



JUDICIARY OF
ENGLAND AND WALES

R v DOBSON & NORRIS

Central Criminal Court

4 January 2012

Sentencing Remarks of Mr Justice Treacy

The Offence

1. The murder of Stephen Lawrence on the night of 22nd April 1993 was a terrible and evil crime. Recently the Lord Chief Justice described it as a “murder which scarred the conscience of the nation.”
2. A totally innocent 18 year old youth on the threshold of a promising life was brutally cut down in the street in front of eye witnesses by a racist thuggish gang. You were both members of that gang. I have no doubt at all that you fully subscribed to its views and attitudes. The covert Footscray DVD with its disgusting and shocking scenes and the nature of the attack itself convince me of that.
3. This crime was committed for no other reason than racial hatred. You did not know Stephen Lawrence or Duwayne Brooks. Neither of them had done anything to harm, threaten or offend you in any way, apart from being black and making their way peaceably to the bus-stop on their way home.
4. At least one of your group was armed with a lethal knife that night. I am sure you were aware of that. The Footscray tapes, although recorded in 1994, reveal the sort of people you were and associated with in 1993. They reveal not only violent racist attitudes but also a casual and accepting attitude to the carrying and use of knives. They reveal a group acceptance of the use of knives to threaten or harm black people.
5. The brief but co-ordinated nature of the attack by your group confirms that view. A racist taunt, followed by a group charge towards the two young black men, and then the swallowing up of Stephen Lawrence, surrounded and put to the ground by all of you, shows a deliberately concerted attack. A knife was used to stab him with blows aimed to vulnerable parts of the body: once when he was upright at the start of the attack; the second when he was on the

ground whilst the rest of you were gathered round aiming blows or kicks to put him or keep him on the ground.

6. The evidence does not prove so that I could be sure that either of you had a knife, but the person who used it did so with your knowledge and approval. That is apparent from the brief nature of the attack in which those who were unarmed did not themselves inflict blows or kicks of sufficient gravity to leave injury or involve themselves in a sustained attack as they would if this was a conventional plan to beat up. The attack lasted in the region of 10 seconds and then the whole group moved off together as one making its escape. I take the view that, in the circumstances, it does not matter that the knife was not in your hands.
7. The cohesive nature of the group tells its story. It is not as if, for example, one person unexpectedly did something that no one else expected or approved of. You, Dobson, repeatedly lied to keep Norris' name away from the police, a clear example of group loyalty.
8. Whilst the attack on Stephen Lawrence himself clearly could not have been pre-meditated since it was a chance encounter, I cannot accept that a crime of this type simply arose on the spur of the moment. The way in which the attack took place strongly suggests to me that your group, if not actively seeking out a victim, was prepared, if opportunity arose, to attack in the way in which you did.
9. Stephen Lawrence is not the only victim of this crime. His family, (two parents, a brother and a sister), whose victim impact statements I have read, have been most grievously affected. So has his friend Duwayne Brooks. Of that I have no doubt.
10. Neither of you has shown the slightest regret or remorse. Each of you has lied to the court. I do not punish you for that, but this is not a case where there is any mitigation available for contrition.
11. As to other potential mitigation, it is urged upon me that I should make allowance on the basis that this was a murder involving an intention to cause grievous bodily harm rather than an intention to kill. That is a recognised mitigating factor. However in this case it is not a factor to which I can attach much weight although I accord it some. The reasons for this are that (i) there was premeditation in the sense I have explained, (ii) the carrying and use of a deadly weapon was part of what was contemplated, (iii) even if you did not positively intend death to result, you intended very serious injury and were in reality utterly indifferent as to whether death resulted or not, (iv) death was an obvious risk in this sort of attack. This is not a case where the division between the two forms of intent is a wide one. Accordingly, the weight to be attached is not great. See *R v PETERS [2005] EWCA Crim 605* at paragraphs 13-16.

12. You are both now in your mid 30's but I have to look at you as you were at the time of the crime. Both of you were undoubtedly streetwise at the time of the December 1994 Footscray tapes. I believe they reflect how you were in 1993. There is nothing I have seen or been told which suggests to me that either of you was particularly immature, easily led or otherwise disadvantaged in April 1993. There is no suggestion that psychiatric or other reports are needed for either of you.

Sentencing Framework

13. The sentencing framework is clear. All parties, after consideration of the relevant legal provisions are agreed. In short, the law dictates that I must sentence you by reference to your age and maturity at the time of the crime. I cannot sentence you as the mature men you now are. In addition I must sentence you in accordance with the practice in force before the coming into force of Schedule 21 of the Criminal Justice Act 2003 which now governs sentencing for more modern murders.

14. In modern times an adult committing this crime would be facing a life sentence with a starting point for a minimum term of around 30 years. That is the effect of the provisions of Schedule 21 of the Criminal Justice Act 2003. That same Act by contrast fixes the starting point for sentencing where the offender was under 18 at the time of committing the offence at 12 years.

15. I am also required by Schedule 22 Paragraph 10(a) of the same Act not to pass a heavier penalty than would have been imposed before that Act came into force. So, I must follow sentencing practice as it was before the 2003 Act. As is made clear by the Consolidated Criminal Practice Direction [2004] 1WLR 2251, (issued by the then Lord Chief Justice and dealing with sentencing for murders committed before 18th December 2003), the starting point for an adult for an offence of this type would be around 15/16 years.

16. It may be, therefore, that the resultant sentences are lower than some might expect, but the law as laid down by Parliament must be applied and I am constrained by it.

The Sentences

17. I will of course apply the law faithfully, but recognising that it is for the trial judge to determine the period he considers appropriate within the legal framework and guidance. See S 269 of the Criminal Justice Act 2003.

18. The gravity of this case is in my view of a different order from, for example, a murder committed by one individual upon another as a result of some sudden quarrel. There was a degree of general premeditation; it was a racist crime driven by hatred; it involved a gang of like-minded attackers; a lethal weapon

was employed and known in advance to be carried; the victim was completely blameless and helpless. The high level of public interest in this case is at least in part a reflection of the abhorrence felt by right-thinking people at the nature of this crime. This, too, should be reflected in the sentence.

19. This is an offence which calls for an upward adjustment in the starting point because of the aggravating features referred to above. Such an increase is in line with observations in *R v SULLIVAN and Others [2004] EWCA Crim 1762*, and *R v PETERS (Supra)*. In this case, were an adult involved and facing sentence for this crime based on pre-2003 Act sentencing practice, I would envisage a minimum term of around 18 years. I must, however, reflect the fact that both of you were under 18 at the time. I shall adopt a starting point of 12 years and then adjust it to reflect the aggravating features and such mitigation as exists in you cases.
20. In each case, and as a reflection of the fact that the offender was under 18 at the time, I must impose a sentence of Detention at Her Majesty's Pleasure. See S 90 Powers of Criminal Courts (Sentencing) Act 2000. This form of sentence is, for practical purposes, the same as a life sentence passed on an adult. See S 277 Criminal Justice Act 2003.
21. Next, I must fix the minimum term to be served in each case. This is the period which must be served before an offender can be released by the Parole Board. This is a real-time period and is not reduced in the way that ordinary sentences of imprisonment are. It is what it says, a minimum term of the length stated. There is no guarantee of release once the term is served. An offender will only be released if, on the basis of a stringent assessment by the Parole Board at that time, he is deemed no longer to pose a risk to the public. Otherwise he will remain in prison.
22. After release, whenever that is, an offender is not free of his sentence. He will remain subject to licence for the rest of his life and may be recalled to prison at any time.
23. Gary Dobson, you are now 36; at 17 years and 10 months you were very nearly 18 when you murdered Stephen Lawrence. You are serving a 5 year sentence for drug supply offences. It would be unjust to grant you credit for any time spent in custody awaiting trial on this matter. I therefore decline to grant you any credit for time already spent in custody pursuant to S 240 of the Criminal Justice Act 2003. In addition, there is no just reason why you should be able effectively to write off the remainder of the custodial element of the drug supply sentence, so I will increase the minimum term for this offence to prevent you receiving an undeserved benefit. I take note of two positive reports from HMP Belmarsh.
24. Taking account of all the circumstances referred to above, the sentence of the court for the murder of Stephen Lawrence is one of Detention at Her Majesty's Pleasure. I specify a minimum term to be served of 15 years and 2 months.

25. David Norris, you are now 35 years old. You were 16 years and 8 months old at the time of the offence. Since 1993 you have been in trouble for dishonesty and in 2002 you received 12 months imprisonment for Racially Threatening Words or Behaviour. This confirms my view, (and no doubt that of the jury), that you were a violent racist in 1993.
26. You were just over a year younger than Dobson. I shall make allowance for that in fixing the minimum term, but not a great deal since there is nothing to suggest that you were anything other than a full member of your gang with any age differences being less relevant than the fact of membership, participation and identification with its aims. I do not regard delay as a mitigating factor. That, and hostility towards yourself and your family, arises from your own actions.
27. Taking account of all the circumstances in your case, the sentence of the court for the murder of Stephen Lawrence is one of Detention at Her Majesty's Pleasure. I specify a minimum term to be served of 14 years and 3 months. Pursuant to S 240 Criminal Justice Act 2003, I direct that 483 days representing all time spent on remand since 9th September 2010 be credited towards the minimum term. Any arithmetical error may be corrected administratively.