

**R**

**v**

**JAMES BYRNE, SIMON ALLEN, DAVID HARRISON**

**& BARRIE GLYNN**

**SENTENCE NOTE**

1. Just after 1am on the 30<sup>th</sup> October, three years ago, a stolen Vauxhall Insignia car was driven by Barrie Glynn to 36 Meadow Brook Road, Moreton on the Wirral. Two men, James Byrne and another, got out of the rear of the car and walked up the drive to the front door. They wore masks to hide their identity. At first, both of them stood together at the door, but after a few moments the other man walked back down the drive where he crouched and waited, leaving Byrne at the door. When Jackie Rutter opened her door she was shot at close range by Byrne and killed. Two shots were fired. Both men then ran back to the waiting car, before it was driven off at speed to a pre-arranged place on Garden Hey Road. There a Ford C Max vehicle was parked with its keys ready. When the Insignia arrived the occupants switched cars into the C Max and it was driven away to a meeting place in Heswall.
2. Another man, Simon Allen, had been waiting for the Insignia car in Garden Hey Road. He remained behind with the Insignia as the Ford car was driven away. He had a green plastic petrol can, bought earlier at a Texaco Petrol Station on Pensby Road. He poured the petrol inside the Insignia and he ignited it, destroying the car. Then he rode away on a motorbike, to join the others in Heswall.
3. This murder involved a substantial amount of preparation. Mobile phones were either switched off or unused. There had been an earlier trip in the Ford to observe the place where the shooting was to happen, and where the car

exchange and arson of the Insignia would take place. The Ford was to be driven to Garden Hey Road before the shooting and parked at the road side with its keys in readiness for the later getaway, with the driver being taken away. The shooters and getaway driver needed to be driven to pick up the stolen Insignia, before it was driven to Meadowbrook Road, with both shooters and the driver wearing balaclava masks. Most important of all, the firearm and ammunition needed to be picked up from where it was hidden and afterwards to be returned. Petrol was needed to set fire to the Insignia and the Ford C Max was to be scrapped.

4. This was a murder carefully planned and carried out by you James Byrne, Simon Allen and David Harrison. The jury have found each of you guilty of Murder, Possessing a Firearm with Intent to Endanger Life and Arson. Barrie Glynn, you have been found guilty of Manslaughter, Possessing a Firearm with Intent to Endanger Life and Arson. The Jury have not been sure that you intended at least really serious harm, but sure of harm falling short of that intention.
5. The victim of this planned murder was Jacqueline Rutter, a 58 year old grandmother with a lifelong drug addiction. She died after staggering back inside her home, where she collapsed. She bought her drugs from the drug gang of which James Byrne was a leading player and Allen, Harrison and Glynn worked with him. It was known as the JJ Line and sold drugs across the Wirral.
6. Whilst Jacqueline Rutter's life was blighted by her drug addiction, she was nothing to do with the JJ Line business. She was the victim of the extreme violence that is a common currency of drug dealers. This court has heard from Jacqueline Rutter's family, in the Victim Personal Statements of Jemma Rixon and Louise Rutter, who both speak of the love they had for Jacqueline and she had for all of them. Her death has caused profound grief for the family, with which they must live with forever.

7. I am satisfied that the reason for the murder of Jacqueline Rutter was because the JJ Line gang had been humiliated by her sons two days before the shooting. On the 28<sup>th</sup> October they took drugs and the JJ Line mobile phone from them. It was decided by you, Byrne, and others that what had happened, described as a “taxing”, would not go unpunished. You did not want to lose face in the violent world of drug dealing. This was a killing for revenge.
8. James Byrne, you are now aged 24, but you were 21 at the time of these offences. You played the leading role in this murder, in its planning and being the shooter. The other man who stood with you at the shooting, is outside the jurisdiction of this court and is wanted by the police. He was equal to you in the JJ Line.
9. Barrie Glynn, you are aged 47. You were the driver of the Insignia which carried the shooters to the deceased’s address and afterwards you drove them away to Garden Hey Road, where you changed cars, to drive away in the Ford C Max.
10. Simon Allen, you are aged 55. You drove Byrne on the earlier reconnaissance trip, then you drove the Ford to Garden Hey Road, in readiness for the later shooting. David Harrison assisted you in that important step. Also, you purchased at the Texaco station the petrol container and the 9 litres of petrol which was later used to destroy the Insignia, which you carried out. Two days after the shooting you took the Ford to be scrapped, assisted again by Harrison.
11. David Harrison, you are aged 59. Your role was to work with Allen taking the Ford C Max to Garden Hey Road at about 11pm, before the shooting. Then you drove Byrne, Connolly and Glynn to pick up the Insignia at midnight. That vehicle was used to carry out the shooting just over an hour later. You also joined the others in Heswall after the shooting.
12. In assessing your respective roles in this murder and having listened to the evidence during this trial, I am satisfied that Byrne played the leading role, Allen

played a significant role and Harrison a lesser role. The role of Glynn in the Manslaughter was also a significant role. He has also been convicted of the firearms offence.

13. This murder was committed by using a firearm and was aggravated in its seriousness by the following factors:- Firstly it involved a very significant degree of planning; secondly, it was committed against the background of organised crime, namely drug dealing; thirdly it involved a group of 5 men; fourthly, the deceased was murdered in her home at night; fifthly, attempts were made to dispose of evidence, including the destruction by arson of the vehicle used in the shooting and the scrapping of the Ford C Max - there was also evidence, of which I am sure, of petrol being used to wash away evidence of gunshot residue by Byrne; sixthly, it was a murder carried out in revenge for the events two days earlier.

14. In your case Byrne, your offending is also substantially aggravated in its seriousness by the fact that 5 months before this murder, you carried out offences of Attempted Murder and Possession of a Firearm with Intent to Endanger Life. You were convicted of those offences on the 6<sup>th</sup> September 2024 and were sentenced to Imprisonment for Life with a minimum term to serve of 18 years and 8 months.

15. In your case Allen, your offending is aggravated by previous convictions for firearms offences in 2003, 2014 and 2020. Your remaining previous convictions do not significantly affect your sentence.

16. Previous convictions by you Harrison and Glynn are neither for weapons nor significant violence and do not affect your sentences.

17. In mitigation for each of you:-

- Byrne, you were 21 when you carried out this murder, and you are still aged 24 and are already serving your sentence of Imprisonment for Life. The time you have served in custody, whether on remand or as part of your sentence will not count towards the sentence I am to impose. That is because time served may only be counted once and not twice – see s. 240ZA (4) *Criminal Justice Act 2003*. However, I will take into account your time served, although not precisely, when I consider the totality of your sentence. I have also read a Pre-Sentence Report dated the 4<sup>th</sup> September 2024, prepared for the purposes of your sentencing for the Attempted Murder conviction. It describes a traumatic childhood and criminal offending from an early age. It also assesses you as a dangerous offender. I have read with care that report and take into account the limited mitigation it provides.
- Allen, you do not have any previous offending for serious violence; your role was significantly less than that of Byrne and you were not present at the shooting, although you played a full supporting role before, during and after the murder. Whilst it was apparent to the Court that you are neuro-diverse, that does not significantly mitigate your culpability. It has been argued that you acted under some compulsion when you committed these offences. However, you told the police that you knew beforehand that Byrne carried and used firearms, yet you remained working with him. I am satisfied that it was because of your drug addiction and not through fear or pressure from others.
- Harrison, you do not have any previous offending for serious violence or firearms; you were not present at the shooting, but had played a lesser role during the events leading up to the shooting and in the disposal of the Ford C Max. It has been argued that you were exploited by Byrne to become involved in these offences. However, I am satisfied that it was your drug addiction which caused you to become involved.

- Glynn, you do not have any previous offending for serious violence; you have been acquitted of the Murder, but convicted of Manslaughter; your role was significantly less than that of Byrne, although you drove the Insignia to the shooting and drove the shooters away. It has also been argued that you were exploited by Byrne to become involved in these offences. However, I am satisfied that it was your drug addiction which caused you to become involved. Whilst you did seek to assist the police by providing them with information which might help in the detection of crime, the value of what you said was not significant and your protected assistance was refused. Further, whilst you gave evidence in this trial against Byrne, as did Allen, it was in the context of your denying any offending by you. I shall, however, take into account to a limited extent that you tried to assist the police.

18. The sentence for Murder is Imprisonment for Life and that is the sentence I must impose on you Byrne, Allen and Harrison.

19. I am required to fix the minimum term of custody which of you, Byrne, Allen and Harrison, must serve before you may apply for release to the Parole Board. It will be for them to decide whether you might be released on licence into the community. You will serve your licence for the rest of your life and if breached you may be recalled to prison.

20. Since this was a murder involving the use of a firearm, the Starting Point for your minimum term must be 30 years, which may be adjusted upwards or downwards to reflect the aggravating and mitigating factors of each of you.

21. In your case **Byrne** I must substantially increase your minimum term, firstly to 35 years because the aggravating factors significantly outweigh those which mitigate and, secondly, for your previous convictions for Attempted Murder and Firearms with Intent. Your minimum term of custody is 40 years.

22. In respect of Count 3 Possession of a Firearm with Intent to Endanger Life, an offence which falls within category A1 of the guideline for your leading role and the harm caused, I will impose a concurrent sentence of 18 years imprisonment. Count 4 Arson, an offence within category A2 of the guideline because of the use of an accelerant, a concurrent sentence of 2 years imprisonment.
23. Since you are already serving a life sentence, this sentence will be served concurrently, that means at the same time, as your sentence imposed on the 6<sup>th</sup> September 2024.
24. In your case **Allen**, taking into account the aggravating and mitigating factors, I have concluded that they allow me to reduce your minimum term from 30 years to 28 years. I impose concurrent sentences on Count 3, Possession of a Firearm with Intent to Endanger Life, of 14 years imprisonment it being a category B1 offence under the guideline, and on Count 4 Arson, a sentence of 3 years imprisonment, it being a category A2 offence under the guideline because you ignited the fire.
25. In your case **Harrison**, taking into account the aggravating and mitigating factors, I have concluded that allow me to reduce your minimum term from 30 years to 26 years.
26. I impose concurrent sentences on Count 3, Possession of a Firearm with Intent to Endanger Life, of 10 years imprisonment it being a category C1 offence under the guideline, and on Count 4 Arson, a sentence of 2 years imprisonment, it being a category A2 offence under the guideline.
27. In your case Glynn, you are to be sentenced for Manslaughter, Count 2, together with Possession of a Firearm with Intent to Endanger Life, Count 3, and Arson, Count 4. This Manslaughter offence falls within Category A of the guideline being of very high culpability due to a combination of Category B factors. Firstly, the killing was in the course of an unlawful act which involved an intention falling just

short of grievous bodily harm. Secondly, it was in the course of an unlawful act, namely driving with others to the home of a drug addict to recover a drug debt, which carried a high risk of grievous bodily harm which ought to have been obvious to you.

28. It was aggravated in its seriousness by a very significant degree of planning; it involved a group of 5 men; the Deceased was killed in her home at night; attempts were made to dispose of evidence, including the destruction by arson of the vehicle used. I avoid any double counting in relation to the death being caused by a firearm. The Starting Point for Category A Manslaughter is 18 years imprisonment. Taking into account the aggravating and mitigating factors, I must increase the sentence to 20 years on Count 2.

29. I impose a consecutive sentence for the offence of Possession of a Firearm with Intent to Endanger Life, Count 3. This was a Category B1 offence under the guideline. Although the firearm was discharged, you were not present but you played a significant role in the offence and severe harm was caused. Whilst the aggravating factors require an increase from the Starting Point, I reduce the sentence to 10 years taking into account your mitigation and the Totality principle. On Count 4 Arson, I impose a concurrent sentence of 2 years imprisonment, it being a category A2 offence under the guideline.

### **STAND UP EACH OF YOU**

30. **James Byrne** on Count 1 Murder I sentence you to Imprisonment for Life, with a minimum term to be served in custody of 40 years. The time you have served in custody will not count towards this sentence for the reason I have explained: you are already serving a prison sentence. On Count 3, Possession of a Firearm with Intent to Endanger Life, a concurrent sentence of 18 years. On Count 4, Arson, a concurrent sentence of 2 years. Your sentences will also be served concurrently with the Life sentence imposed on the 6<sup>th</sup> September 2024.



31. **Simon Allen** on Count 1 Murder I sentence you to Imprisonment for Life, with a minimum term of custody to serve of 27 years and 70 days, being 28 years less 295 days you have served on remand. On Count 3, Possession of a Firearm with Intent to Endanger Life, a concurrent sentence of 14 years. On Count 4, Arson, a concurrent sentence of 3 years.

32. **David Harrison** on Count 1 Murder I sentence you to Imprisonment for Life, with a minimum term of custody to serve of 25 years and 70 days, being 26 years less 295 days you have served on remand On Count 3, Possession of a Firearm with Intent to Endanger Life, a concurrent sentence of 10 years. On Count 4, Arson, a concurrent sentence of 2 years.

33. **Barrie Glynn** on Count 2 Manslaughter I sentence you to 20 years imprisonment. On Count 3, Possession of a Firearm with Intent to Endanger Life, a consecutive sentence of 10 years and on Count 4, Arson, a concurrent sentence of 9 months. Your total sentence is 30 years, of which you will serve in custody two thirds before your release. Your time served on remand will count towards your sentence.

34. You will each pay the appropriate statutory charge.