



JUDICIARY OF
ENGLAND AND WALES

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-v-

David Sindall

Sheffield Crown Court

27 February 2014

Sentencing remarks of Mr Justice Males

David Sindall, you have been convicted of the murder of Dean Armitage.

Dean Armitage was a 49 year old man who worked hard all his life to provide for his family. He was well regarded by all who knew him. The affection in which he was held is shown by the large number of people who attended his funeral and have offered support to his family. He was married, with grown up children. His wife and two daughters have spoken movingly in their victim statements of the heartbreak and emptiness which his premature death has caused, of the agony of having to sit by his bedside for three weeks waiting to see if there were any signs of recovery, and of how it felt when the doctors had to tell them that there was nothing more they could do.

While Dean Armitage was a man who built a business and a home for his family by his hard work, you are a man who preferred to get things by stealing them. You are now 33 and have since your youth been a committed burglar as well as committing many other crimes.

On the night of Saturday 20 July going into the Sunday morning you had been out drinking. On your way home in the early hours you decided to burgle a house. You had committed burglaries before in the area of Hoyland where the Armitage family

lived. Although you claimed that you saw the door of their house ajar and that your burglary of it was opportunistic and unplanned, I have no doubt that it was not. It may well be that you had been trying other doors along the road, but when you got to their house you must have thought you had got lucky. You found the door unlocked, you entered and stole what you could see – a handbag, some bags of shopping and the keys to the family Range Rover which was parked in the drive, although in the dark you managed to miss a roll of banknotes.

It was when you were sitting in the Range Rover trying to put it into gear that Dean Armitage was woken up from sleep by the sound of the engine. He rushed out to defend his property, as he was entitled to do. He grabbed hold of you and a verbal exchange took place. I have no doubt that it was you who uttered the threat “I’m gonna show thee” which can be heard on the audio recording of this incident which was picked up by a neighbour’s equipment. That was intended as a threat. You carried out your threat, with tragic consequences.

Dean Armitage was able to pull you out of the car. At that point you raised your right arm and brought it down with a heavy blow to the left side of his head. You had with you a torch for the purpose of carrying out your burglary and that was what you struck him with. The blow caused Dean Armitage to lose his balance and he fell backwards, pulling you down on top of him and striking his head either against the ground or against a wall. That accelerated fall was the fatal impact, fracturing his skull. You got up and, as you did so, you punched Dean Armitage in the jaw and kicked him in the body, both with considerable force. Without a thought for your victim, who was now lying insensible and bleeding on the ground, but thinking only of yourself, you ran off. As you did so, you literally added insult to injury by shouting foul mouthed abuse at him.

Dean Armitage never recovered consciousness and died three weeks later. Because of your conduct what had been a happy family day visiting friends for a barbecue ended in this horrific way.

While you did not intend to kill Dean Armitage, the jury have found that you did intend to cause him grievous bodily harm and are therefore guilty of murder.

The sentence for murder is fixed by law and is a sentence of imprisonment for life, but I must also set the minimum term which you must serve before you can be considered for release on licence. I emphasise that this is a minimum term. It does not mean that you will be released after that time. Whether or when you will be released will be for the Parole Board to determine. You will only be released if the Board is satisfied that you can be released without risk to public safety and, in any event, once you are released you will remain on licence for the rest of your life and liable to recall if you offend again or breach the terms of your licence.

All murder is very serious, but this offence falls into a category which Parliament has characterised as being of particularly high seriousness. It was a murder done for gain in the course of a burglary and an attempt to steal the Armitages' car. In such a case the statutory starting point is a minimum term of 30 years.

However, as the cases make clear, this is only a starting point. The statutory starting points must be applied with flexibility, with careful consideration of the facts of each individual case, and they are subject to adjustment to take account of the circumstances of each case. What I have to do is to pass a sentence which reflects as well as it can the gravity of what you have done and your culpability, although nothing I do or say can lessen the pain which the Armitage family are suffering and with which they will have to continue to live.

There are a number of factors present here which aggravate your conduct. These include your numerous previous convictions, including convictions for burglary of both dwellings and non-dwellings, and offences of violence including participation in an armed robbery. Indeed it was in part because you knew that on a further conviction for burglary of a dwelling you would face the mandatory minimum term that you were prepared to use violence when you were apprehended, although there had also been previous occasions when you were prepared to offer violence

when apprehended in the course of a burglary. The fact that you committed these offences while on bail and also during the period when you were subject to a suspended sentence is also a serious aggravating factor, demonstrating as you have during most of your life a complete disregard for the requirements of the law and of court orders made against you.

That said, I recognise (as did the prosecution in the course of your trial) that you did not intend to kill Dean Armitage, but to cause him grievous bodily harm, and that your use of violence was not premeditated. The statutory starting point is premised upon an intention to kill and these are mitigating factors which I am required by the applicable legal framework to take into account. Moreover, the cases have also recognised that there is a significant difference in the culpability of a criminal who sets out to kill, if that is necessary to achieve his ends, and one who uses violence with fatal results when unexpectedly apprehended in the course of his crime.

That latter position is closer to the position here, albeit that you cannot have been unaware of the risk of being apprehended, and had no qualms about using violence if you needed to to make good an escape.

Taking all of these matters into account, I conclude that the appropriate minimum term which you must serve is 24 years less the time that you have spent on remand in custody.

I also have to deal with you for various other matters, although in the light of the sentence which you will serve for murder they are largely academic.

I activate the suspended sentence of 9 months imprisonment passed against you by this court on 12 March 2013 for two offences of burglary and two of attempted burglary.

I sentence you to 9 months for each of the offences of theft of a motor vehicle committed on 11 June 2013 for which you have been committed to this court.

I impose no separate penalty for the possession of cannabis.

Those sentences will all be concurrent.

For the murder of Dean Armitage I sentence you to life imprisonment with a minimum term of 24 years less the time which you have spent on remand in custody. The other matters will be dealt with as I have indicated. The victim surcharge will apply.