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Joshua Jacques

**Central Criminal Court
Sentencing Remarks of Mr Justice Bryan
1 March 2024**

1. Joshua Jacques, following your trial before me and a jury, at the Central Criminal Court, on four counts of murder (you having pleaded guilty to manslaughter as the jury were aware), on 22 December 2023 the jury returned four unanimous guilty verdicts of murder thereby rejecting your partial defence of diminished responsibility.
2. You murdered your girlfriend Samantha Drummonds, her mother Tanysha Ofori-Akuffo (also known as “Racquel”), Racquel’s mother Dolet Hill and her partner Denton Burke, on the night of Sunday 24 April 2022, into Monday 25 April 2022, at the home address of Dolet and Denton, 14 Delaford Road, London, SE16.
3. I must now sentence you for this horrific catalogue of murders inflicted by you, in the most brutal of circumstances, on three generations of the same family.
4. The scene, as found by the police when they attended 14 Delaford Road at 01.49am on Monday 25 April 2022, in response to a concerned call from a neighbour, has rightly been described as “like something out of a horror movie”.
5. When police forced entry, the porch door was partially blocked, it transpired by Denton’s body. He was lying face down on a foldable clothes rail between the porch door and the stairs. His legs were directly behind the door and his torso in the hallway. He had suffered blunt and sharp force trauma to his head and neck, with fractures to his jaw and face and a large incised wound to his neck consistent with his throat having been slit by you. He had undoubtedly fought for his life with you, and had initially been upstairs as evidenced by the location of the blood that was found, and he had suffered a significant head injury consistent with having fallen down the stairs (as heard by the neighbour). There is no dispute that he was killed by you, and that you intended to kill him. In all probability he was originally upstairs when you were carrying out your murderous intent on his partner, her daughter and her granddaughter downstairs.
6. In the kitchen of the property, the police discovered the bodies of Samantha, Racquel and Dolet all heaped together. The police separated them. Samantha was wearing a top under a denim jacket, and was naked from the waist down. She was moved out of the kitchen. There was an obvious stab wound to the right side of her abdomen. On moving her, further wounds were noted to her neck and back. She had suffered severe blood loss and had no pulse. At the post mortem it was established that she had suffered a number of stab and incised

wounds inflicted by you to her back, side and neck and had suffered internal injuries to both lungs, her liver and her right kidney. The cause of death was sharp force injuries to the trunk and neck.

7. A paramedic and police officer moved Dolet into the hallway. She was wearing a pink nightdress and underwear, and so was clearly attacked by you at a time when she had prepared for, or had been to, bed. When a paramedic cut away her upper clothing multiple stab wounds were revealed. At the post mortem it was established that she had suffered stab wounds to her head, neck and upper back, the fatal wound being a stab wound to the left side of her chest, inflicted by you, and some 21cm in depth, that had gone right through her heart and divided her aorta. She had defensive injuries to her right hand and right forearm consistent with her desperately trying to defend herself from your knife attack upon her. The cause of death was sharp force injury to the chest.
8. A paramedic and police officer moved Racquel away from the wall of the kitchen. Wounds were seen on her upper chest, neck and upper back. At the post mortem, injuries to the front left side of her chest, the front of her neck, the left side of her back and left thigh were noted. It was established that the fatal stab wound inflicted by you was to the front left side of her chest, and measured at least 12.5cm in length, the blade having gone through her heart. The cause of death was sharp force trauma to the chest.
9. By the very nature of the multiple injuries inflicted upon multiple adult victims, who were conscious and mobile, your murderous actions must have taken place over a sustained period of time, and the inevitable inference is that your victims must have suffered very significant pain and shock as they witnessed events, and as they themselves received horrendous injuries at your hand, and realised what you were doing and what their fate was. In fact it is not simply a matter of inevitable inference. There was also significant factual evidence that evidenced that events took place over a sustained period of time.
10. Earlier in the night, at 7.23pm Samantha had spoken to a friend Rutanya Ford on the telephone. Samantha had said of you, *"My partner's got mental health and we are just trying to sort him out right now ... we just need to get him something, some medication to calm him down"* and Rutanya Ford could hear you in the background repeatedly singing, *"I'm coming home"* to the tune of the Football's coming home song. At 9.42pm in an iMessage communication with Ayo Omosuyi (whilst Samantha was at 14 Delaford Road), Samantha messaged, *"He's calm now"* and another message, *"Being around the right energy and ppl can really help, obviously still getting the meds"*.
11. However, by midnight, it is clear that all was not right with you. At 00.05hrs Samantha's phone made an attempted call, and then 6 seconds later Racquel sent a text message to her daughter Samantha (when they were both in the same house). Nine seconds later Racquel made a 27 second call to Samantha's mobile phone. Samantha then tried to call your mother, Norma Derrivere at 00.16hrs, and tried to call another number as well. Then at 00.17hrs there was a 2 minute 19 second call from Samantha to your mother. When she answered the call Mrs Derrivere heard Samantha say, *"Norma he's sta... sta... ahhh"*. Ms Derrivere could hear you speaking in the background whilst Samantha was moaning. I am in no doubt whatsoever that during this call you were stabbing Samantha repeatedly with a knife.

12. At 01.42hrs a neighbour (whose house has a party wall with 14 Delaford Road) called 999 telling the operator she was worried about her neighbour and referring to noises that had been going on for about 1 and ½ hours. After initially hearing what she thought was a cat she then heard a female voice. It sounded like someone was struggling and she heard movement and banging. She then heard a male voice swearing saying, “F... you” and “F...off” a few times, and I have no doubt that was you. About twenty minutes later she heard the same male voice swearing. She looked outside but could not see anything. She tried to go back to sleep but continued to hear noises from next door. She could hear movement from within the house. She then heard what she thought were people awake inside. It sounded to her as if someone had fallen downstairs (I have no doubt this was Denton as you attacked him). Having discussed matters with her mother she then called 999 at 01.42hrs.
13. Following police officers forcing entry and discovering the bodies, they called for an armed police response, and such a unit arrived promptly. They made their way to the bathroom landing where a male voice could be heard in the bathroom. That was you. You in fact called your mother Norma on the phone first at 01.54hrs for 11 minutes and 39 seconds, and then almost immediately afterwards at 02.06am she called you back on a call that lasted for 21 minutes and 38 seconds. In the course of that call you said that you were “*going to end things*” and that you were “*going to make a sacrifice*”.
14. The armed police officers could hear you on the phone and repeatedly asked you to show yourself, without getting any response from you. Officers then forced the bathroom door. You were naked, lying on the ground in a praying position with your knees underneath you and your head down. You began screaming when the door was forced open, calling out words including, “*Allah, take me!*”, “*Kill me now*”, “*Get rid of me*” and “*God please forgive me*” whilst also being heard to sing. “*I’m coming home, I’m coming home – Lord I am sorry*”. You failed to comply with police instructions and they had no choice but to taser you, after which you sprang forward towards them and they had to taser you again. The paramedic found you to be shouting loudly and incoherently and displaying both highly deranged and violent physical exertion, as well as periods of complete stillness. You continued to present with episodes of seemingly disinhibited violent and uncoordinated physical activity.
15. I should make clear at this point that no one has ever suggested that your actions were in any way whatsoever religiously motivated or that you ever intended to make a sacrifice of your victims. This is no more than a symptom of the psychosis you were suffering from. I will come on to what caused that psychosis in due course.
16. You were taken to hospital, and thereafter into police custody. Whilst at the police station you spoke to a number of officers (much of which was caught on video footage and body worn camera) as played to the jury. By this stage it appears that you had recovered markedly and were able to carry on coherent conversations with officers (as reflected in the evidence of the prosecution psychologist Dr Nigel Blackwood, evidence which is consistent with my view of your behaviour at this time). From what you were saying you appeared to be seeking to lay the foundations for some form of mental health defence and diminished responsibility.

In due course you were found to be fit to be interviewed and you gave largely “no comment” answers.

17. The position, therefore is that over an extended period of time on the night of 25 April 2022, and for no apparent reason, you murdered four members of the same family. Your behaviour, at first blush, is all the more unexplainable given the normality of events earlier in the day.
18. In this regard you were captured on CCTV footage, as played to the jury, shopping in Aldi that afternoon with Samantha, and whilst it appears there was something of an argument between you as you were leaving, all appears normal at that time. You purchased a large amount of food (you were planning a barbecue that in the event did not take place), and you also purchased presents for Samantha’s relations. In due course Samantha decided that you would both visit Racquel, Dolet and Denton at 14 Delaford Road, and that is what you did, spending the evening with them, and certainly earlier in the evening without any incident.
19. It was common ground between the expert psychologists, Dr Raman Dao and Dr Baird on behalf of the defence, and Dr Nigel Blackwood on behalf of the prosecution, that the killings took place in the course of a psychotic episode from which you were suffering, however their opinions as to the cause of that differed fundamentally. I am satisfied so I am sure, as were the jury based on their murder verdicts, that the killings were committed in the context of psychosis precipitated by your voluntary self-intoxication with high potency skunk cannabis interacting with your elevated baseline aggressivity inherent in your antisocial personality disorder structure. As such the partial defence of diminished responsibility was not available to you.
20. The evidence before the jury was that you had doubled your consumption of potent skunk cannabis in the days or weeks leading up to the killings (having already used potent skunk cannabis throughout the preceding months and MDMA approximately a week before the killings), and that you may have been consuming as much as 7 grams of cannabis a day immediately before the killings. I am satisfied so that I am sure, as were the jury, consistent with the expert evidence of Dr Blackwood, that earlier occasions on which you had shown signs of what the defence experts attributed to bipolar affective disorder (one such occasion leading you to be sectioned for a period of time) were themselves due to self-induced intoxication with cannabis (or at the time you were sectioned – the synthetic carbenoid Spice).
21. The tragedy that played out on the night of 25 April 2022 is a salutary lesson to all those who peddle the myth that cannabis is not a dangerous drug. It is, and its deleterious effect on mental health, and the potential to cause psychosis, is well established.
22. Denton Burke was born on 16 September 1963. He was 58 when you killed him. Dolet Hill was born on 12 March 1958. She was 64 when you killed her. They had been in a very happy and loving relationship for many years. Dolet’s daughter Racquel was born on 17 November 1976 and she was 45 when you killed her.

23. Samantha, who was Racquel's daughter, was born on 29 April 1994. She was 27 years at the time that she was killed by you. You had known Samantha for a number of years. However, a few months before the killings you had started an intimate relationship with her. It appears that the night in question was the second time you had visited Denton and Dolet's house.
24. Racquel would stay at Delaford Road sometimes to assist with the care of her mother who had been receiving treatment for cancer. Although Samantha normally lived at Deepdene Point on the Dacres Estate in Peckham, her flat at the time was undergoing renovation and so she sometimes stayed at 14 Delaford Road instead.
25. You were born on 19 April 1994. You were 28 at the time of the murders, 29 at the time of sentence. You have a total of 11 convictions for 20 offences, including convictions for public order offences, possession of an offensive weapon, robbery, criminal damage, threatening behaviour and conspiracy to supply Class A drugs (receiving a sentence of 51 months' imprisonment in February 2020 for conspiracy to supply heroin, conspiracy to supply crack cocaine, and for possessing cannabis).
26. No one apart from you will ever know precisely how it was that you came to stab Samantha, Racquel, Dolet and Denton to death on that fatal night. Your self-induced intoxication and consequent drug-induced psychosis due to your cannabis use was undoubtedly the cause of your actions and you bear full responsibility for your actions that night.
27. The family understandably look for insight into events that night. Whilst I cannot be sure, I consider that it is likely that you had a row with Samantha, entirely of your own making, and for which all the blame lies with you, and that this was the triggering event for what followed. The jury, and the family, heard evidence about what that row might have been about. It suffices to say in these sentencing remarks that you, and you alone, bear responsibility for any such row, and for what occurred during your drug-induced psychosis.
28. No one can but have been moved by hearing the victim personal statements from Juleth Hutchinson, Denton's sister, Tracey Henry, Dolet's daughter, and Danny, Racquel's husband to which I have had careful regard. As we heard, the deaths of such loved family members has had a devastating and lasting negative impact on the lives of so many family members affecting their health, their work, and their finances. I can only pay tribute to the dignified way in which family members have attended throughout this trial as they heard of your appalling actions and listened to the most harrowing of evidence. No sentence will ever be enough to reflect their loss for, as they say, their family can never be brought back.
29. There is only one sentence that the law allows to be passed for the offence of murder, that is a mandatory sentence of imprisonment for life, which I pass (see Sections 321 and 322 of the Sentencing Act 2020, the "Act"). I must also make a minimum term order in accordance with section 321(2) of the Act unless I am required to make a whole life order under section 321(3) (which is where the court is of the opinion that, because of the seriousness of the offences it should not make a minimum term order).

30. The correct approach to Schedule 21 and whole life orders was confirmed in *R v Stewart & others* [2022] EWCA Crim 1063; [2022] 4 WLR 86 (see in particular at [8], [9], [12], [14] and [19] (ii), (iii), (iv), (vi), (vii), (viii), (x), (xi) and (xiii)). *R v Stewart* is a case with which, I, and Mr Little KC, are particularly familiar. I have given very careful consideration to the principles there identified, and the individual cases there under consideration including that in *R v Monaghan (Jordan)* and the associated facts in relation thereto (to which my attention has been drawn by both the prosecution and the defence).
31. In *Stewart*, the court derived a number of principles from the statutory provisions and the authorities on whole life orders at [19]. It is convenient to set those out so that those hearing and reading my sentencing remarks will appreciate and understand the underlying principles that I have applied to the particular facts of your offending. See, in particular, the following:-

“ii) A whole life order may only be imposed if the court considers that the seriousness of the offence(s) is such that it should not make a minimum term order (section 321(3)(b)):

iii) “A whole life order should be imposed where the seriousness of the offending is so exceptionally high that just punishment requires the offender to be kept in prison for the rest of his or her life. Often, perhaps usually, where such an order is called for the case will not be on the borderline. The facts of the case, considered as a whole, will leave the judge in no doubt that the offender must be kept in prison for the rest of his or her life. Indeed, if the judge is in doubt this may well be an indication that a finite minimum term which leaves open the possibility that the offender may be released for the final years of his or her life is the appropriate disposal. To be imprisoned for a finite period of thirty years or more is a very severe penalty. If the case includes one or more of the factors set out in [the schedule] it is likely to be a case that calls for a whole life order, but the judge must consider all the material facts before concluding that a very lengthy finite term will not be a sufficiently severe penalty.” *Jones at* [10].

iv) It is “a sentence of last resort for cases of the most extreme gravity” which is “reserved for the few exceptionally serious cases” where “the judge is satisfied that the element of just punishment requires the imposition of a whole life order” – *Wilson at* [14], *Reynolds at* [5(iv)]. In a borderline case, if the judge is in any doubt as to whether this standard is reached, a minimum term order is likely to be the appropriate disposal – *Jones at* [10], *Reynolds at* [5(ii)].

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vi) In assessing whether the seriousness of the offence(s) warrants a whole life order, the court must have regard to the general principles set out in Schedule 21 (section 322(3)). Each case will depend critically on its particular facts. The sentencing judge must undertake a careful analysis of all the relevant facts as “justice cannot be done by rote” – *Peters at* [5], *Reynolds at* [5(i)], *Jones at* [6]. Schedule 21 must be applied

in a flexible, not rigid, way to achieve a just result – *Height* at [29]. Because each case depends on its own facts, comparison with other cases is unlikely to be helpful. It is the application of the principles to a careful assessment of the relevant facts of the case that is important.

vii) The court must first identify the appropriate starting point. Where the seriousness of the offence(s) is exceptionally high, then the starting point is a whole life order. Where the seriousness of the offence(s) is “particularly high” the starting point is a minimum term of 30 years. Otherwise, the starting point will be 15 or 25 years depending on the circumstances.

viii) Cases of murder involve taking human life where the offender intended to kill or cause really serious harm. All murders are necessarily extremely serious crimes. For that reason, they attract the mandatory life sentence. The requirement for the seriousness to be “exceptionally high” before a whole life order is made arises in that context. The case must be exceptionally serious, even in the context of murder. The period that an offender is required to serve, in the case of a minimum term before the parole board can consider release, encompasses every type of murder from true mercy killings at one end of the spectrum to the most evil at the other.

ix) The period that a murderer must serve does not reflect the value the life taken away and does not attempt to do so.

x) Paragraphs 2 (2) and 3 (2) of Schedule 21 list the types of case where the seriousness is “normally” to be regarded as “exceptionally high” or “particularly high”. These are not exhaustive lists. The legislation does not exclude the possibility that other cases might reach the indicted level of seriousness, though such cases are “probably rare” – *Height* at [28]. The same applies in reverse: a case that nominally comes within the ambit of paragraphs 2(2) or 3(2) may not reach that level of seriousness because of the particular facts – *Height* *ibid*. The conclusion in *Height* was that it will be rare for a case that does not come directly within the scope of paragraph 2(2) to be regarded as being exceptionally serious.

xi) Having determined the appropriate starting point, the court must consider the aggravating and mitigating factors. These may result in a departure from the starting point. If the starting point is a whole life order, then the balance of mitigating factors and aggravating factors might result in the imposition of a minimum term order. That balance is not struck by listing aggravating and mitigating factors and then considering which list is the longer. Both aggravating and mitigating factors may vary in potency. The statutory factors which indicate that a whole life order should be considered would themselves normally be aggravating factors. Care must be taken not to double count. Conversely, if the starting point is a minimum term order, then the balance of aggravating factors and mitigating factors might result in the imposition of a whole life order.

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xiii) If the test in section 321(3) is satisfied, then a whole life order must be imposed. Otherwise, a sentence of life imprisonment must be subject to a minimum term order (section 321(2)).”

32. In the present case it is common ground between the prosecution and the defence, that none of the matters set out in paragraph 2(2) of Schedule 21 of the Act apply. However, as noted above, the list in paragraph 2(2) is not exhaustive, though the cases in which a whole life order may be imposed which are not set out in that paragraph are rare. I bear such points well in mind.
33. Mr Little KC, on behalf of the prosecution, submits that the appropriate starting point in this case is that provided for by paragraph 3(2)(f) of Schedule 21 (the seriousness of the offences is particularly high as the case involves “the murder of 2 or more persons”). The starting point minimum term in such circumstances is one of 30 years. Such submission is also supported by Mr Raudnitz KC, on behalf of the defence. I agree that at this stage (identifying the appropriate starting point) the appropriate starting point is 30 years in the context of the murder of two or more people. Whilst I bear well in mind that the list in paragraph 2(2) is not exhaustive, paragraph 3(2)(f) envisages a 30 year starting point not only in the case of 2 murders but 2 or more murders. I do not consider that at the stage of considering the starting point, the features of this case mean that this is one of those rare cases where the starting point should be a whole life order.
34. However, I then have to consider the aggravating and mitigating factors that are not inherent in the chosen starting point. In the present case I consider that there are a very large number of seriously aggravating factors. They are largely common ground, and are as follows:-
- (1) 4 murders is double the number of murders which ordinarily would lead to a 30 year minimum term starting point.
 - (2) The use of weapons by you - a knife on all four of your victims and a shod foot on Denton. As is reflected in the authorities, the use of a weapon is always a serious aggravating factor.
 - (3) The sustained period of time over which your offending occurred as I have already addressed above. On that evidence (including Samantha’s phone call to your mother, the positioning of the bodies and the evidence of the neighbour) it is an inevitable inference that the killings took place over a sustained period of time.
 - (4) In the context of the sustained period of time over which the offending occurred, the location of the bodies and the nature of the injuries inflicted, it is a further inevitable inference that your victims must have endured pain and suffering as the injuries were inflicted upon them and as they witnessed or heard the murderous attacks on other members of their family, which will have caused them particular distress given the familial relationships that existed between those whom you murdered.

- (5) The offending took place in the home of Dolet and Denton where they were entitled to feel safe.
- (6) The fact that Dolet was particularly vulnerable given the cancer treatment she had been undergoing.
- (7) The fact that you were intoxicated having taken a large amount of potent skunk cannabis and had been warned repeatedly of the dangers of smoking cannabis but had chosen to ignore such warnings and continued to smoke large amounts of cannabis. Specifically:-
 - (i) In April 2016, it was suggested to you that you should think about stopping cannabis use, but you did not think you needed to stop just because “*a white person told [you] to do so*” (see Letter from Dr Shubulade Smith May 2022).
 - (ii) After discharge from hospital in August 2018, you continued to smoke cannabis despite being given psychoeducation about harm reduction, and in May 2019, there was a discussion with you about the harm cannabis could do to your mental health (see Letter from Dr Shubulade Smith May 2022).
 - (iii) On 14 September 2019, you told the mental health team you were aware of the risks in using cannabis and the aversive effect on mental state (an Agreed Fact).
 - (iv) On 30 January 2020, you told a nurse in prison that you were aware drugs exacerbate your mental illness (see your prison medical records).
 - (v) Even on the afternoon of 24 April 2022, while at your house, your friends told you not to smoke cannabis given the state you were in, yet you went on to continue to smoke cannabis at 14 Delaford Road that night, the night in question.
- (8) You have previous convictions for drugs offences (including, in 2020, for supply of Class A drugs), and relevant previous convictions for robbery and other incidents of violence as well as having made threats of violence (albeit I bear in mind that, as the defence remind me, the most recent conviction for violence was almost 6 years ago). I accept that your antecedents do not point to a person with a propensity to commit violent offences of the gravity of the instant offending. However, the combination of your past history of violence, your elevated baseline aggressivity inherent in your antisocial personality disorder structure, and your taking of high doses of potent skunk cannabis (despite the warnings you had received) were a particularly toxic, and dangerous, combination each exacerbating the other. You were well aware of the risk to your mental health caused by smoking skunk cannabis.
- (9) The offences were committed whilst you were on licence and under probation service supervision – you were sentenced to 51 months’ imprisonment for the aforesaid Class A drugs offences on 11 February 2020 and released on licence on 11 November 2021, the sentence expiry date being 27 December 2023.

- (10) The instant offences were committed the month after you were made subject to a suspended sentence on 2 March 2022. In such circumstances I active that sentence of 8 weeks' imprisonment concurrent to the sentence I am going to pass.
35. Against such myriad aggravating factors which require a very very substantial uplift from the starting point, there is little by way of significant mitigating factors. Before today, you had expressed no remorse for your victims or the suffering of their families. The defence identify the lack of premeditation, which is a statutory mitigating factor, and which I accept can be prayed in aid by way of mitigation in your case, and which I bear well in mind.
36. You certainly did not go to the property to kill or to cause any harm to the victims. However, as is common ground, whilst there a time came when you formed a murderous intent to kill your first victim and thereafter all subsequent victims, so there is no mitigation there in terms of intention. Once at the property, you committed the murders whilst in a psychotic state due to self-induced intoxication with cannabis, and the murders clearly took place over a substantial period of time (as evidenced by Samantha's calls and the evidence of the neighbour) with you going from victim to victim with an intention to kill each of your victims. I am also sure, in the context of the jury's verdict, and on the basis of the evidence of Dr Blackwood which I accept, that there was no mental disorder which reduces your culpability in this case, the contrary not being suggested. All that occurred that night was due to your self-induced cannabis intoxication for which you bear full responsibility.
37. Standing back, as I must, when looking at the overall seriousness of your offending, it is plain that the aggravating features of this case are very significant indeed and outweigh the mitigating factors by a country mile. I have to consider whether the aggravating factors are such that cumulatively, including the number of murders, they lead me to being satisfied that the case is clearly one of exceptionally high seriousness such that I should impose a whole life order.
38. I acknowledge that such cases can and do occur but they are rare. As is stated in *Stewart* in relation to *Couzens*: at [83] "...if the starting point is a minimum term order, then the balance of aggravating factors and mitigating factors might result in the imposition of a whole life order".
39. I ask myself whether I am left in any doubt as to whether this is a case of exceptionally high seriousness such that just punishment requires you to remain in prison for the rest of your life or whether this is better assessed as a borderline case in which a minimum term of more than 40 years would amount to just punishment. If the latter, and as the prosecution point out in their Note on Sentence, I should stand back from imposing a whole life order.
40. In this regard, and whilst factual comparisons between cases are generally not to be encouraged, Mr Little KC, on behalf of the prosecution, suggests, in his Note on Sentence, that I may be assisted by considering the facts of the Solicitor General's Reference in *Monaghan* at [89]-[145], one of the cases in *Stewart*. Whilst the facts of that case are very different (and it is unhelpful to make direct factual comparisons between cases with a view to assessing whether one case is more or less serious than another), that was a case where there were three murders and two attempted murders (and so was a case where an intention

to kill was formed on five different occasions). In that case the Court rejected the submission of Mr Little KC, on behalf of the Solicitor General, that the uplift should have led inexorably to a whole life order, and that the only answer in the case was a whole life order (see at [138]-[140]). The Court concluded, however, that the 40 year minimum term was unduly lenient and increased it to 48 years.

41. The defence in their Defence Mitigation Note, also submit that I may be assisted by the facts of the *Monaghan* case to step back from a whole life order, going so far as to submit that the facts of that case were tangibly more serious than the facts of the present case. I bear all the points they make well in mind, though I do not consider direct comparisons to be particularly helpful given that every case turns on its own particular facts. The defence use the facts in that case to submit that if a whole life order did not inexorably result in that case it should not result in one in the present case either. They also stress the lack of premeditation in the present case.
42. I have to form my own judgment as to the seriousness of the offending in the present case having undertaken a careful analysis of all the relevant facts. In the present case neither of the paragraph 2(2) factors apply. As noted in *Stewart*, it is rare for a case that does not come directly within the scope of paragraph 2(2) to be regarded as exceptionally serious. I bear in mind that a whole life order is a sentence of last resort for cases of the most extreme gravity reserved for the few exceptionally serious cases where the judge is satisfied that the element of just punishment requires the imposition of a whole life order.
43. In the present case, you are 29 years old as at the date of sentence. An appropriate uplift from the starting point to reflect the many serious aggravating factors, including your murder of 4 people, would be well north of a 40 year minimum term of imprisonment that would rightly be regarded as a severe penalty (in the language of *Stewart* at [19(iii)]), and you would not be eligible to apply for parole until you were in your seventies, even assuming that you survived such a lengthy sentence in prison, and even then you might never be released or might only be released subsequently, when you would be even older, after which you would be on life time licence. You committed the murders without premeditation and whilst self-intoxicated with skunk cannabis, and over the course of one night. The murders were not pre-planned, and they were not committed at different times. You will not be the man you were, when you are in your seventies. If you do not die in prison before then it is unlikely that you will continue to present the risks to the public that you currently present. The defence urge me to offer that glimmer of hope of release at the end of what they submit would be a just punishment by the imposition of a very lengthy minimum term.
44. Stand up Mr Jacques. Ultimately, and whilst I consider the case to be one of particular seriousness with the very serious aggravating factors that I have identified, and which require a very very substantial uplift from the starting point, I am left in real doubt as to whether the case is of exceptionally high seriousness whereby just punishment requires you to remain in prison for the rest of your life. I do not consider that the requisite uplift that is necessitated leads inexorably to a whole life order or that the only answer is to impose a whole life order. I consider that this is a case which is better assessed on the other side of the border where a very substantial minimum term will amount to just punishment.

45. Having regard to the seriousness of your offending involving the murder of 4 members of the same family in brutal circumstances, and having regard to the very many aggravating factors I have identified when weighed against the mitigating factors that I have identified, I make a minimum term order. I set the minimum term at 46 years less time spent on remand (other than time when you were recalled which I do not consider should be deducted), a total of 64 days solely on remand in relation to the murder offences, with a resulting minimum term of 45 years and 301 days.
46. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which cannot be reduced in any way. After it is served, there is no guarantee that you would be released at that time, or at any particular time thereafter. It is then only if the Parole Board decided that you were fit to be released that you would be released, after which you would remain subject to licence for the remainder of your life. It is in these ways that a life sentence protects the public for the future.
47. The victim surcharge is imposed in the appropriate sum.