

## **R v Gordon and others.**

### **Sentencing comments.**

1. Remy Gordon and Kami Carpenter, following the verdicts of the jury I must sentence you for the murder of Cody Fisher and in consequence I am bound to pass sentences of life imprisonment. The question for me relates to the minimum terms which you must serve before you can make any application for parole. Mr Gordon, I must also sentence you for the offence of affray.
2. Regan Anderson, the jury acquitted you of both murder and manslaughter but convicted you of the offence of affray reflected by count 2 on the indictment.
3. At the time of his death, Cody Fisher was 23 years of age. He was a son, a brother and a committed partner to his girlfriend, Jessica Chatwin. He was a talented athlete who played semi-professional football and loved teaching children. In her victim personal statement, his mother describes him as a brave, fearless and genuine soul who didn't have a bad bone in his body. She speaks of her grief and suffering and says that she feels her life has ended and she views the task of getting through each day as horrendous. In her victim personal statement, Jessica Chatwin describes Mr Fisher as being the love of her life, her friend and soulmate. She now suffers with severe depression and anxiety and attends counselling. She describes struggling to leave her home and waking at night in a panic. She speaks of the devastating realisation that Mr Fisher will never come home, and they will never do the things they planned together.

4. This is the reality of the future that Mr Fisher's family and partner will have to endure. What then caused this state of affairs?
  
5. At about 2 AM in the early hours of Christmas morning 2022, Remy Gordon was in a busy club in Solihull called Pop world. Also in that club were Cody Fisher and his close friend Daniel Vann, who were making their way through the crowd, in order to leave. The volume of people made some physical contact inevitable and, for that reason, either Mr Fisher or Mr Vann, knocked into Remy Gordon from behind. Instead of shrugging off what was obviously an accident, Remy Gordon chose to take offence and became immediately aggressive. The focus of his aggression appears to have been Cody Fisher, who he asked to go outside and fight. Gordon probably expected Mr Fisher to back down but instead Mr Fisher stood up to him and accepted the invitation. Another man then intervened and sought to defuse the situation and ultimately, Gordon was the one who remained inside the premises whilst Mr Fisher and Mr Vann left. In short, Mr Gordon's attempt to bully Cody Fisher failed and he was left frustrated and embarrassed. Within 4 minutes of Mr Fisher leaving Pop world, Gordon was sending messages about him to a group chat. Within 45 minutes of that, Gordon had found a photograph of Mr Fisher on social media and sent a message to the group chat asking, "who knows this little pip squeeze? Due to shank him up."
  
6. That group chat contained about 20 people, included Kami Carpenter and Reegan Anderson. This was a close-knit group of friends who Mr Gordon knew would support him, if needed and significantly members of the group spoke openly about their perceived need to carry knives. In this context, on the night of 24 December Carpenter posted an image of himself holding a

large zombie knife together with a caption asking for advice on how to get it into a local pub.

7. Over the next 2 hours Gordon sent further messages into this group chat about Cody Fisher. Essentially, he believed he'd been disrespected and complained to his group about the way he'd been spoken to and made further threats to stab Mr Fisher.
8. At about 10 AM on Christmas morning, Gordon sent a series of messages to a man called Sam Newey who he knew was a close friend of Cody Fisher. He asserted that Mr Fisher had pushed him and been cheeky to him and he threatened that he was going to beat up both Mr Fisher and Mr Vann. He also sent a voice message threatening to "poke" Mr Fisher, meaning to stab him. Mr Newey contacted Mr Fisher to warn him of these threats, but Mr Fisher appears not to have taken it seriously, and laughed matters off.
9. At about 11 AM, Mr Gordon sent messages to his group suggesting that he might see Cody Fisher the following day and continued to make threats towards him, including to knock him out and take his chain. In the course of those messages, another member of the group referred specifically to the Crane which was a nightclub based in the Digbeth area of Birmingham which was due to host a rave the following evening.
10. Against this background, over the afternoon of 26 December, there was an exchange of messages between Gordon and Carpenter about obtaining tickets for that rave. In the course of that exchange, Gordon informed Carpenter that he was going to wear a mask and reassured Carpenter that

he could do the same. Carpenter asked Gordon, if he could get his shank into the club, meaning his knife. Gordon replied to the effect that he wouldn't be able to get his big knife into the club and offered to swap knives for the day. In further messages, Gordon essentially informed Carpenter that security at the Crane was weak and unfortunately that was true.

11. Within this same exchange, Gordon messaged that he was “looking to snuff someone” and went on to say, “depends how he acts.” This was a reference to Cody Fisher and having heard the evidence I am in no doubt that by the afternoon of 26 December, Gordon knew that Cody Fisher was planning to go to the Crane that evening and was seeking a ticket himself in order to exact revenge for the slight he felt he'd suffered in Pop world. He knew that members of his friendship group were going to be present and at some stage, he recruited them to support him.

12. At about 5 PM on 26 December, Cody Fisher, his girlfriend, Jessica Chatwin and Sam Newey arrived at the Crane together and met other friends inside.

13. Gordon arrived outside the club at 6:10 PM. Some 15 minutes earlier, and therefore as he was on his way, he sent Sam Newey a message informing him that he was coming to the venue. Gordon and Newey were not close friends and that this message was probably sent in the hope of intimidating Cody Fisher. It certainly provides further confirmation that Gordon went to the club expecting Mr Fisher to be present and intent upon trouble. Upon arrival at the Crane, Gordon was subjected to a cursory search, which did not include his man bag. Within 5 minutes of entering, Gordon sent a

message to Carpenter confirming that security was weak and informing him that there wasn't even a metal detector. Carpenter arrived about 15 minutes later and was subjected to a similarly inadequate search.

14. Once inside the premises, Gordon spoke to Sam Newey in what Mr Newey described as a "passive aggressive" way. Gordon informed Newey that he'd seen Cody Fisher in the club and told him, "It doesn't have to get violent. I just want to chat to him." Mr Newey understood this to be a threat and informed Cody Fisher but once again Mr Fisher laughed matters off.

15. Significantly, just after 9:15 PM one of the members of Mr Gordon's group left the club and returned to his car. That was a car that Gordon had got into earlier that evening, immediately before he entered the Crane. Having returned to the vehicle, this individual collected his coat and returned to the club 6 minutes later. Upon entry, he was not subjected to any search whatsoever. Having re-entered, he left again within 20 minutes and drove away.

16. I cannot be sure at what stage a knife or knives were taken into the Crane. It is certainly possible that Carpenter and/or Gordon smuggled a knife in when they arrived some hours earlier. However, it is in my judgement far more likely that the purpose of the trip to the car at 9:15 PM, was to collect at least one knife. Ultimately, how weapons got into the club is of limited importance, and I am in no doubt by about 11:40 PM, Mr Carpenter was in possession of a zombie knife with a blade of approximately 20 cm in length. In light of the threats Gordon had been making towards Mr Fisher, it is likely that he too was in possession of a knife, but I cannot be sure of that proposition.

17. At about 11:40 PM, Mr Gordon met up with Carpenter and Anderson in the bar area next to the dancefloor. Gordon spoke to another man and was gesturing towards Cody Fisher who was dancing with a group of his friends. Gordon then pulled up his face mask and moved towards Mr Fisher, followed by Reegan Anderson and Kami Carpenter. I have no doubt that by this stage, Gordon, Carpenter and other members of their group, had agreed that Cody Fisher was going to be subjected to a group attack.
18. Cody Fisher was then surrounded by a group of 3 or 4 youths, including Gordon and Carpenter. The group were wearing masks to conceal their faces and Gordon was immediately aggressive, pushing his face into Mr Fisher's and repeatedly demanding that he come outside. Mr Fisher wasn't prepared to go outside but was prepared to defend himself if necessary, and to that end, he took off his gold chain and gave it to his girlfriend.
19. The attack was actually started by Kami Carpenter who slapped Mr Fisher's phone out of his hands and then head-butted him. Jessica Chatwin who was stood nearby, described Mr Fisher as being attacked by the group of 3 or 4 men that had surrounded him and told the jury that a further 6 to 8 men then joined in by punching and kicking. That attacking group included Gordon and Carpenter. Mr Fisher initially sought to defend himself but then backed away with his hands up in an effort to protect his face. Some of his friends, including Daniel Vann sought to assist him and were then attacked themselves. Reegan Anderson involved himself in that violence and threw at least 2 heavy punches at Mr Vann.
20. The attack upon Mr Fisher lasted no more than 37 seconds. It involved punches and kicks, including a blow to the face of sufficient force to

fracture the back of Mr Fisher's jaw, on both sides. At some stage, Mr Fisher was also stabbed to his right thigh to a depth of 5 cm. In short, this was a sustained attack on a man who was significantly outnumbered and stood little or no chance of defending himself. The group attack ended when Kami Carpenter stabbed Mr Fisher in the chest. That blow was delivered with at least the force of a firm punch and in this respect, an independent witness described seeing Mr Fisher moving backwards with his arms up and then seeing one of his attackers take a really big swing at him, causing him to immediately drop to the floor. The witness described that attacker as wearing a distinctive Balenciaga top and that individual is plainly Kami Carpenter. Another witness described the blow which put Mr Fisher to the ground as coming from an attacker's left hand. Mr Carpenter is left-handed. The knife penetrated to its full length and was then moved backwards and forwards within Mr Fisher's body, before being left embedded in his chest.

21. Jessica Chatwin saw Mr Fisher on the floor and bent over him in an attempt to assist. Mr Gordon then kicked the dying Mr Fisher forcefully to his lower body. The movement of the knife within the body, left 3 separate tracks measuring 20 cm, 18 cm and 6 cm in length respectively. Those wounds penetrated his lungs and one of them entered his heart. That caused massive blood loss leading to collapse and death.

22. Once Cody Fisher fell to the ground, the attacking group turned their attention towards Daniel Vann who was retreating across the dancefloor. Mr Vann was pursued, put to the ground, and then punched and kicked repeatedly by a group which included Remy Gordon and Reagan Anderson. Kami Carpenter was stood next to Gordon during that attack but

being faithful to the verdict of the jury, he was not involved in it either directly or by encouraging others.

23. That attack was broken up by security and fortunately, Mr Vann was not seriously injured. Carpenter saw security arrive and pulled Gordon away and headed for the exit. Within 2 minutes of that, Mr Carpenter had left the club together with a man called Jayon Peyton-Blake. No doubt in a state of high emotion, he admitted to Peyton-Blake that he had stabbed Cody Fisher and admitted leaving the knife at the scene. Having dropped Peyton-Blake at his home, Carpenter changed clothing and at some stage disposed of his distinctive top.

24. Anderson was the second of the defendants to leave the club and he made his way straight home.

25. Gordon initially moved towards the exit with Carpenter, but then returned to the dancefloor and went back to the area of the attack, with 2 men from his group. The purpose of that trip was to retrieve the sheath to the knife, which Gordon realised had been left behind. One of those 3 men recovered that sheath which was then discarded outside the club.

26. Gordon then left the Crane and made his way to a local pizza shop where he organised a meeting with other members of his group, including Kami Carpenter. Whilst waiting for them, he was captured on CCTV smiling and re-enacting aspects of the violence he'd used, including the kick he'd delivered to the fatally injured Cody Fisher. When he behaved in this way, he knew from social media messaging that Cody Fisher was dead. I

conclude that far from showing regret, he gloried in the violence he had engineered and participated in.

27. The following day, Gordon was involved in an extensive exchange of messages with another member of his group in which he professed his innocence and sought to suggest that Carpenter's production of a knife was wholly unexpected. Those messages were self-serving and untruthful. Just before 6PM on 27<sup>th</sup> December Mr Carpenter booked a flight to Jamaica, due to depart the next day. He was arrested in London on the morning of the 28<sup>th</sup> of December, a matter of hours before he planned to leave the jurisdiction. Gordon also sought to evade the police and travelled from Birmingham to London where he was arrested on the afternoon of 29 December.

28. Having set out the facts, I turn now to consider your different roles and your culpability for the offences you committed.

29. Remy Gordon, as I've observed, after the incident you sought to suggest that Kami Carpenter was solely responsible for the killing of Cody Fisher. The reality is very different. You were essentially the leader of your group and in that respect, you described yourself to the jury as being the most popular. It was you that felt slighted by Cody Fisher and it was you that planned and drove this attack. You were well aware that Kami Carpenter had a knife, and you intended that it would be used to cause Cody Fisher at least really serious injury.

30. I must assess the appropriate minimum term to attach to your life sentence by reference to schedule 21 of the Sentencing Act 2020. As I have observed, I cannot be sure that you took a knife into the Crane, but I have

no doubt that you assisted and encouraged another individual to do so and you intended that knife to be used as a weapon. Your case therefore falls within paragraph 4 of the schedule and as such the appropriate starting point in determining the minimum term is one of 25 years.

31. I identify 5 aggravating features that dictate upward movement from that starting point. First, you engaged in significant planning and to that end recruited others to assist you. For the avoidance of doubt, I do not regard the fact that you were not the actual stabber as amounting to any mitigation. Secondly, this was sustained group violence in a public place. Thirdly, you have been convicted of the offence of affray in relation to the attack upon Daniel Vann. That offence would fall within culpability A and harm category one within the relevant guideline. I do not propose to pass a consecutive sentence to reflect this crime and I therefore treat it as an aggravating feature of the murder. Fourthly, you were involved in removing the knife sheath from the Crane, and then fled to London. You undoubtedly did those things in the hope of frustrating the police investigation. Finally, you have a relevant conviction in February of 2022, for possession of a bladed article.

32. Turning to mitigating features, you knew that Kami Carpenter was armed with a significant knife, and I have no doubt that you intended him to use it to stab Cody Fisher. I cannot be sure that you necessarily intended that Mr Fisher should be killed, as opposed to being caused really serious injury but on any view, you were wholly reckless as to which would occur. I treat your lack of positive intention as providing you with some mitigation. At the time of this offence, you were only 22 years of age; you are now 23. Your youth amounts to mitigation but you are an intelligent, streetwise individual with a forceful personality, and I see no evidence of particular

immaturity. I have read a letter you have written to the court and a series of personal references submitted on your behalf. Much of their content is at odds with the part you played in causing Cody Fisher's death, but I nonetheless give them such weight as I can.

33. Kami Carpenter, you either took a knife into the Crane yourself or you were involved in another doing so. You intended that knife to be available as a weapon and in due course you used it to stab Cody Fisher. It follows that the starting point in your case is a minimum term of 25 years. That starting point is aggravated by your involvement in a planned and sustained group attack in a crowded nightclub. It is further aggravated by your disposal of clothing and your attempt to leave the jurisdiction and thereby avoid responsibility for your actions.

34. Your choice of weapon and the way you used it, lead me to conclude that at the time of the stabbing, you intended to kill Cody Fisher. That is not an aggravating feature but instead amounts to a lack of mitigation in your case.

35. At the time of this offence, you were 21 years of age and had therefore not reached full maturity. You are now 22. You are also of previous good character, and in that respect, I have read letters in which people express their positive views of you. I treat both your youth and character as mitigating features. You have written a letter to the court expressing your belated regret for your actions and your determination to use your time in custody to good effect. In light of your actions after the stabbing, I cannot treat regret as a mitigating feature, but I accept that you are doing well in custody and demonstrating a commitment to using your time productively.

36. Reegan Anderson: I must sentence you for the offence of affray committed against Daniel Vann. I interpret the verdict of the jury as meaning that you did not associate yourself with the attack upon Cody Fisher and you were not aware the presence of a knife or knives within your group. When members of your group initiated the violence, you chose to involve yourself by throwing at least 2 heavy punches at Daniel Vann and then pursuing him across the dancefloor and kicking him as he lay on the ground.

37. Turning to the affray guideline, this offence involved serious and sustained violence committed by a group against a man who was outnumbered and eventually on the ground. You were involved in kicking that man with a shod foot and in that way, you used a weapon. There are therefore 2 features indicative of culpability A. The scale and extent of the violence will inevitably have caused serious fear and distress and I therefore place harm into category 1. As such this offence has a starting point of 2 years custody with a category range of between 18 months and 2 years 9 months custody. This offence was committed in a busy nightclub and that represents an aggravating feature.

38. Turning to mitigation, in December 2022 you were only 18 years of age. You are now 19. You are the youngest of the defendants and having seen you all give evidence; I accept that you were very much a follower in that which occurred. I treat your youth in isolation as meriting a discount of approximately 25% from the sentence that would otherwise have been appropriate. In addition, you are of previous good character and in that respect, I have read a series of character references describing you in positive terms. I treat that as providing you with additional mitigation. You

were arrested for murder on the 9 January 2023 and were charged with the offence of affray on 12 January. It follows that you have been in custody, in relation to that offence for nearly 15 months. That is the equivalent of a 30-month sentence of imprisonment.

39. Remy Gordon, the sentence I impose is one of life imprisonment. Balancing the aggravating and mitigating features to which I have referred and taking account of everything which has been said on your behalf, the minimum term I impose is one of 26 years. You have served 461 days on remand in respect of this offence, and this must be deducted from the minimum term I have imposed. There will be a concurrent sentence of 18 months imprisonment for the offence of affray.

40. Kami Carpenter, the sentence I impose is one of life imprisonment. Balancing the aggravating and mitigating features to which I have referred and taking account of everything which has been said on your behalf, the minimum term I impose is one of 25 years. You have served 461 days on remand in respect of this offence, and this must be deducted from the minimum term I have imposed.

41. It is important that you and everyone concerned with this case should understand what these sentences mean. The minimum term is not a fixed term after which you will be automatically released but instead is the minimum time that you will spend in custody before your case can be considered by the parole board. It will be for the parole board to say at that time, whether or not you will be released. If you are released, you will remain subject to licence for the rest of your life. If for any reason your

licence was to be revoked, you would be recalled into custody to continue serving your sentence.

42. Reegan Anderson, the sentence I impose in your case for the offence of affray, is one 18 months detention. Up to one half of that sentence must be served in custody but the time you have spent on remand will count towards that period which is likely to entail your immediate release. Upon release, you will be subject to licence until the expiry of your sentence. If you breach the terms of your licence, you will be returned to custody.

43. Would you please all go with the custodians. Mr Anderson, unless there is anything else keeping you in custody, you should be released from downstairs after completion of the necessary paperwork.

44. The surcharge will be applied as appropriate. I make orders of deprivation and destruction in relation to the murder weapon and the sheath recovered from outside the crane nightclub.

