



**R. v JOHN WANDLESS. KENNETH FAWCETT, YOUSSEF WYNNE and  
JOSHUA HAWTHORN**

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**SENTENCING REMARKS**

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1. As a result of the verdicts of the jury in this case you have all been found guilty of offences which undoubtedly formed part of a campaign of inflicting violence to protect the trade in illegal drugs, a trade in which you all played your part. The trade in illegal drugs is the curse of our communities. Drugs ruin the prospects of the people who become addicted to them and whose lives are taken over by their need for them. It often leads to them being killed by those drugs. The trade gives rise to related crime, such as stealing to make money to pay for drugs. Or the crimes in your cases, involving the use of violence to protect and control the trade in drugs. I have no doubt that each of the violent offences of which you were convicted were in support of the trade in the supply of illegal drugs in which you were all actively involved.
2. Before turning to the details of the offences in this case two key features of the case should be noted. The first is the climate of fear inflicted on the local community as a result of the drugs trade which they had to live alongside. It

became apparent during the trial that often people were unwilling to report matters or provide evidence, no doubt for fear of reprisals. The second is how often people, victims, entirely unrelated to drug activity, found themselves injured by the random and uncontrolled violence which was involved in enforcing and protecting your trade in drugs.

3. The most serious offence on the indictment is count 1, the murder of Andrew Foster on 20<sup>th</sup> August 2023. His death was cruel and terrifying. He asphyxiated as a result of being sprayed with ammonia. When the ammonia stopped his breathing he suffered catastrophic brain injuries and death. Unable to breathe, he collapsed in front of his partner Katie Harrison, and she had to witness him lose the fight for his life. Katie Harrison showed extraordinary bravery in giving her evidence about the events that night, bearing in mind all she has been through. The impact of your attack upon Andrew Foster had devastating and irreversible consequences. He was a much loved young man. A gentle, funny and caring partner and son, with many years of his life ahead of him. All the possibilities of his future life with his family and friends were cut off by the attack in which you all participated. His death has created a void in the life of his mother Karen Foster and Katie Harrison which cannot be filled. He will be missed and remembered by his family and friends at every birthday and every other gathering and celebration from now on. The impact of his death on Karen Foster and Katie Harrison is vividly described in their victim impact statements. No one who heard their evidence could fail to be moved by their description of the harm that you have caused to them. The attack was accompanied and aggravated by the robbery of cannabis edibles from their home, which is the subject of count 2 on the indictment.

4. The attack on Andrew Foster was the last of a sequence of attacks in which the same devastating hazardous chemical weapon was used, namely ammonia. The history of these attacks shows the catastrophic consequences of spraying this corrosive substance on your victims. The first victim was Marc Dickinson who was the subject of an unprovoked attack in his own home on 9<sup>th</sup> August 2023. You, Kenneth Fawcett, entered his house and threw ammonia in his face without warning or explanation. Youssef Wynne drove Kenneth Fawcett to the area for the purpose of committing this crime as part of his plan to tax those at that address. Marc Dickinson's family were in their home at the time and they had to tend him after the attack. He sustained injuries to his eyes which were painful and affected his sight for at least a month.
5. The second attack was upon Jonathan Hay on 12<sup>th</sup> August 2023. This time you John Wandless joined Kenneth Fawcett having been recruited by him. You both drove in convoy following Youssef Wynne to the area where the attack was to take place. This had again been planned by Youssef Wynne to protect and support his drug dealing business. You targeted a specific address and Kenneth Fawcett and John Wandless knocked on the front door. When Jonathan Hay, a visitor to the flat, answered the door at the request of his friend he was sprayed in the face by you both with ammonia. This attack was as shocking as it was unprovoked. I am sure that Jonathan Hay was an entirely innocent bystander in relation to this event. Again, entirely fortuitously, Jonathan Hay's physical symptoms gradually resolved with time. Sadly, however, this particularly upsetting and disturbing attack has significantly aggravated his pre-existing mental health difficulties as described by his

mother and his GP in their evidence. It is clear that this attack has had a devastating impact on his mental health.

6. The third attack occurred a few days later. This assault was pre-meditated and planned by Youssef Wynne, with Kenneth Fawcett and John Wandless being instructed and taking an active part in the plan. In the early evening of 16<sup>th</sup> August 2023 Kenneth Fawcett and John Wandless invaded the home of Nicola Dixon and her partner Steven Bowden and demanded where “the stuff “ was. This was a reference to cannabis which it was known Steven Bowden would have in the house. John Wandless threatened Steven Bowden with a hammer and said he also had knives on him. When Nicola Dixon tried to intervene she was sprayed in the face with ammonia by one of the attackers. This prevented her from breathing and she collapsed, and then was sprayed with ammonia on the floor. Kenneth Fawcett and John Wandless searched the kitchen and seized some cannabis from a kitchen drawer. Nicola Dixon suffered horrific and life-changing injuries to her left eye as a result of this attack. After a lengthy period of painful and stressful treatment it was concluded that there was no prospect of Nicola Dixon having any useful vision in her left eye and her left eye ball had to be removed. The impact which these injuries have had stretches well beyond the undoubtedly excruciating pain caused by the months of treatment and operations which Nicola Dixon had to endure. It is clear from her evidence that the physical consequences for her appearance of losing her eye have had a devastating impact on her confidence and self-esteem which cannot be under-estimated. Her life will never be the same again as a result of the injuries which were inflicted upon her in this appalling and, again, unprovoked attack.

7. Days later on 20<sup>th</sup> August 2023 Andrew Foster was murdered. The plan for this attack was instigated by Youssef Wynne and communicated to Kenneth Fawcett early that day. Later Kenneth Fawcett and John Wandless drove to the area of Eighton Terrace where Andrew Foster and Katie Harrison lived. Kenneth Fawcett attempted to contact Youssef Wynne shortly before the attack was to be launched but without success, and so instead he contacted Joshua Hawthorn, who was in integral part of Youssef Wynne's drugs business, for instructions and thereafter the attack went ahead. Straight after the attack Kenneth Fawcett was trying to call Josh Hawthorn and was then texting him telling him to answer his phone and that he was not happy. Kenneth Fawcett and John Wandless met up with Joshua Hawthorn immediately after the attack and in its aftermath. Shortly afterwards press reports emerged in relation to the murder of Andrew Foster you John Wandless destroyed the stolen VW Golf which you had been using to drive you and Kenneth Fawcett to the scenes of the attacks by setting fire to it and burning it out.
8. I turn to the sentencing powers and guidelines which are relevant to your cases. In relation to the offence of murder, the sentence which I must pass is set by law as a life sentence. My task is to fix the minimum term which you must spend in prison before your case could even be considered by the Parole Board and your release possibly contemplated. Schedule 21 of the Criminal Justice Act 2003 specifies starting points in relation to cases which have particularly serious features involved in their commission. As a result of the jury's verdicts you have all been convicted of murder and robbery arising from the same event. This murder was committed in the course or furtherance of a

robbery, for which the specified starting point for the minimum term in these circumstances is 30 years. There is in my view no doubt that the murder of Andrew Foster involved the bringing of a weapon to the scene of the crime, in the form of ammonia, and a starting point for the minimum term of 25 years is specified in such circumstances. I accept the submissions that are made on your behalf that the starting points provided in Schedule 21 should not be applied mechanically or without careful consideration of the specific circumstances of the case at hand. The specific circumstances of this case are that this murder was committed during an attack which was intended to protect and enforce the drug trading business operated by Youssef Wynne and in which Joshua Hawthorn played an active part as a dealer. The purpose was described regularly during the trial as taxing, that is to say violence to punish and discipline those who it was thought needed bringing into line or to be taught a lesson to protect the trade in drugs. The robbery was incidental to this purpose. It appears to me that in that the purpose of these attacks was to protect the lucrative criminal activity of your drugs enterprise it is difficult to avoid the conclusion that this was murder for gain as specified in Schedule 21. In any event I am sure that bearing in mind that this offence was committed in furtherance of a campaign to protect and enhance a trade in the supply of illegal drugs, and its proceeds, this offence was one of particularly high seriousness so as to bring it within paragraph 3(1)(a) of Schedule 21 of the Criminal Justice Act 2003. The starting point is 30 years. It is undoubtedly an aggravating feature of this offence that it was planned and premeditated and you were all participants in that plan. That is a specific aggravating feature for you, Youssef Wynne, as you were clearly in charge of this campaign of

violence. I do, however, accept that there was no intention to kill on behalf of any of you and that in my judgment is a important element of mitigation which I take into account in considering the appropriate minimum term in this case and which leads to a material reduction in the sentence in your cases.

9. I turn to the other offences. For the offence of robbery, applying the relevant sentencing guidelines, I am satisfied that this is an offence of high culpability given the use of weapons, and high harm in the light of the fact that Andrew Foster was killed. For this kind of offence the guidelines indicate that the starting point should be 13 years and the range of any sentence between 10 to 16 years. As has already been said, this offence is taken into account as an aggravating feature of the offence of murder and reflected in the starting points identified above.
10. There are specific guidelines in relation to offences of assault to which I must have regard in considering the offences under counts 3 to 6 on the indictment. I have no doubt that the offence of assault occasioning grievous bodily harm with intent against Nicola Dixon was a case of high culpability, involving as it did a significant degree of planning and a very dangerous weapon in the form of the ammonia with which she was attacked. The harm which she suffered was in the highest category: she received a particularly grave injury resulting in permanent and irreversible consequences which are having a substantial detrimental effect on her everyday life. The starting point for a term of imprisonment for an offence of this kind which falls into category 1A for high culpability and high harm, is 12 years with a category range of 10 to 16 years.
11. Turning to the offences of attempted assault occasioning grievous bodily harm with intent against Marc Dickinson and Jonathan Hay these were again

offences of high culpability in the light of the extent of the premeditation and planning involved, as well as the use of a very dangerous weapon in the form of the ammonia with which they were sprayed. The harm category for these cases is category 3, but whilst no really serious harm was caused the evidence of the devastating impact of having throwing ammonia over a person is clear from the other attacks. The starting point specified in the guidelines for an offence in this category is 5 years with a category range of 4 to 7 years imprisonment. It also needs to be borne in mind that these were attempted offences and this provides some mitigation to be taken into account.

12. The offence of assault occasioning actual bodily harm charged under count 3 against Youssef Wynne is, I am satisfied, one of medium culpability with harm category 3. The starting point for such an offence provided by the guidelines is a high level community order with a category range of a low level community order to 9 months imprisonment. In respect of count 7, the offence of handling the stolen VW Golf of which John Wandless was convicted on his own plea, I accept that the relevant guidelines for that offence provide a starting point of 1 year and a range of 6 to 18 months imprisonment as an offence of medium culpability and category 2 harm. Finally, the offence of arson to which John Wandless pleaded guilty arising out of his burning out the VW Golf is again an offence of medium culpability and category 2 harm for which the guidelines indicate a starting point of 9 months and a range of 6 to 18 months in custody.

13. As a matter of general approach I consider that in the cases of Youssef Wynne, Kenneth Fawcett and John Wandless each of the offences other than murder for which you come to be sentenced should be treated as an



aggravating feature to be taken into account when setting the minimum term for the life sentence I must impose. The individual sentences for those offences will therefore be reflected in the overall minimum term of the life sentence which must be passed in your cases and be served concurrently to that life sentence. I shall, of course, need to have regard to principle of totality and ensure that the overall sentence which is passed is proportionate in each of your cases. In your cases that will lead to significant reductions from the sentence which might have would been passed if each of the individual sentences were added together. I have in particular taken account of the fact that the sentences I am bound to impose for the serious crimes you have been convicted of will lead to you spending the majority of your adult life in prison, and it is necessary to provide you with some opportunity for your rehabilitation. I turn to each of your individual cases.

14. Youssef Wynne, I have no doubt that you were the leader in relation to these attacks. They were your idea, you were the person whose drugs business benefitted from them and you were the person directing what took place. That sets you apart from the other defendants in this case. You have previous convictions but none which are of any special relevance to the sentence to be imposed. There can be no doubt in my view that this sequence of attacks which occurred in quick succession over a relatively short period last August can properly be characterised as a campaign of violence designed to bring fear of retribution and reprisals to those who crossed you in your drug trading. There is little mitigation in your case to be taken into account, but I have borne in mind the character references which have been provided for you in particular from your partner.

15. Kenneth Fawcett, you were the willing enforcer for Youssef Wynne and were instrumental in each of the four attacks with ammonia. You have a significant record of previous convictions, but in particular a conviction in 2010 for causing grievous bodily harm with intent for which you were sentenced to imprisonment for public protection with a minimum term of 3 years imprisonment. That was a form of life sentence and as a result of these matters you have been recalled from your licence, and only 1 day of the time which you have served on remand will count towards the sentence which I impose. I have considered the submissions made on your behalf as to whether the sentence for these offences should be served consecutively to that IPP sentence and I accept it would not be appropriate to order a your life sentence for this case to be served in respect of this case to be served consecutively. It will be ordered to be concurrent and its effect will start upon its imposition today. There is little that can be said in relation to any personal mitigation in your case.

16. John Wandless, you were responsible for three of the ammonia attacks and also for driving yourself and Kenneth Fawcett in a stolen vehicle to the scenes of these crimes. After you realised that the stolen vehicle could link you to the murder of Andrew Foster you then burnt that car out in an attempt to cover up your involvement and destroy evidence. You also have previous convictions for violence, in particular numerous previous convictions for assault. You were the person who Kenneth Fawcett recruited to back him up in these attacks and that bad record for violent offending may well explain why. The psychiatric report which has been served in your case explains that whilst you were probably not suffering any mental health illness at the time of these

offences you have in the past been treated for depression and anxiety and I have taken this into account in your case. You also have had to cope with recovering from a head injury as a result of a road accident which undoubtedly was a significant set back for you. The report also explains that you have been addicted to drugs and struggled to overcome this. You have two children with whom you wanted to establish a family life, but your offending in this case will have put paid to that. I accept that you now have remorse about what you have done and you recognise the harm you have caused, including to your own family.

17. Joshua Hawthorn, you were only convicted of the final attack and its associated robbery and to that extent are in a less serious position than your co-defendants. You were not part of the persistent campaign of violence across the four attacks in this case. You were, however, clearly instrumental in the last and most serious attack. I also accept that you were not at the head of the chain of command in relation to this attack or its planning. That was Youssef Wynne. Nonetheless on the night of these events when he was not available it was obviously to you that Kenneth Fawcett looked for final instructions in relation to the attack. After that short call with you the attack was launched. You were also the person to whom Kenneth Fawcett resorted when it was clear that the attack had not gone as he wished. And it was to you that Kenneth Fawcett and John Wandless went shortly after the attack. You have previous convictions in relation to the supply of drugs but none in relation to violence. In fixing the minimum term in your case I have taken account of your personal mitigation. The psychological reports upon you explain the issues in relation to your thinking skills and suggestibility. You were also younger than the

others you were involved with, in particular Youssef Wynne, and less mature. The psychological reports also explained you have suffered with anxiety and depression, and this is also mitigation in your case. I also accept that you had an extraordinarily difficult start in life and a very unfortunate family background. I have borne in mind the evidence of your partner and her explanation of how you became involved with drugs and were drawn into these offences. I have taken account of the fact that the sentence I must impose in the light of the jury's verdict will prevent from you from playing any meaningful part in the life of your young children. The clear differences in your position from that of the others, and the very extensive personal mitigation available to you, has enabled me to take make a significant reduction from the starting point in your case.

18. Youssef Wynne, in relation to count 1 the sentence will be life imprisonment with a minimum term of 33 less the 256 days which you have spent on remand and which will count towards your sentence. In relation to count 2 the sentence which I impose is 14 years concurrent to count 1. In respect of count 3 the sentence is one of 1 month concurrent to count 1. In respect of count 4 the sentence is one of 5 years concurrent to count 1. For count 5 the sentence is 6 years concurrent to count 1. Finally in relation to count 6 the sentence imposed is one of 15 years concurrent to count 1. This leads to an overall sentence of life imprisonment with a minimum term of 33 years less the 256 days you have spent on remand.

19. Kenneth Fawcett, in relation to count 1 the sentence will be life imprisonment with a minimum term of 32 less 1 day which you have spent on remand prior to recall on your licence and which will count towards your sentence. In

relation to count 2 the sentence which I impose is 14 years concurrent to count

1. In respect of count 4 the sentence is one of 5 years concurrent to count 1.

For count 5 the sentence is 6 years concurrent to count 1. Finally in relation to count 6 the sentence imposed is one of 15 years concurrent to count 1. This leads to an overall sentence of life imprisonment with a minimum term of years less the 1 day you have spent on remand.

20. John Wandless, in relation to count 1 the sentence will be life imprisonment with a minimum term of 31 less the 333 days which you have spent on remand and which will count towards your sentence. In relation to count 2 the sentence which I impose is 14 years concurrent to count 1. For count 5 the sentence is 6 years concurrent to count 1. In relation to count 6 the sentence imposed is one of 15 years concurrent to count 1. In relation to count 7 the sentence is 1 year concurrent to count 1 and for count 8 the sentence is 9 months concurrent to count 1. This leads to an overall sentence of life imprisonment with a minimum term of 31 years less the 333 days you have spent on remand.

21. Joshua Hawthorn, in relation to count 1 the sentence will be life imprisonment with a minimum term of 22 less the 272 days which you have spent on remand and which will count towards your sentence. In relation to count 2 the sentence I impose is 14 years to be served concurrent to count 1. This leads to an overall sentence of life imprisonment with a minimum term of 22 years less the 272 days that you spent on remand.