yet another example of a distressing trend in which those who have been convicted of very serious offences decline to attend their Sentencing Hearing. This is an act of moral cowardice, and can

serve to deny the victim's family the resolution and closure that a sentencing hearing should provide. In Justin Plummer's case, it is a clear indication of lack of remorse.

5. I will address the Sentencing Remarks to you, Justin Plummer, even though you are not here, and I direct that a written copy of them be given to you in prison.
6. I was the trial judge. I am satisfied so that I am sure that what follows is an accurate summary of the facts of this offence.
7. The victim, Ms Cartwright-Gilbert, lived with her partner, Roderick Cove, in a rural location near to Wilden in Bedfordshire. They ran an electrical company together. They were building a house to live in and, whilst the building works were being undertaken, they lived in a caravan in a field beside the house. On 28 February 1997, Mr Cove travelled into London for work and Ms Cartwright-Gilbert remained in the caravan, doing administrative work for the business and also carrying out work as the Parish Clerk for two neighbouring parishes. She was alone, apart from her two Irish Setter dogs.
8. You were, at the time, a prolific burglar who had, for some months, been committing a large number of burglaries in villages and in rural areas near Bedford. Around lunchtime on 28 February 1997 you drove past the location, saw the half-built house, and decided on the spur of the moment to break in to steal power tools or building materials. Whilst you were on the property, Ms Cartwright-Gilbert saw you through the window of her office in the caravan and came out to ask you what you were doing. There was a confrontation and you lost your temper and attacked Ms Cartwright-Gilbert, breaking her nose and pushing her to the ground. You then stamped on her head with such ferocity that the imprint of your trainer was left on her forehead. At the end of this phase of the attack, Ms Cartwright-Gilbert was left either unconscious or semi-conscious. You took the cold-blooded decision that, having gone so far, you were going to go all the way and were going to kill your victim. You carried Ms Cartwright-Gilbert into the caravan. You then stabbed her in a frenzied manner through the heart and the lungs. It was these blows that were the fatal blows. In addition, you stabbed her in the neck, once with a pair of scissors and once with a knife, leaving them in her body. You then decided to set fire to Ms Cartwright-Gilbert's body and to the caravan, in order to destroy any potential forensic evidence. You tied the electric flex from a heater around Ms Cartwright-Gilbert's neck with a view to ensuring that Ms Cartwright-Gilbert's body would be consumed by the fire and then set fire to the caravan, shutting the door on your way out.

9. You then made your escape. A number of passers-by were alerted by the flames and one neighbour, John Stacey, who is now deceased, courageously went into the caravan, discovered Ms Cartwright-Gilbert's body and tried to remove it from the caravan. As a result of his efforts and those of firefighters, Ms Cartwright-Gilbert's body was rescued from the caravan and suffered only minor smoke damage. However, Ms Cartwright-Gilbert's two dogs were trapped in the caravan and were killed in the fire. The caravan was completely destroyed.
10. The trial which has recently taken place was a retrial. You were originally convicted of murder after a trial at St Albans Crown Court in December 1998. That conviction was quashed by the Court of Appeal in 2021, because, as a result of expert evidence that was put before the jury in 1998 and which has since been discredited, the verdict was unsafe. The evidence that was placed before the jury at your trial in 2023 did not include the discredited expert evidence.
11. Before I come on to the sentence, I want to say something about Ms Cartwright-Gilbert. At the time of her murder, Janice Cartwright-Gilbert was aged 38, and so she would only be 64 now, if she had lived. It is clear that she was a lovely person. One of her neighbours said that Janice was a very bubbly and friendly personality with a good sense of humour. She was very articulate and bright. Her father said that she was an out-going person, full of the joys of spring, who was strong minded and knew exactly what she wanted to do. She and Mr Cove were very much in love and very happy together. She was living the life she had always wanted to live: in the country, caring for her goats, geese and chickens. By murdering Ms Cartwright-Gilbert you deprived her of many more happy and fulfilling years of life, Mr Cove was deprived of a loving partner, and Ms Cartwright-Gilbert's parents were deprived of a beloved daughter. Despite the time that has elapsed since you murdered Ms Cartwright-Gilbert, the pain and loss has endured, and she continues to be much loved and much missed.
12. There is only one sentence that the law allows me to pass for the offence of murder. It is a sentence of life imprisonment. That is the sentence that I now pass, but I am also required by Schedule 21 to the Sentencing Act 2020 to specify a minimum term which must elapse before you can be considered for release on licence. It will be for the Parole Board to consider whether, and, if so, when, you can be safely released.
13. There are special principles that apply in your case, because your offence was committed prior to 18 December 2003. I must first consider what minimum sentence would have been appropriate, under the current sentencing regime, if this offence had been committed within the last few years. Having decided that, I must adjust the minimum sentence, if necessary, so as to impose a minimum term that is no greater

than the period which, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to have notified to you as the minimum period which in the view of the Secretary of State should be served before your release on licence.

14. As I will come on to explain, because you were convicted of this offence in 1998, and the Secretary of State at that stage notified you of the minimum term you would have to serve, I am in a position to know exactly what the appropriate minimum term would have been under the practice that was followed by the Secretary of State in 1997-1998. Before dealing with that, however, I will first determine the minimum term that I would have imposed on you if this offence had been committed recently.
15. The appropriate starting point for the minimum term for this offence, under the current sentencing regime, would have been 30 years. This is because you committed the murder for gain, as you killed Ms Cartwright-Gilbert during the course of a burglary, and in order to avoid detection. I accept that the murder was not premeditated, in that you did not enter onto Ms Cartwright-Gilbert's land with the intention of killing her, and I cannot be sure that you brought a weapon to the scene, as that was not part of your normal modus operandi, even though the knife that was used to inflict the fatal blows on Ms Cartwright-Gilbert was never found and must have been removed by you from the scene. Though you have one previous conviction for inflicting grievous bodily harm, you have no previous convictions for offences of violence of anything like a similar gravity. You were relatively young, 24 years old, at the time of the murder. You had endured a difficult childhood. Nevertheless, in my judgment, it would have been appropriate to set the minimum term at the starting point, for the following reasons: First, your victim was vulnerable in that she was a lone woman in a remote rural location; second, you attacked her in her own home; third, the attack was prolonged and ferocious, using at least three weapons (the knife that inflicted the wounds in Ms Cartwright-Gilbert's chest was different from the knife that was found embedded in her neck) and a shod foot; fourth, you reached a point during the attack when you formed the intention to kill Ms Cartwright-Gilbert and then acted on it; fifth, you tried to conceal your crime by burning her body; sixth, you were on licence at the time of this offence, and, seventh, you have shown no remorse.
16. Taking all aggravating and mitigating factors into account, if this offence had been committed during the period covered by the current sentencing regime, I would have set a minimum term of 30 years.
17. However, I do not impose that minimum term. The law requires me to impose a minimum term that is no greater than the minimum term that would have been

imposed by the Secretary of State in 1997-1998. I do not have to speculate what that minimum term would have been, because I know that, after your conviction in 1998, the Secretary of State set a minimum term of 16 years. Further, and in any event, as you are being sentenced after a retrial following a successful appeal in which you were convicted for a second time of the same offence, the law requires me to pass a sentence which is of no greater severity than the sentence that was passed on the first occasion.

18. Accordingly, you are sentenced to life imprisonment for the murder of Janice Cartwright-Gilbert, and the minimum term that I order is 16 years.

19. In fact, you have been serving a life sentence for this murder from the date on which you were sentenced after your first conviction, 17 December 1998, until the quashing of that sentence by the Court of Appeal on 15 July 2021. You had previously been in custody on remand for murder since 28 April 1997, and have been on remand, once again, since 15 July 2021. Pursuant to the Criminal Appeal Act 1968, Schedule 2, paragraph 2(3), the time which you have already served for this offence, including time on remand, counts towards the minimum term. Therefore, the minimum term expired in about 2013, and so you are now eligible for parole. You have already served over 26 years in prison for this offence.

20. Two matters require emphasising.

21. First, there is no injustice in this outcome. In accordance with normal principles of sentencing, it is right that you should be sentenced by reference to the sentencing regime that applied at the time of the offence. It was not your fault that the original conviction was set aside and that you were then retried so that you are now being sentenced afresh in 2023. The fact that the minimum term that I have set for you is very considerably lower than the minimum term that I would have set if the same offence had been committed in 2022 or 2023 simply reflects changes in the sentencing regime.

22. Second, it is important that you – and everyone concerned with this case or reading or reporting this sentence – understands what your sentence for murder in fact means. The minimum term is not a fixed term after which you automatically qualify for release, but is the minimum time that you must spend in custody before your case can be considered by the Parole Board. It is for the Parole Board to say, after expiry of the minimum term, whether or not you are fit to be released. There is no guarantee that an offender upon whom a minimum term order has been imposed will be released once the minimum term has expired, or at any particular time thereafter. If and when you are released, you will be subject to licence and this will remain the case for the rest of

your life. If for any reason your licence were to be revoked, such as if you reoffend, you will be recalled to continue to serve your sentence in custody.

23. There are two other matters that I must deal with.

24. At the start of this trial, you pleaded guilty to two offences of common assault of police officers. These offences took place on 29 April 1997, on the day after you had been arrested for murder, when you refused to return to the cell that you yourself had flooded and attacked officers who were trying to restrain you. No serious injuries were sustained. I sentence you to one week's imprisonment for each offence, to be served concurrently with the sentence for murder, and with each other.

25. Finally, the appropriate statutory surcharge applies.