



JUDICIARY OF
ENGLAND AND WALES

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-v-

Pierre Lewis, Isaac Boateng, Jemmikai Orlebar-Forbes & Rachel Kenehan

In the Crown Court at Winchester

3 March 2014

Sentencing remarks of Mr Justice Keith

Lewis, Boateng and Forbes, will you stand up please. The jury saw through your claim that Jahmel Jones was accidentally shot in the course of a tussle when you, Forbes, were trying to stop him pointing the gun at you which you claim he had brought with him. The fact is that you brought the gun to Derek Saunders' and Sue Moran's flat in St Mary Street, that you shot him and that you did so deliberately. You did not wound him fatally with your first shot, but you did with the second. Jahmel Jones may have been a drug-dealer himself, but he did not deserve to die. The law allows only one punishment for the crime of murder, and the sentence which I pass on you, Boateng, on count 1 of the indictment for the murder of Jahmel Jones is imprisonment for life. Since you, Lewis, and you, Forbes, are not yet 21, the sentence which I pass on each of you on count 1 for the murder of Jahmel Jones is custody for life.

These are indeterminate sentences, and that means that I must specify the minimum time you must remain in prison or custody for before your release on licence can be considered by the Parole Board. Since this was a murder involving the use of a firearm, it was the sort of case whose seriousness the law says should normally be regarded as particularly high. That is because carrying a loaded firearm is an exceptionally dangerous thing to do, and the usual reason why someone has a loaded firearm with them is to kill or at least to cause really serious injury. It cannot be said that the seriousness of your killing of Jones was anything other than particularly high, and the law therefore requires me to take 30 years as my starting point, increasing or decreasing that by any relevant aggravated or mitigating factors.

The prosecution cannot say definitively why the three of you decided to take Jones out, but the fact that you were all drug-dealers suggests that this may have been a turf war of some kind. Perhaps Jones resented the three of you muscling in on his patch. Perhaps he damaged your operation in some way. Whatever it was, you decided that he had to be dealt with in such a way as to show that the three of you were a force to be reckoned with. The only reason for your panic after Jones was shot was that you had not been expecting an eye-witness to be there. The jury must have believed Hoitt's evidence, and the speed with which Jones was shot – so soon after he had arrived at the flat – shows that this was an execution, nothing more, nothing less.

The fact that it was both planned and premeditated is an important aggravating factor, to the extent that it has not already been factored into the starting point. I acknowledge, of course, that the starting point of 30 years proceeds on the assumption that you intended to kill Jones, rather than to cause him really serious injury, so the fact that you intended to kill him, as I am sure you did, does not of itself amount to an additional aggravating factor. What does mitigate what you did, though, was your age. You, Lewis, were only 20 at the time of Jones' murder, and you, Forbes, were only 19. You, Boateng, were 21, and my impression of you is that you are the most mature of the three of you. But you all seemed older than your actual age to me, and having had the chance to see each of you in the witness box for quite a while, you all had, I believe, the levels of awareness, understanding and insight which might be expected of people who were older than you. Your previous convictions show the life of crime you were leading, and that together with the time you spent in detention may well have made you older than your years. But you were still young in terms of years at the time, and the idea of spending the next 30 years at least in prison must fill you with horror. I shall reflect your relatively young ages in the minimum periods I set.

Having said all that, I think that there is some basis for distinguishing between the three of you in the roles you played in the plan to kill Jones. In one sense, you, Lewis, and you, Boateng, were as much to blame for what happened as Forbes, as the three of you were in on things together, but the disconnection from even the most basic standards of human behaviour when you deliberately shoot someone in the head is profound, and as the man who actually pulled the trigger, I must regard your culpability, Forbes, as higher than that of Lewis and Boateng. It takes a man without the slightest humanity to do what you did.

I must also sentence the three of you for conspiring to supply heroin and crack cocaine. You, Lewis, were the prime mover in these conspiracies, because it was you who acquired the Jumbo drug line to establish the Jumbo network, and you recruited Boateng and then Forbes to the operation. It was you who sourced the drugs from your supplier in Hounslow, and it was through you that transport was made available for the drugs to be taken to Southampton. You played the leading role in the operation, which went on for four weeks and was making you very good money indeed. In addition, you were on licence at the time. But you, Boateng and Forbes, were more than willing to become Lewis' sidekicks. The role which the two of you played in this operation was at the very least a significant one. You each had important functions within the operation, whether it was accompanying Lewis on his trips to his supplier, or cutting the drugs up and bagging them into wraps, or supplying them to users. You were not doing it to feed a habit. You were doing it to make money. If the amount of drugs you say you took to Southampton on the night before Jones was shot is anything to go by, perhaps a little more than half a kilo of heroin and crack cocaine would have been taken to Southampton in the four weeks during which your operation was up and running. So although you were selling to users on the street, these were closer to category 2 offences rather than category 3 offences in terms of the harm they caused, to use the classification adopted by the Sentencing Council in its Definitive Guideline on Drug Offences. In addition, you, Boateng, and you, Forbes, were, like Lewis, on licence at the time. You, Boateng, only pleaded guilty to the conspiracies on the first day of the trial, and the discount to which you are entitled for your pleas of guilty is therefore minimal. Your solicitors, Lewis, indicated your intention to plead guilty to the conspiracies on 4 October, and your solicitors, Forbes, gave a similar indication early in December, some time after a date for the trial had been set, but nevertheless before it began. The discount to which the two of you are entitled for your pleas of guilty to counts 2 and 3 is more than that to which Boateng is entitled, and again the relative youth of the three of you is something which I take into account.

Had I not been passing indeterminate sentences on each of you for the murder of Jones, I would have passed determinate sentences on you for conspiring to supply heroin and crack cocaine. You would have been required to serve only half those sentences, because that is what the law requires. But since I have passed indeterminate sentences on each of you for the murder of Jones, the appropriate course for me to take is to factor half the determinate sentences which I would otherwise have passed on you for the conspiracies to supply heroin and crack cocaine into the length of the minimum term, and then pass concurrent sentences for the conspiracies to supply heroin and crack cocaine. I must, of course, ensure that the minimum term which I set does not exceed what is appropriate for the totality of your offending. Balancing all these factors, and subject to any credit for the time you have spent on remand in custody, I have concluded that your release should not be considered by the Parole Board until you, Lewis, have spent 29 years in custody, until you, Boateng, have spent 30 years in prison, and until you, Forbes, have spent 31 years in custody. You, Lewis, have spent 309 days in custody on remand, but since your licence was revoked on 30 April and you were recalled to detention then, you spent only 1 day in custody on remand for these offences. You, Boateng, have spent 308 days in custody on remand, but since you received a sentence of imprisonment on 17 December, you spent only 231 days in custody on remand for these offences. And you, Forbes, have spent 305 days in custody on remand, but since your licence was revoked on 1 May and you were recalled to detention then, none of the time you have been in custody on remand has been attributable to these offences. Accordingly, the minimum term which I set in your case, Lewis, is 28 years and 364 days. The minimum term which I set in your case, Boateng, is 29 years and 134 days. And the minimum term which I set in your case, Forbes, is 31 years. The sentences which I pass on counts 2 and 3 of the indictment for the conspiracy to supply heroin and the conspiracy to supply crack cocaine are 9 years' detention on each count in your case, Lewis, 8 years' imprisonment on each count in your case, Boateng, and 7 years' detention on each count in your case, Forbes, those terms to be served concurrently with each other, and concurrently with the sentences of imprisonment or custody for life which I have already passed. You will all have to pay the appropriate victim surcharge which will be deducted for your earnings in prison. The three of them may be taken away.

Ms Kenehan, would you go into the dock please. I don't propose to keep you in suspense. You are going to prison for 3½ years. If one was looking for stereotypes, you would be the gangster's moll. But that would be too facile a description of you. You are a woman of many talents, hugely gifted with intellect, ambition and drive, with qualities of generosity and kindness which have so impressed the many people who spoke so highly of you in the course of the trial. You became infatuated with Lewis, and I am sure that Mr Lawrie was right to describe you as having a blind spot when it came to him. It was your infatuation with him which made you do things which Mr Bruce described as "so spectacularly out of character", and made you risk throwing away everything when you were on the brink of achieving your academic goals. The fact is that had you not met Lewis, you would not be where you are now. Whether you will be able to pursue your career in the future is now highly questionable. That is the real punishment for you, and although you must, of course, go to prison, you would, I think, have been punished twice over if I did not significantly reduce the sentences I would otherwise have passed to reflect your spectacular fall from grace, and the indignity of being at the receiving end of the system which you studied and taught with such conspicuous success.

Assessing the level of your role in these conspiracies is not easy. I reject the suggestion that you were the "brains" behind the operation, and for my part I have not bought the link between what you and Lewis were discussing at the beginning of January and what went on

in Southampton. There is the world of a difference between supplying cocaine to the gentrified classes of Shoreditch and supplying heroin and crack to smackheads and crackheads in Southampton. But what you and Lewis were discussing in January provides an insight into what you might even then have been prepared to do for him, since I have no doubt that that exchange of texts shows that you were going along with what he had in mind, and you were not trying to put him off. You wanted to show your love for him, and that was why later on you were prepared, albeit reluctantly, to provide him with the means to go to Southampton with the regularity with which he did. By driving him down to Southampton yourself, and allowing him to drive the cars you hired and your own car, you were providing a measure of logistical support to the operation. I doubt that you knew the details of the operation, because there is nothing to suggest that your role in it was anything else, or that you had any influence on how the operation was carried on, but I think you must have had some idea of its scale. Having said that, I have no doubt that Lewis exploited to his own advantage how you felt about him, and I am prepared to accept that you withdrew from the operation either on the day your car was impounded or when you heard that Boateng had been arrested on suspicion of supplying class A drugs. The Sentencing Council's Guideline distinguishes between those whose role in an operation such as this was a significant one and those whose role was a lesser one, and in the light of everything I know, I assess your role to have been more of a lesser one than a significant one.

I must also sentence you for the offences of assisting an offender. You drove Lewis, Boateng and Forbes back to London following Jones' murder and put them up for the night at your home. The jury's verdict on count 4 means that you knew that they were wanted in connection with the murder of someone in Southampton, and that you did what you did to put the police off finding them. The jury's verdict on count 5 means that you knew that Lewis might be prosecuted for the murder of whoever had been killed in Southampton, and that you poured white spirit into his trainers to destroy any forensic evidence which might link Lewis to wherever in Southampton that had happened. In addition, you perverted the course of justice by telling the authorities that you had been driving your car in Southampton when you knew you had not been in order to conceal the fact that Lewis had been in Southampton at the time, because you did not know at that stage what evidence the police had which might link Lewis to Southampton on dates other than those which the police might have known about.

These are serious offences – not least because the crimes which you knew the police wanted the defendants in connection with included murder. But each of the things you did were one-offs, and what you did had little effect, if any, on the investigation. Lewis, Boateng and Forbes were still found by the police, and Lewis' acceptance that he was in the flat when Jones was shot meant that the prosecution of Lewis was not affected by your attempts either to conceal that he had been in Southampton or to destroy any forensic evidence linking him to the flat. And again, these were offences which were committed only because of your infatuation with Lewis, and your wish that the two of you would not be parted. It is important that the overall sentence which I pass does not exceed what is appropriate for the totality of your offending, and balancing all these factors, I have concluded that the appropriate sentences to pass on you are sentences totalling 3½ years' imprisonment. On counts 2 and 3, you will go to prison for 3 years on each count, to be served concurrently with each other. On counts 4, 5, 6, 7 and 8, you will go to prison for 6 months on each count, to be served concurrently with each other, but consecutively to the sentences of 3 years' imprisonment on counts 2 and 3. You will serve half those sentences, but after your release, you will remain on licence for the rest of your sentences, and if you commit another offence during that time or break the conditions of your licence, you may be required to serve the rest of your sentences. You too will have to pay the appropriate victim surcharge

which will be deducted from your earnings in prison. All of this, of course, will have a profound effect on your career, but I conclude by expressing the hope that you can one day return to the field of criminology in which you have so much to contribute, with the advantage of the new perspective you will have having seen the system in operation from the inside. She may be taken away.

There are two other things I want to say. First, this was plainly a very thorough and comprehensive investigation on the part of the police, and the police should be congratulated on their successful attempts to bring the defendants to justice. I should like my own acknowledgement of their efforts to be passed to the Chief Constable of the Hampshire Constabulary.

Secondly, I want to say something to the family of Jahmel Jones. Whatever else can be said of him, he did not deserve to die. I was greatly moved by the victim impact statement from his mother, and I want his family to know that I have taken into account the terrible effect that his death has had on their lives. I wish to express to them my own condolences for their loss.