



**IN THE CROWN COURT AT LUTON**

7 George Street  
Luton LU1 2AA

40AD1371523

**Before:**

**HIS HONOUR JUDGE SIMON**  
**The Honorary Recorder of Luton**

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**THE KING**

**Prosecution**

**- v -**

**DYLAN MYRIE**

**&**

**PETER JANOSKI**

**Defendants**

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**Ms M Syed KC & Mr G Wedge for the Prosecution**

**Mr J Stone KC & Mr S Bailey for Dylan Myrie**

**Mr C Miskin KC & Mr P Crampin for Peter Janoski**

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**SENTENCING REMARKS**  
**28 July 2025**

***Preface***

1. This case has brought into sharp focus the sad and dangerous world of Class A drug supply and addiction. It involves rival drug lines, territorial dominance and

greed. Dean Fountaine was involved at the level of street supply, being himself a victim of the effects of Class A drug addiction – the rollercoaster of achieving abstinence, but succumbing again to the powerful attraction of the drugs that so many in our society find difficult to withstand. He had a loving family, but relationships in such circumstances could be challenging. He had loyal friends who cared about him, some of whom gave evidence at trial, but they too had their challenges in life and their own entrenched drug addiction to cope with. And yet with all this baggage and other personal difficulties, Dean Fountaine's life was no less valuable than anyone else's, but his life was prematurely snuffed out by the actions of the two defendants in this case.

2. On 4 April this year, Peter Janoski, you were convicted by the jury of two offences: the murder of, and conspiracy to rob, Dean Fountaine on 19 June 23. Dylan Myrie, you were convicted of the manslaughter of Dean Fountaine as well as possession of an imitation firearm in a public place some six days later. On the first day of trial, 3 February 25, you pleaded guilty to the charge of conspiring with Peter Janoski to rob Dean Fountaine.
3. Before moving to the circumstances of the offences in a little more detail, it is important for the Court to recognise the limitations of the criminal justice process. Though Mr Fountaine's background was not uncomplicated, he was a loved son, a father, a family member and friend whose loss is keenly felt by those left behind. Nothing this court says or does will repair the emptiness left behind by Mr Fountaine's death. The length of any sentence provides no correlation with the value of the life that has been lost. All that this Court can do is to dispense justice dispassionately according to the law and hope that the conclusion of the criminal proceedings will in some small way allow Mr Fountaine's family and friends to move on from this sad chapter. The Court extends its condolences to all those who continue to grieve and to mourn the loss of Mr Fountaine.

4. It will be necessary to refer to some of the facts surrounding Mr Fountaine's death which some of those in court may find distressing, but they are important in the overall assessment of the sentences to be passed in this case.

***Factual background***

5. To contextualise the determination of sentence in this case, it is necessary for the Court to reach certain factual findings about the events surrounding the killing of Mr Fountaine. In doing so, the starting point is the verdicts of the jury and I should only make a factual finding if I am satisfied to the criminal standard that it is supported by the evidence, which I heard alongside the jury. I do so also based on the totality of the evidence as it was presented at trial, overlayed with the directions and route to verdict given to them. This was a cut-throat case, that is each of you blamed the other as being solely responsible for the sharp-force and fatal injury inflicted on Mr Fountaine. Together with the Crown's case theory, which was that Dylan Myrie was the stabber and Peter Janoski was a secondary party, both of them acting with murderous intent in pursuit of the agreement to rob Mr Fountaine, the cut-throat defences were presented to the jury to consider and resolve.
6. For good reason it was not left open within the route to verdict for the jury to conclude that the secondary party, the person intentionally assisting or encouraging the stabber, had a more serious level of intent than the primary party, the stabber. The jury's verdicts are therefore only consistent with Peter Janoski being the stabber and Dylan Myrie intentionally assisting or encouraging him.
7. I turn to deal with a brief factual background. In June 23, Dylan Myrie was working for the Nico line, one of the sadly many regular dealer lines in the Luton area from which those with a need can obtain illegal drugs, in this case cocaine and/or heroin. Whatever other roles he may have played in the Nico line, on the day in question, Dylan Myrie was riding his bicycle around delivering packages of drugs to those who ordered through the dedicated telephone number for that drugs line.

8. On the night of 19 June 23, Dean Fountaine was working for a rival drugs line, called Switch/Dash, fulfilling the same role of street-level supply. A combination of the CCTV footage and telephone records show that, very shortly after an encounter between Peter Janoski and Dylan Myrie on Castle Street, two calls were made using the mobile telephone of Kayleigh East, one to the Switch/Dash line and one to the Nico line – the first to set up the meet with a ‘runner’ from the former, the second to alert Dylan Myrie. Just as another customer of the Switch/Dash line was informed, the operator indicated that the customer should meet a ‘runner’ nearby in Ashton Rd. It is immaterial whether Mr Fountaine’s identity was known to either or both of you. The agreed plan was to rob whoever turned up for the Switch/Dash line, doubtless on the basis that such person would certainly have a quantity of drugs and would be equally likely to have some cash. It was a plan to rob, that means an agreement to steal using force or the threat of force. Dylan Myrie’s height and apparent strength were clearly an advantage in this regard.
9. As both of you took up tactical positions ready for the unsuspecting runner, a complication arose in the form of Tim Lewis. Mr Lewis was similarly waiting for a runner from the Switch/Dash line as he too had ordered some drugs. With Dylan Myrie in the road opposite keeping an eye out and ready to take action, the plan remained in place. Mr Fountaine then arrived, walking along Cowper Street. Dylan Myrie was on the opposite side of the road and once he saw Mr Fountaine go past, he dropped his bicycle and made his way in the same direction. He was dressed in dark clothing and had a balaclava with him. Mr Fountaine emerged into Ashton Road to be met by Mr Lewis and Peter Janoski. The three of them then walked up Ashton Road, paused and then walked back down in the direction that they had come. In the meantime, Dylan Myrie had positioned himself out of sight behind parked vehicles so that when the group passed on their way back down Ashton Road, he could from behind them with the element of surprise.
10. It was getting darker as the group passed Dylan Myrie, who was out of sight. The plan then came together. Dylan Myrie emerged from the road, coming back onto

the pavement behind the group and within moments Mr Fountaine had been stabbed and Dylan Myrie was hotfooting it back to his bicycle to make the quickest getaway possible. In stark contrast, Peter Janoski stayed at the scene, later making out to the police – in a show of breathtaking temerity – that he was Mr Fountaine’s close friend and terribly concerned about his welfare, a charade that he maintained throughout the trial.

11. The following morning a hunting-style knife was found in a wheelie bin belonging to a property in very close proximity to where Mr Fountaine lay whilst being treated at the scene. That knife had positive scientific, forensic findings connecting it to Peter Janoski. The nature of the findings connecting it to Mr Fountaine lead to the safe inference for the jury and for the Court that it was the weapon with which the fatal wound was caused. There were no scientific findings connecting it to Dylan Myrie.

12. Mr Fountaine was declared deceased in hospital on the morning of 20 June 23.

13. Five days later on 25 June 23, a car belonging to Dylan Myrie’s sister and carrying him as a passenger was stopped by the police. Out of sight in the boot, the police found an imitation firearm, which was scientifically examined and on the trigger of which Dylan Myrie’s DNA was located.

14. The jury clearly rejected Peter Janoski’s evidence that the murder weapon was something other than the knife found nearby, just as they rejected the highly improbable account he gave of why he and Dylan Myrie spent so much time together prior to meeting Mr Fountaine, with his following Dylan Myrie ‘up hill and down dale’ for a number of minutes. The agreement to rob the Switch/Dash line runner was plainly thought by both of you to be a worthwhile and potentially valuable venture, otherwise it is difficult to see why so much time was devoted to hanging around the area waiting for the runner to arrive. It was also a venture with a distinct advantage. Although two of you were in on it, the runner would never suspect Peter Janoski as he was a well-known local addict and a regular

customer. There is nothing on the CCTV footage to suggest that Mr Fountaine was concerned by meeting up with Peter Janoski and Mr Lewis. That meant that when Dylan Myrie sprang out of nowhere, the runner would not immediately realise that he was outnumbered, because it was not just the dark-clothed stranger threatening him, but one of those right by his side.

15. Given your individual knowledge of the world of drugs, it would also have been extremely naïve for either of you to think that the Switch/Dash runner would not be armed, most likely with a knife, to protect his valuable stock and the drug line's takings. Perhaps you calculated that the planned ambush would take the runner by such surprise that he would not have time to draw his weapon. That proved to be quite a miscalculation, because Mr Fountaine did indeed produce his knife, evidenced by the empty sheath discovered when his trousers were cut off for emergency medical treatment.
16. Exactly what happened next only Peter Janoski could know, but the knife found its way into your hands and you used it to stab Mr Fountaine twice, causing the fatal injury.
17. I have already made reference to subsequent events above.

### ***Sentence hearing***

18. For the purposes of this sentencing hearing I have read:

Sentencing notes from the prosecution and from those representing both defendants;

The Victim Personal Statements from Karen Fountaine, Mr Fountaine's mother, and from Ben Fountaine, his brother, which have been read into the record and which give a glimpse into the suffering caused by Mr Fountaine's murder;

The equally moving statement from Annmarie Oliver, who provided professional support for Mr Fountaine with his drug difficulties and who

paints a vivid picture of the aspirations that he had for a better life, which were achievable;

A pre-sentence report in respect of Dylan Myrie;

A three-page handwritten letter from Dylan Myrie, expressing remorse and regret for his involvement;

A letter from Mr Paul Garside, who provides a reference letter for Dylan Myrie's work as a Listener in prison; and

A letter from Dylan Myrie's mother and positive character references from two of his sisters and from a previous employment.

19. I have listened with care to the focussed submissions of leading counsel for the Crown and for each of the Defendants, and for which I am grateful.

***Peter Janoski***

20. You are 45 years of age, having been born on 17 April 1980. You were therefore 43 years of age at the time of the murder of Mr Fontaine. You have a lengthy list of previous convictions dating back to 1993 when you were only 13 years' old. A significant proportion of these convictions are for acquisitive crime, such as burglary or theft, frequently driven in all likelihood by your addiction to drugs and other disadvantages you have experienced in life. There are some previous convictions for possession of a knife and violence, the most recent being 2013.

**Murder**

21. In passing sentence I intend to take the murder as the lead offence and pass a concurrent sentence on the conspiracy to rob. This is because the latter offence constitutes a major plank in the identification of the starting point within Schedule 21 for the murder.

22. The sentence for murder is fixed by law for those over 21 as a life sentence. Sections 321-322 of the Sentencing Code require this Court to set the minimum term to be served in custody before being eligible for consideration for release by

the Parole Board. To set the minimum term the Court must consider the seriousness of the offence, taking account of the considerations in Schedule 21 to the Sentencing Code, as well as all other relevant facts of the case and guidance from applicable case law.

23. It is agreed between the prosecution and your defence team that paragraph 3(2)(c) of Schedule 21 applies in your case, namely “*a murder done for gain (such as a murder done in the course or furtherance of robbery ...)*”. Such a case is categorised as being of particularly high seriousness and attracts a starting point of 30 years.

24. I find that in the circumstances of this case, the only relevant statutory aggravating factor from the list in paragraph 9 to Schedule 21, is a significant degree of planning or premeditation. Whilst the evidence only supports a finding of planning or premeditation in the period immediately before the attack, the conspiracy offence, time spent together and the way in which the ambush was carried out coalesce to justify a finding that the planning was significant. The impact of this aggravating factor should not however be overstated, given the extent to which, as Mr Miskin KC observes, there is likely to be some degree of planning in most killings done for gain.

25. As to mitigating factors in paragraph 10 of Schedule 21, I do not conclude that an intent to murder was proved here, not least because the evidence is of a very swift turn of events in terms of the actual stabbing. The proven intention was to rob the runner of drugs and cash using some violence as required, but that does not suggest proof of an intention to kill.

26. Mr Miskin KC advanced a number of areas of personal mitigation in writing and orally. Whilst there is evidence of current medication being taken by you in prison, which includes Quetiapine, there is no direct medical evidence to describe your mental health at the time of the killing. A layman’s comparison between your presentation in January 23 and June 23 does support a fairly marked deterioration



at least in general health. It is a fair submission on your behalf that Class A drug dependence will have had an impact on your mental health and it must be longstanding and entrenched judging by the fact that you remain on a methadone reduction script even after 22 months in custody. Homelessness and poverty may be in play in your case, but it can be difficult to divorce those from the drug addiction. I do not underestimate the challenges that life may have presented, including low educational achievement, but there is limited evidence from which to form the view that they act as mitigating factors to any significant extent. They do however provide a context in which these offences were committed. Bearing in mind the overarching guideline on Sentencing Offenders with Mental Disorders as well as the circumstances of this case, I have concluded that none of the personal mitigation advanced materially reduces your culpability for the murder of Mr Fountaine, but it should be reflected in a very modest reduction when calculating the minimum term.

### **Minimum term**

27. I turn to the assessment of the minimum term that must be served before you are eligible to be considered for release. I have concluded that the modest increase in the notional minimum term to reflect previous convictions, being on bail at the time and the significant planning in this case is outweighed marginally by a reduction for mitigating factors. The notional minimum term therefore reduces to 29 years, subject to reduction for the period spent on remand, which I have calculated as one year and 300 days. The minimum term therefore which you will serve from today is 27 years and 65 days.

28. It is important to emphasise to those in court and the public at large that the sentence for murder that I impose is a life sentence. The setting of a minimum term affects when there is eligibility to be considered for release. Whether and when someone serving a life sentence is released is a matter for the Parole Board, based on an assessment of it being safe to do so. Even then there may be numerous licence conditions to be complied with and the person remains on licence for the rest of their life with the prospect of recall to prison.

**Conspiracy to rob**

29. In respect of conspiracy to rob, it needs to be appreciated that the offence is committed when the agreement to act is made coupled with an intention that the agreement be carried out. The offence is still committed even if no robbery in fact takes place. Consistent with the Court's findings as to the murder weapon, I am not satisfied that use of a knife or other weapon is proved to the criminal standard as having been part of the agreement, as opposed to force of numbers and lesser violence. Use of the knife in the event, does not retrospectively prove, on the facts of this case, that it was part of the agreement. This applies equally to the factor referencing use of very significant force. I make no finding as to whether Dylan Myrie was separately armed with a knife nor that it was produced, for want of compelling evidence to the criminal standard. That puts the offence into Category B – Medium culpability.

30. As to harm, both Peter Janoski and Dylan Myrie had invested time into their agreed intention to rob, and shown commitment to it by the stealth with which Dylan Myrie positioned himself both prior to the arrival of Mr Fountaine and just before the ambush itself. Beyond the experience of being violently robbed, Peter Janoski and Dylan Myrie would have known that the targeted runner for the Switch/Dash line would also be indebted to those higher up for the loss of drugs and money. This was an agreement to rob that cared little for the impact on the intended victim, which was likely to be not insignificant whether physically and/or psychologically. There is just enough evidence upon which to conclude that the agreement included, though it may have only been implicitly, a contentment with causing serious physical and/or psychological harm. Again, the categorisation does not rest simply on the tragic consequences to Mr Fountaine of the conspiracy being carried out.

31. Your previous convictions are not irrelevant, forming a long pattern of acquisitive crime coupled with examples of violence, but your convictions have been much more limited in the ten years prior to this offending. That said, you were on police

bail at the time of these offences, the investigation being into an allegation of serious violence and fraud. This requires an increase as an aggravating factor, as does the fact of this being a conspiracy involving two individuals with defined and coordinated roles in the commission of the offence. Moving upwards from the starting point for the fact of a conspiracy will therefore also reflect the significant planning aspect of the offence. The points made above about personal mitigation apply equally here.

32. In the circumstances, I have determined that this is a Category B1 offence, with a starting point of five years' custody and a range of four to eight years. Taking account of the factors above, the appropriate sentence for the conspiracy to rob offence in Peter Janoski's case is one of six years' imprisonment. There will therefore be a sentence of six years on the conspiracy to rob offence concurrent to the sentence for murder.

### ***Sentence - Janoski***

33. Peter Janoski, the sentence for murder is fixed by law. This means there is only one sentence I can pass on you for that offence and that is a life sentence. I have determined the minimum period that you must serve before you are first considered for release on licence. For the reasons I have explained in detail, I fix the minimum term which you will serve in custody, before the Parole Board may first consider your possible release, at 27 years and 65 days. The Parole Board will then decide whether you can leave custody at that stage, and if so on what terms. If you are refused parole at that time you will remain in custody, subject to regular reviews by the Parole Board. If and when you are released you will be on licence for the rest of your life. If you break the terms of your licence you will be liable to return to custody. Any mistake as to the time on remand deducted in this case can be corrected without you having to come back to court.

34. For the offence of conspiracy to rob I impose a sentence of six years' custody concurrent to the sentence for murder.

35. I impose the statutory surcharge in the appropriate amount.

### **Dylan Myrie**

36. You are 21 years of age, born on 20 January 2004. You were 19 years old when these offences were committed. You had no previous convictions, cautions, reprimands or other matters recorded against you.

37. You pleaded guilty to the conspiracy to rob at the beginning of the trial and I will return to that after addressing the sentence for the manslaughter of Mr Fountaine, of which you were convicted by the jury. You were not the stabber, but you were a willing participant in the agreement to rob the Switch/Dash runner. This was a robbery that escalated into serious violence, violence which was or should have been obvious as a potential, given the context of drug supply and your knowledge of it. Mr Fountaine's death was caused in the course of your committing a serious offence – robbery – in which you clearly played more than a minor role. This is evidenced through your actions as part of the ambush of Mr Fountaine and the intention that you would add strength to it both physically and in numbers.

38. In my judgment, that places the manslaughter offence far more squarely into Culpability B – Factors indicating high culpability. This has a starting point of twelve years' custody and a range of eight to 16 years' custody. There are no statutory aggravating factors. The robbery offence was planned, by your own admission, and the relevant aggravating factor in the guideline is triggered, albeit to a modest extent in terms of uplift. It is notable that there was opportunity for you to back out over an extended period and you had the means to get away quickly – as events immediately after the ambush of Mr Fountaine demonstrate.

39. As to mitigating factors I take account of the PSR findings and the need to consider age and level of maturity. Having had the advantage of hearing you give evidence

at trial, I do not conclude that there is any particular immaturity beyond that which might generally apply to males under the age of 25, such as lack of properly developed, consequential thinking skills. You had no previous convictions or other matters recorded against you at the time, albeit you admitted involvement in various roles in drug supply for the Nico line. Though I note the observations in the PSR about remorse, I balance that with the contents of your letter to the Court, my assessment of you from hearing you give evidence and, in particular, the evidence of what you have been doing since being remanded in custody. It is noteworthy that you trained to become what is known as a listener, offering support to others in custody who are struggling. That chimes with the description of you by your family and your former work supervisor and provides a basis upon which to conclude that the remorse now expressed is genuine and that you have developed some insight into the pain and grief caused to Mr Fountaine's family and close friends by his death.

40. On this assessment, an increase from the starting point of 18 months, to reflect the concomitant conspiracy to rob offence is then met with a reduction for mitigating factors of three years to produce a notional sentence of ten years and six months' imprisonment. I say notional because I must now consider the question of dangerousness.

### **Dangerousness**

41. The PSR assessment is formulated through one particular characterisation of the evidence. Through the lens that I have constructed of the factual matrix, and bearing in mind all matters about you that have been brought to the Court's attention, I do not find that you meet the statutory test for a finding of dangerousness. The sentence for the offence of manslaughter is therefore a determinate sentence of ten years and six months' custody.
42. In respect of the offence of conspiracy to rob, I repeat my earlier assessment of the categorisation for this offence. With the sole exception of the relevant previous convictions that Peter Janoski has, the other aggravating factors equally

apply to your case. The mitigating factors in your case that I identified when considering the manslaughter conviction, are relevant here. The notional sentence for the offence of conspiracy to rob would in your case be four years' custody, the mitigating factors outweighing the modest increase for the aggravating factors. The notional sentence is then reduced by 15% for your plea of guilty on the day of trial; a plea which had been indicated at an earlier stage. I am conscious that this may be considered generous, in light of the trial having been listed twice last year but not capable of being heard and that there was therefore opportunity formally to enter this plea over a much-extended period of time. However, I have concluded that the incentive for a defendant to accept their responsibility for offending, especially within a trial for the most serious of offences, is worthwhile preserving even in such circumstances.

43. The sentence on the conspiracy to rob will therefore be 40 months' custody. This offence is bound up with the determination of the sentence for manslaughter, both factually and in applying the guidelines. Overlaying the principle of Totality – ensuring that the sentence passed is the least sentence commensurate with the offending as a whole – the sentence for the conspiracy to rob will run concurrently with that of the manslaughter.

44. Finally, I consider the offence of possession of an imitation firearm in a public place (a s19 offence). The item in question was found secreted in the boot of your sister's car at a time when you were a passenger in it. This was on 25 June 23, almost a week after the ambush of Mr Fountaine. The maximum sentence for this offence, as it was an imitation firearm, is twelve months' custody. That it was an imitation establishes culpability type 3. As to other culpability factors, I note the Crown's submission but there is insufficient evidence upon which I could be sure that this item was intended as a replacement for a knife. Moreover, that particular theory does not sit comfortably with my earlier factual findings about the murder weapon. My assessment is that, in the absence of any other explanation – and none was forthcoming – the second aspect of culpability is at least medium,

though verging on high. That combination of culpability factors leads to either culpability B or C overall.

45. Harm, in the circumstances, is category 3. A C3 offence has a fine as the starting point; a B3 offence has a community order as a starting point. Neither of these disposals is available in view of the custodial sentence for the other offences and therefore I must impose a short sentence of two months' custody for the imitation firearm offence.

46. Applying the general principles in the overarching guideline on Totality, those principles would not be traversed by imposing this short sentence consecutively to the main sentence. The offending was separate in time and nature. Having said that, the fact that, on its own, this offence would not have attracted a custodial sentence means that it would now be wrong in principle to order it to run consecutively. This sentence will therefore be concurrent to the main sentence.

### **Sentence**

47. Dylan Myrie, the overall sentence in your case is one of ten years and six months' custody. You will serve two-thirds of that sentence, less time spent on remand, and then you will be released on licence. If you breach any licence conditions or commit any further offences, you will be liable to recall to serve some or all of the remainder of your sentence in custody.

48. I impose the statutory surcharge in the appropriate amount.

### **Ancillary orders and other matters**

49. I make a deprivation orders under s152 Sentencing Code in relation to the knife recovered from the bin and in respect of the imitation firearm recovered on 25 June 23.

50. I express the Court's gratitude to the Major Crime Unit and all officers involved in the investigation of this offence for the hard work, diligence and care given to it, in particular DCI Khanna, DS Matier and DC Langley, as well as DC Hobday.

51. Two of the witnesses in this case deserve recognition in the form of a High Sheriff's award. Being confronted by the scene of a stranger late at night lying in the road, bleeding heavily, is the sort of scenario that causes many people to pass by, concerned for their own safety, especially if a knife has been seen or is suspected of being involved. Bernadette Cronin and Mirosława Zerucha did not do that. They took action to help Mr Fountaine as best they could, while the emergency services made their way to the scene. Though Mr Fountaine tragically lost his life, Ms Cronin and Ms Zerucha did what they could to save him. They are to be commended for their selfless bravery in such circumstances.

52. Finally, I repeat my sincere thanks to all counsel for their diligence in presenting this case to the jury and the assistance afforded to me throughout the proceedings.