



# Courts and Tribunals Judiciary

## R v Michael Drake

### Sentencing Remarks

1. Jordan Simcock was just 24 years of age when you chose to violently attack him and as a result ended his life. He was very much loved and treasured by family members. Their victim personal statements speak of the terrible sense of loss that they all feel. They refer to having to see Jordan in hospital still holding onto life as the medical staff fought to save him. There was nothing that could be done and thus you robbed Jordan of his life and Jordan's family of the pleasure they took in his company. They will never recover from the harm that you have caused. You have sentenced them to a lifetime of grief.
2. You had no reason to attack Jordan. He was drunk and so were you but the 'bickering', as Simon Lee described it, could not conceivably justify you setting about Jordan with a 5lb weight. I am quite sure you simply lost your temper and chose to attack him. You were not acting in any way defensively but rather out of drunken rage. You chose to pick up a weapon and you chose to hit Jordan to the head – not just once but repeatedly and after he was on the floor unable to protect himself. You smashed that weight into his head again and again and by so doing you shattered his skull and left him with no chance of survival. I am quite sure that you hit Jordan at least 5 times and that these were purposefully hard blows. Simon Lee spoke of your significant upper body strength and you used that to terrible effect.
3. Having committed this crime you sought to dissuade Simon Lee from calling for help. Instead you tried to persuade Simon that Jordan's body and other incriminating evidence might be disposed of. You did indeed get rid of your

clothes and footwear and attempted to get rid of the weapon you used, taking it with you from the scene for that purpose. You had the presence of mind to shower in order to remove Jordan's blood from your body. Jordan was your friend, you asserted that you were like a father figure to him, and yet having caused him the grievous injuries from which he was to die, your thoughts were purely for yourself. You were more focussed on covering your tracks and getting a cup of coffee than doing anything to help a young man whose life you had effectively snuffed out. Your remarks on the phone as you were striding away from the scene of the crime make it quite clear that you knew just how much harm you had done and that the young man you had beaten was destined to die as a result.

4. As I informed the jury yesterday after they had returned their verdict, based as it was on compelling evidence, for the offence of murder the sentence must be one of life imprisonment. I have to decide the minimum term you must serve before you can be first considered for release. I make it plain this does not mean that you will be released at that point. Whether you will be released or not at that stage, at any later stage, or indeed at all, will be a matter for the Parole Board to determine. Only when the minimum term has been served can the Parole Board for the first time consider whether it is safe to release you or not. If the Board does release you, then you will remain on licence and liable to recall for the rest of your life. In the event that you are released then I would expect your use of alcohol and/or drugs to be carefully monitored as that is an obvious risk factor in your case.
5. In accordance with s.322(2) of the Sentencing Act 2020 the minimum term must be set taking into account the seriousness of this offence and by applying the relevant starting point in Schedule 21. There is agreement here that the starting point in the context of this case is 15 years.
6. There are aggravating and mitigating factors, some of which are listed in Schedule 21 but also others that are not but which are still of relevance. In

assessing the minimum term I have to look at the case as a whole and take account of all the relevant circumstances including that which I know about your background.

7. You have previous convictions and although they are now of some age violence does feature in your record. You have served quite lengthy terms of imprisonment albeit for offences of a different kind.
8. This offence involved the use of a weapon and as mentioned already you used it to strike a number of powerful blows. You acted in a drunken rage and Simon Lee had to witness this attack taking place in his home where both you and Jordan were guests. As I have already noted you tried to persuade Simon Lee not to summon help, you fled the scene and disposed of incriminating evidence. Simon Lee was initially treated as a suspect and interviewed under caution.
9. In terms of mitigation I accept that you did not intend to kill, certainly I cannot be sure of that you did to the criminal standard, but the nature of the attack was such that you made death inevitable – the head injuries you inflicted were unsurvivable. I do accept the contention that after the first or certainly the second blow Jordan would have been unconscious and would not have regained any level of appreciation of what had happened. I also take account of the fact that you are now 46 and despite having a difficult upbringing you had, notwithstanding continuing issues with alcohol, managed to turn your life around to some degree. Your mental state at the time of the offence would no doubt have been affected by the recent loss of your mother.
10. Balancing all the circumstances of this offence I have concluded that the aggravation significantly outweighs the mitigation and that some upward movement from the starting point is required. In my judgment the correct minimum term here is one of 18 years. From that I am required to deduct the

exact number of days that you have been on remand, namely 188. The result is that I impose a life sentence with a minimum term of 17 years and 177 days. I have already explained to you what that means in terms of when you will first be eligible to make an application to the parole board.

11. The surcharge will apply in the appropriate figure.

HHJ Martin Picton

29<sup>th</sup> August 2024