



Courts and Tribunals Judiciary

CARDIFF CROWN COURT
26 SEPTEMBER 2024

REX

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(1) KIERAN CARTER
(2) CHAD JOY
(3) AMY JONES

SENTENCING REMARKS OF MR JUSTICE NICKLIN

Kieran Carter, on 26 July 2024, the jury at your trial convicted you of the murder of Daniel Rae on 17 December 2023. Today, you have pleaded guilty to offences of being concerned in the supply of cocaine and cannabis. You fall to be sentenced for those offences.

Chad Joy, the same jury convicted you of assisting Kieran Carter, an offender, by, in the early hours of 18 December 2023, searching for item or items disgarded by Mr Carter after he fled the scene of Mr Rae's murder.

Amy Jones, the jury convicted you of perverting the course of justice. You provided assistance to Mr Carter immediately after the murder, treating an injury to his hand, providing clothing for him and assisting in making the arrangements for Mr Carter to be taken to Birmingham for further treatment to the injury to his hand. You have also pleaded guilty to being concerned in the supply of cannabis.

On 17 December 2023, Daniel Rae was fatally stabbed in the leg by you, Kieran Carter. Mr Rae was at his home, at 5 Princess Street Treforest, an address he shared with several others, including Jack Rose and James Bentham.

You and Mr Rae were connected by your association with drugs. You were Mr Rae's dealer, supplying him with cannabis and cocaine. You had relatively recently set yourself up as a dealer in the Treforest area. Your base was 10 Derwendeg Avenue, the home of Amy Jones.

Mr Rae had run up a drugs debt. The prosecution's case against you at trial was that you went round to Mr Rae's flat that evening to enforce that drugs debt. You had spoken to Mr Rae at around 18.25 on 17 December 2023. The jury heard no evidence as to what was said during this call, but it is clear from an exchange of messages after the call that you and Mr Rae had fallen out about money owed by Mr Rae for drugs and that you were going to come round that evening to collect.

Shortly afterward, you set off, on foot, to go to Mr Rae's home at 5 Princess Street. The journey took just over 40 minutes. CCTV footage established your movements. You arrived at 5 Princess Street shortly after 19.25. You were seen to arrive by Mr Rose and Mr Bentham, who were standing outside the front door of 5 Princess Street smoking and talking. You went straight past the two men and into the property. Mr Rae's room was on the first floor at the top of the stairs.

Mr Rose said that, shortly after your arrival, he went upstairs. His room was also on the first floor, further down the landing and next to Mr Rae's room. As he went upstairs, he said he could hear a scuffle or a fight coming from Mr Rae's room. When Mr Rose got to his room, he locked his door behind him.

In Mr Rose's bedroom was his friend, Alannah Willis. She had been in Mr Rose's room whilst Mr Rose was out at the front of the property with Mr Bentham. She gave evidence of what she heard. She said that she heard a knock at Mr Rae's door. He had been playing music, which he turned down, before answering, aggressively, *"Who is it?" What do you want?"*. She then heard Mr Rae's door open before being shut again. After that, within about 10 seconds or so, she said she heard an argument and then noises of a physical fight; banging sounds, glass smashing and angry grunting like the persons in the room were in a fight. Mr Rose, she said returned to the room a few minutes after the fighting began.

Once back in his room, Mr Rose said that he listened out to what was happening in the room next door. He said that he heard someone say *"I've got it"* or something like that. He did not recognise the voice. He described hearing *"fighting talk"* and someone saying, *"come on then"*. The rustling and grunting noises that he heard he said sounded like people wrestling. He then heard Mr Rae's door open, and someone said something along the lines of *"I don't care about blood, I just want my drip"*. Mr Rose said he thought that *"drip"* was a reference to drugs. He did not think that this was Mr Rae's voice. He thought the accent was from where he had grown up, Southeast London. In her evidence, Ms Willis said that after the fight was over, she heard someone with a *"London accent"* say *"I don't care if you are bleeding, get me my drugs or drink"*, she was not sure, but the word began with *"d"*. Mr Rose said that after you had left,

he and Alannah heard laboured breathing coming from Mr Rae's room and then it went quiet.

You told the jury at your trial that, before you left, you heard Mr Rae ask for an ambulance. You knew that he was injured. You did not call an ambulance or alert anyone that Mr Rae needed help. You just left him.

The evidence from the pathologist confirmed that Mr Rae died as a result of bleeding from an artery in his leg. The emergency services were called by Mr Rose. Despite their efforts, they were unable to save Daniel.

Only you know the details of what happened with Mr Rae in his room that evening. The key issue at your trial was whether you stabbed Mr Rae in self-defence. The jury were sure that you did not.

I am not sure that you took a knife with you to Mr Rae's flat that evening. On the evidence heard at the trial, I think it is more likely that Mr Rae produced the knife and that he used the knife against you. The key pieces of evidence that support that conclusion are, first, that Mr Rae's preparations for your arrival show that he was anticipating violence. He covered many of his possessions with plastic bags. He can be seen collecting the bags from the kitchen. When he entered the kitchen, he pulled clothing up to cover his face. Mr Rae knew that there was a CCTV camera in the kitchen. This behaviour is consistent with his not wanting to be identified (however unlikely that was in practice to be achieved). The evidence at the trial showed that Mr Rae had consumed a substantial amount of cocaine that afternoon. That may well have impaired his thinking.

Second, Mr Carter, you suffered a very serious wound to your hand. The injury was caused by the knife that was used in the incident and it was inflicted on you by Mr Rae. I am satisfied, on the balance of probabilities, that Mr Rae had armed himself with a knife, probably from the chef's knife set that he had in his flat. The injury to your hand was clearly a defensive injury. I am not sure that you arrived at Mr Rae's flat with any settled intention to use violence that evening. Your visit was to obtain money owed by Mr Rae. You *may* have been willing to use violence if that proved necessary to get the message through to Mr Rae that he needed to settle his drugs debt, but I cannot be sure of this. It is speculative and whatever your intention had been, it was rather over taken by events after you arrived at Mr Rae's flat.

Nevertheless, the jury, by their verdict were sure that, once you had disarmed Mr Rae of his knife, either you did not need to use violence to defend yourself, or that the violence you used the jury decided was not reasonable in the circumstances you then faced. On that basis, they were sure that you did not act in self-defence when you inflicted the fatal injuries on Mr Rae.

Today, a statement has been read on behalf of Daniel Rae's parents – Tony Rae and Adele Webster. Mr Rae said:

“We stand before you today, broken parents, who have lost every sense of normality. Parents who grieve the loss of Daniel, not only for us but for our four adorable grandchildren, and for the world that has no idea what a wonderful person they are missing.”

Those heartfelt words convey not only their own loss of a son, but of young man who meant so much to those in his family and particularly his four young children.

I recognise how difficult it is to come to a Court room and to read a statement that conveys so much raw emotion. I pay tribute to the dignity and strength of both Tony and Adele's sister who read statements today. Nothing that this Court can do or say will ever make up for the loss of their son. The sentence that is passed will never make amends.

Mr Carter, there is only one sentence for the offence of murder. It is one of life imprisonment. As the Judge, it falls to me to fix the minimum term that you must serve before you can be considered for release. I make clear, both to you, and to all listening or reading what I say, that the minimum term is just that. It is the period that you will serve in custody. It will not be reduced.

After serving the minimum term you will be eligible to be considered for release by the Parole Board. The Parole Board will decide whether you continue to pose a risk to the public. Only if the Parole Board is satisfied that you are not will you be released. Even if you are released, you will be released on licence and subject to conditions for the rest of your life. You can be recalled to prison if you breach the terms of your licence or if you reoffend. In that way, the sentence I impose today will remain a life sentence.

In fixing the minimum term the law requires the Court to have regard to factors set out in Schedule 21 of the Sentencing Act 2020.

For the reasons I have explained, I am not satisfied that this was an offence carried out for gain or that you took a knife to the scene to commit the offence. As such, the starting point indicated under Schedule 21 – before considering any aggravating and mitigating factors – is a minimum term of 15 years imprisonment. None of the statutory aggravating features under Paragraph 9 of the Schedule applies. The prosecution submitted that the offence was aggravated by the fact that the murder was committed during the enforcement of a drugs debt, a knife was used, the attack happened in Mr Rae's home, you failed to call an ambulance for Mr Rae, you disposed of the murder weapon and your coat, and you evaded arrest by fleeing to Birmingham.

The particular features and circumstances of this offence mean that I do not consider that the use of the knife or the fact that the offence took place in Mr Rae's home are aggravating features. It was Mr Rae who chose to use a knife in an attack on you in his home. He inflicted a serious wound to your hand, but you responded to that attack by going beyond what could be defended as self-defence. Your failure to call an ambulance may be regarded as callous, but I must be careful not to judge you with the hindsight of knowing how matters turned out. As the pathology evidence confirmed, it was one of the stab wounds to Mr Rae's leg – and the puncturing of an artery – that led to his death. It is one of the tragedies of this case that, absent that factor, it is unlikely that Mr Rae would have died. That is no excuse for what you did. Be in no doubt, you are responsible for Daniel's death.

As to the statutory mitigating factors under Paragraph 10 of the Schedule, I am satisfied that you did not intend to kill Mr Rae and that your actions were not a pre-meditated attack upon him. As I have found, Mr Rae attacked you. You responded, but the jury were sure – once you had disarmed Mr Rae of his knife – either you did not need to use force to defend yourself further or that the acts of stabbing Mr Rae were not reasonable self-defence.

Whilst you have previous convictions, these date from the period when you were a youth. They do not aggravate the position, but equally you do not benefit from the mitigation that would have been available had you been of good character.

Turning to the drugs offences. Put simply, you were a dealer of Class A and Class B drugs. Although not a large operation, it is clear that you were not acting as a single dealer. You were a dealer yourself, but you were also aiming to recruit others to deal on your behalf. You had hoped to establish two local drugs lines, potentially exploiting a gap in the market left following the jailing of another dealer. There was direct evidence of your seeking to recruit Amy Jones to deal for you on the basis that you would pay her a percentage of the profits from any drugs line she operated. As such, you had an expectation of significant financial advantage and an awareness of the scale of the operation you were running.

On the sentencing guidelines, you played a significant role and – as a street-dealer – this is a Category 3 offence. As such, for the cocaine count, the starting point is 4½ years' imprisonment with a range of 3½ years to 7 years. For the cannabis count, it is a starting point of 1 year imprisonment and a range of 6 months to 3 years. There are aggravating features. Included within those that you had recruited to your drugs business were two youths. Your previous convictions are not relevant to the drugs offences for which you are now to be sentenced. When fixing the sentence for the drugs offences, I will impose a sentence for Class A offence which reflects the totality of the offending and then pass a concurrent sentence for the Class B offence.

You formally pleaded guilty to the drugs offences today, which, for the drugs offences is the first PTPH. As such, the law requires the Court to reduce the sentence that would otherwise have been appropriate by 25%.

As to the structure of your sentence, I shall reflect the totality of the offending for which you must be sentenced in the sentence I impose on the murder and the minimum term that I fix. The sentences for the drugs offences will be concurrent. I will make orders for forfeiture and destruction in relation to the drugs offences sought by the prosecution. Any applicable statutory surcharge will be added to your sentence.

Kieran Carter, please stand.

For drugs offences, on Count 1, the sentence would have been one of 5 years and 4 months' imprisonment. Reducing that by 25% for your guilty plea, the sentence I impose is one of 4 years' imprisonment

On Count 2, the sentence would have been one of 16 months' imprisonment. Reducing that by 25% for your guilty plea, the sentence I impose is one of 12 months' imprisonment.

The sentences for the drugs offences will be served concurrently.

For the murder of Daniel Rae the sentence is one of life imprisonment. The minimum term I impose is one of 16 years and 89 days' imprisonment. That is a minimum term of 17 years' imprisonment minus the 276 days that you have spent in custody on remand pending trial. The figure of 276 has been agreed to be correct today. If it proves to be incorrect, then an application should be made within 56 days to correct that administratively.

The sentences for the drugs offences will be concurrent with the sentence for murder.

Mr Carter you will go now to begin your sentence.

Chad Joy, you were acquitted by the jury of the offence of perverting the course of justice, but convicted of an offence of assisting an offender.

You carried out a search for items discarded by Mr Carter in the early hours of the morning of 18 December 2023, following Mr Rae's murder.

The prosecution's case was that you were tasked with searching for both Mr Carter's discarded coat and the knife used in the stabbing. You have always denied searching for the knife. On the evidence at trial, I am not sure that you did search for the knife. In either event, your searches were fruitless. You did not find Mr Carter's coat. It was found and recovered by the police.

There are no formal sentencing guidelines for assisting an offender. There is guidance from the Court of Appeal in the case of **AG Ref No.16 of 2009 [2009] EWCA Crim 2439**. When fixing the sentence, the Court should have regard to (1) the nature of the crime in respect of which the assistance had been provided; (2) the seriousness of the conduct of the accused, its nature and importance in the evasion of justice; (3) the level of assistance and its importance in the context of the case; and (4) the fact that each case of this type is distinct and fact sensitive.

The crime here was murder; the most serious of offences. However, I am not satisfied that, at the time you rendered your assistance to Mr Carter, that you knew that he had murdered Mr Rae. I am satisfied that you knew, at least, that Mr Carter had been involved in an incident of serious violence. Factors (2) and (3), I can take together. In summary, the assistance you gave to Mr Carter were wholly ineffectual. You were willing to carry out a search for him, but in the end you came up with nothing. In short, therefore, you did not interfere with or destroy any evidence, and the prosecution was not impeded by your actions. Fortunately, such assistance you gave to Mr Carter had no effect on the administration of justice.

In terms of aggravation and mitigation, your previous convictions are a neutral factor.

A pre-sentence report has been prepared on you. The author concludes that your willingness to assist Mr Carter is linked to your drug use, and your connection to Mr Carter through that drug use. You are assessed as presenting a low risk of reoffending, but that your risk of reoffending is increased if you continue to use drugs. If the Court is prepared not to impose an immediate custodial sentence, you have been assessed as suitable to undertake unpaid work and for a rehabilitation activity requirement.

Offences of assisting an offender are always regarded as serious. They threaten to strike at and to undermine the administration of justice. Sentences imposed by the Court for these offences will usually be designed to send a clear message that anyone who does seek to impede the administration of justice will receive serious punishment. I am satisfied that your offence is so serious that only a custodial sentence is appropriate for that very reason.

Nevertheless, I must consider whether that sentence can properly be suspended. Having regard to the facts that I do not consider that you present a risk or danger to the public, there is a realistic prospect of rehabilitation and that appropriate punishment can be achieved by measures short of immediate custody, I am satisfied that it is appropriate to suspend the sentence of imprisonment and instead to impose a Suspended Sentence Order.

Chad Joy, stand up please.

For the offence of assisting an offender, I impose a sentence of 9 months' imprisonment suspended for 18 months. There will be two conditions imposed as part of the Suspended Sentence Order. First, you will complete a total of 150 hours of unpaid work at the direction of the Probation Service. Second, I impose a Rehabilitation Activity Requirement. Again at the direction of the Probation Service you will be required to complete 25 days.

If you breach any of the conditions of the Suspended Sentence Order, or if you commit any offences in the next 18 months, you will be brought back to Court where in all likelihood the sentence of imprisonment will be activated in addition to any sentence for any further offence of which you are convicted. Any applicable statutory surcharge will be added to your sentence. Wait in the dock please, while I sentence Ms Jones.

You, Amy Jones, were convicted by the jury of perverting the course of justice. In the immediate aftermath of the stabbing of Daniel Rae, you treated the injury to Mr Carter's hand, provided him with clothing and, most importantly, assisted in making the arrangements to transport him out of the area and to Birmingham to get treatment for his wounded hand. You pleaded guilty to the drugs offence with which you are charged at the first opportunity. You are therefore entitled to a reduction of one third in the sentence that would otherwise have been imposed.

Like Mr Joy, I cannot be sure that, at the time you provided assistance to Mr Carter, you were fully aware of what he had done. Like Mr Joy, I am satisfied that you knew, at least, that Mr Carter had been involved in an incident of serious violence.

There are sentencing guidelines for perverting the course of justice. I accept the submissions made on your behalf that this offence falls in Category 3B. Although it is true to say that the underlying offence was murder, I am not satisfied that you were aware of that at the time. Assessed more broadly, this culpability must be balanced against the fact that your assistance was unplanned, unsophisticated and limited in scope and duration. In terms of harm, the effect of your assisting Mr Carter to flee to Birmingham had only a limited impact on the administration of justice and caused only a limited delay in Mr Carter's apprehension.

On the sentencing guidelines, therefore the indicated starting point is 9 months' imprisonment with a range of 6 to 12 months.

You have previous convictions, but they are neutral in terms of aggravation and mitigation.

I have a pre-sentence report in your case. You are assessed as presenting a low risk of reoffending, although that risk increases if you continue to take drugs. You told the probation officer that at the time of the offence your drug use had

“spiralled out of control”. It is clear to me that your drug use and closely related to that your relationship with Mr Carter – he of dealer and you as someone who was willing to support his dealing – was a significant factor in your offending. Put simply, you only got involved that evening because of Mr Carter’s role in your life.

I have also read and considered a Mental Health Treatment assessment that has been prepared. That has identified that you have underlying mental health issues that the Probation Service consider make you suitable for appropriate support if the Court is minded to impose a sentence other than immediate custody.

I will not repeat what I said to Mr Joy – which you heard – about the seriousness with which the Court approaches offences that are directed at the administration of justice. In your case, and for the same reasons, I am satisfied that only a custodial sentence properly reflects the seriousness of the offence.

But in your case too, I am prepared to suspend that sentence of imprisonment. Having regard to the facts that I do not consider that you present a risk or danger to the public, there is a realistic prospect of rehabilitation and that appropriate punishment can be achieved by measures short of immediate custody, I am satisfied that it is appropriate to suspend the sentence of imprisonment and instead to impose a Suspended Sentence Order.

Turning to the drugs offences, I agree with the Prosecution that, on the sentencing guidelines, your offence falls in Category 3, lesser role. That gives a starting point of a high level community order with a range from a low level community order and 26 weeks’ custody.

In fixing the appropriate sentence of imprisonment, I will take into account the totality of your offending – including the drugs offences – when fixing the sentence for perverting the course of justice and impose no separate penalty for the drugs offence.

Amy Jones, please stand.

For the offence of perverting the course of justice I impose a Suspended Sentence Order. The sentence is one of 10 months’ imprisonment suspended for a period of 24 months. There are three requirements. First, in that 24 month period, you must complete 100 hours of unpaid work (in fixing this period I have given you credit for your guilty plea). Second, rehabilitation activity requirement of 20 days. Third, a mental health requirement of 12 one-to-one sessions as recommended in the Pre-Sentence Report. The longer period of suspension reflects the recommendations in the Pre-Sentence Report and the fact that the requirements of the suspended sentence order are, in some respects, more onerous.

No separate penalty on the drugs indictment.

Any relevant statutory surcharge will be added to the sentence.

If you breach any of the conditions of the Suspended Sentence Order, or if you commit any offences in the next 24 months, you will be brought back to Court where in all likelihood the sentence of imprisonment will be activated in addition to any sentence for any further offence of which you are convicted.

Mr Joy and Ms Jones, please make sure that you attend the Court Probation Service Office to arrange an induction appointment.