



Rex

v.

Luke D'WIT

Sentencing Remarks

1. Luke D'Wit, the jury have found you guilty of the murder of Carol Baxter and the murder of Stephen Baxter. On 7 April 2023 you poisoned Stephen Baxter with fentanyl and you poisoned Carol Baxter with fentanyl and promethazine.
2. Over the course of about 9 years you became a close friend of the Baxters, who regarded you as a member of their family. You spent a great deal of your time in their home and, in particular, you accompanied Carol Baxter on walks and visits to the gym and you regularly mixed what were supposed to be health drinks for her. I am sure that it was by means of one such drink, which you had recommended to Carol and Stephen Baxter in the guise of Dr Alan Mandell, one of many false identities created by you, that you administered the drugs to Carol and Stephen Baxter without their knowledge.
3. You ended Carol and Stephen Baxter's lives and you brought grief and misery to the lives of others, especially their children, Harry and Ellena, and Carol Baxter's daughter, Rachel, and sisters, Jayne and Julia. All of them have made statements in which they have eloquently and movingly expressed their profound loss and suffering. As Ellena Baxter said, you have given them years of pain and trauma.

4. I am sure that you intended to kill Carol and Stephen Baxter. There has been no suggestion to the contrary. You have never admitted what you did and therefore you have never explained why you did it.
5. The Crown suggest that you acted both out of a sadistic desire to take pleasure from the infliction of pain or suffering and in the expectation of gain as a result of the deaths of Carol and Stephen Baxter.
6. What you did was cruel and senseless, but I am not sure that it is properly to be described as sadistic. It is likely that Carol and Stephen Baxter did not endure any pain or suffering, since the drugs which you administered had a sedative effect, putting Carol and Stephen Baxter to sleep and then killing them in their sleep as the drugs affected their brains and caused them to stop breathing. Moreover, I consider that it is distinctly possible that what really motivated you was a desire to control others, as you had manipulated and controlled Carol Baxter in the two years before her death, and as you continued to manipulate Ellena Baxter after her parents' death. Deciding whether another person lives or dies is the ultimate form of control.
7. Between 2021 and 2023 you created seven false identities, including three supposed doctors and three supposed fellow sufferers from Hashimoto's disease, a condition which leads to an underactive thyroid gland, but which in Carol Baxter's case was being properly treated by her doctors. You corresponded with Carol Baxter using these false identities and used them to encourage her to ignore her doctors' advice and to believe that her ill health was caused by her Hashimoto's disease, for which you recommended various useless treatments.
8. The Crown suggest that you administered drug capsules to Carol Baxter in the two years before her death, each of which, unknown to her, contained the equivalent of four tablets of phenergan, an anti-histamine which contains promethazine. That may well be right, but I cannot be sure of that, since there was evidence that Carol Baxter took phenergan herself and believed that it was good for her. However, I am sure that you encouraged her in that belief when, unknown to her, and possibly to you, it was her long-term exposure to promethazine which was the cause of her illness.
9. I am also sure that your intentions towards Carol Baxter were not benign, as you claimed, since I am sure that you administered a drug capsule to her in January 2022 which contained the tack which was later found in her colon. You also persuaded Carol and Stephen Baxter to drive 3 hours to a hotel in the expectation of meeting one of your false identities, a meeting

which could not take place. This was, as you must have anticipated, upsetting for Carol Baxter.

10. You made some attempts to secure an indirect gain for yourself after Carol and Stephen Baxter's death, but I am not sure that that was your principal motivation for killing them.
11. I have to impose a sentence of life imprisonment. The Crown submit that your offences are on the cusp of being so serious as to justify my imposing a whole life order. However, I do not consider that a whole life order is appropriate on the facts of this case. This is not one of those few exceptionally serious cases which call for what has been described as a sentence of last resort.
12. It follows that I have to decide the minimum term which you will serve before you are eligible to be considered for release by the Parole Board. It is important that you, and everyone concerned with this case, should understand what a minimum term means. A minimum term is not a fixed term after which you will automatically be released. It is the minimum time which you will spend in custody before your case can be considered by the Parole Board. It will then be for the Parole Board to say whether or not you will be released. If they do not, you will remain in custody.
13. If and when you are released, you will still be subject to licence. This will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.
14. I am also required to impose the statutory surcharge, if it applies. The order can be drawn up in the appropriate amount.
15. The seriousness of your offences is particularly high because you killed two people. The law says that the starting point in a case like this is a minimum term of 30 years. I have to consider whether I should adjust that figure up or down, so I have to consider all of the aggravating and mitigating factors.
16. As for aggravating factors, there was a significant degree of planning involved in these murders. I am not sure that your intention to kill the Baxters was formed before 31 March 2023, but I am sure of the following. You extracted the fentanyl from patches which had originally been prescribed for your father, who died in 2021, but which you retained in abundance. You crushed phenergan tablets into a powder. Starting on 31 March 2023 you sent emails posing as Dr Mandell, encouraging both Carol

Baxter, who was used to drinking supposed health drinks prepared by you, and Stephen Baxter, who was not, to drink something which was supposed to cleanse their livers. You warned them that the drink would not taste nice and that it would make them drowsy. You took the drugs to their home, where you arrived at 10.20 am on 7 April 2023, and you placed them in the drinks which you prepared for Carol and Stephen Baxter. You then cleaned up afterwards.

17. I do not consider that, in the words of the statute, Carol Baxter was in a particularly vulnerable position by reason of her illness or that this was a case of abuse of a position of trust. However, it is relevant that your relationship with the Baxters and Carol Baxter's illness had led the Baxters to trust you to prepare supposed health drinks for her for some time and that this is what gave you the opportunity to do what you did. This is an aspect of the controlling and manipulative behaviour on your part between 2021 and 2023 to which I have already referred. It is an aggravating factor that your offences were preceded by that behaviour.
18. It is also an aggravating factor that on 7 April 2023, when the Baxters were unconscious, you took the macabre step of using an application on two mobile telephones to monitor them while you left the house for a time.
19. Then, shortly before 8 pm, you left the house, leaving Carol Baxter to die and, if he was not already dead, leaving Stephen Baxter to die. Carol Baxter's pacemaker shows that she died between 11 am and 2 pm the next day. It is not known when Stephen Baxter died.
20. I am also sure of the following, which are also aggravating factors. You created a document which purported to set out the wishes of Carol and Stephen Baxter in the event that they both died, especially their wishes in relation to their company, Cazsplash Limited, for which you worked. You placed a copy of this document in the house, where it was found by their daughter, Ellena. You gave another copy to Cazsplash Limited's landlady.
21. This document stated, amongst other things, that the Baxters' wish was for you to manage the company and for £60,000 to be paid to the company from the Baxters' estate. By the time of the Baxters' death, the company had effectively ceased trading and had no means of repaying the £15,100 which you had advanced to it or of paying further fees to you in your role as its IT consultant.
22. Moreover, I am sure that you created another false identity, namely a supposed solicitor called Martin Ellison, to reinforce the notion that this document was genuine. In short, although you did it in a somewhat

amateurish manner, you attempted by deception to benefit indirectly from the Baxters' death.

23. Moreover, you did this after you had used Carol Baxter's iPad on 7 April 2023 to open her internet banking application and to transfer £6,000 from her account to the company's account. You did that while you were in the house and while Carol and Stephen Baxter were unconscious.
24. In addition, in the 3 months between the Baxters' death and your arrest: you continued to portray yourself to Ellena Baxter as her best friend, rather than the killer of her parents, whose funeral you attended with her; you continued to deceive her by corresponding incessantly with her in the name of one of your false identities; and you lied to the police in the witness statements which you made.
25. The principal mitigating factor is that you are a 34 year old man with no previous convictions. Moreover, four witnesses spoke very highly of your character, including your work for charity and in the community. However, good character is of little significance in a case as serious as this.
26. Aspects of your behaviour in relation to the Baxters were very odd, to say the least, but there is no evidence that you suffered from any mental disorder or mental disability which lowered the degree of your culpability.
27. Luke D'Wit, for the murders of Carol Baxter and Stephen Baxter, I impose on you concurrent sentences of life imprisonment. In each case, I fix the minimum term which you will serve in custody at 37 years, less the time which you have spent in custody on remand. I am told that you have spent 258 days in custody on remand, including 29 February 2024, so the minimum term will be 36 years and 108 days.

Mr Justice Lavender
22 March 2024