



JUDICIARY OF
ENGLAND AND WALES

R

-V-

NICHOLLS, WOODMANSEY, DWYER-SKEATS AND CHALK

IN THE CROWN COURT AT WINCHESTER

26 JUNE 2013

SENTENCING REMARKS OF THE HON MR JUSTICE WALKER

The chilling facts of this case can be stated starkly. Lee Nicholls, you got to know a vulnerable and homeless young man, Jamie Dack. The result was that Jamie Dack met you, Ryan Woodmansey, along with you, Andrew Dwyer-Skeats and you, Donna Chalk. On 21 March you Donna Chalk lied and said he had put his hand down your trousers. Your own boyfriend, Andrew Dwyer-Skeats, did not believe you.

But you, Lee Nicholls, did believe Donna Chalk. You are a violent man. That, along with a desire to see yourself as a leader and a punisher led you to take the lead in beating up Jamie Dack. Your punch sent him to the ground, injured his face and rendered him unconscious. I make no finding as to whether you Ryan Woodmansey or you Andrew Dwyer-Skeats were among those who attacked Jamie Dack on this occasion. What is important is that you knew about it and the reason for it. As to you, Donna Chalk, I accept that you were initially distressed by the violence that had been inflicted on Jamie Dack and that you attempted to assist the police in investigating its circumstances. I also accept that what prompted your lie was an ill-judged belief that this would cement your relationship with Andrew Dwyer-Skeats, and that this must be viewed in the light of the immature personality and vulnerability spoken of by Doctor Clarke. What is clear to me, however, is that on this occasion if not before, you realised the impact of sexual allegations on the behaviour of Lee Nicholls, and that you could use such allegations to manipulate him, inducing him to act violently.

A few days later an unsuspecting Jamie Dack visited the flat at BM which had featured in the events of 21 March. A photo was taken of his injuries by you, Andrew Dwyer-Skeats, and sent by you to Donna Chalk. You both retained the photo on your phones for some time. In your case, Donna Chalk, later events demonstrate that this was the start of your taking pleasure in manipulating Lee Nicholls and bringing about violence in this way.

For that is what happened on Thursday 5 April. You all abused the trust of Jamie Dack by plotting to steal and sell his laptop so that Lee Nicholls would have the money he needed to go with the remaining three of you to a rave the following night. You planned for another person to go with you. That was Amber Patterson, Lee Nicholls's former girlfriend who had been duped by you Lee Nicholls into thinking that you had changed your ways. You Donna Chalk showed Amber Patterson the

photo on your phone of what happened to Jamie Dack on 21 March and told her how it came about. I have no doubt that you delighted in your sense of power. Amber Patterson became enmeshed in your plan to demonstrate once more how Lee Nicholls could be manipulated to violence.

There was a fruitless attempt to obtain Jamie Dack's PIN by spying on him. Even if that had been successful he would have been beaten to obtain his bank card. As it was he was beaten relentlessly not merely for the PIN and the bank card, but also as punishment for his alleged conduct to Amber Patterson. A bat was used, and I am sure that Ryan Woodmansey was right when he said that a knife was used as well. Photographs were taken on Jamie Dack's phone that day of him lying in the bedroom covered in blood. While this attack happened you Donna Chalk went with Amber Patterson when she made a hapless attempt to disengage by going to Asda, and you Andrew Dwyer-Skeats ensured she left her handbag behind so that she would return. On that return she found herself involved, at least by her presence, in yet more beating. I accept that the roles of Ryan Woodmansey and Andrew Dwyer-Skeats in the beating of Jamie Dack that day were intermittent, but they were significant nonetheless. It was said to be to the credit of at least some of you that no more beating occurred after Lee Nicholls left that evening. What Jamie Dack needed by this stage was hospital, not the glass of water and cigarette which it is said were given to him. Amber Patterson left and did not come back again. When she left she was determined to call the police. Unfortunately she was unable to put that determination into effect.

The following morning Jamie Dack was in an appalling state. He was incapable of responding to any sort of question. At a stage when all four of you were present, I am sure that Ryan Woodmansey was right when he said that you, Donna Chalk, went through Jamie Dack's phone and commented that he was a "weirdo", or something similar. You well knew the effect that this would have on Lee Nicholls. What followed was an orgy of violence. Two more photos were taken of Jamie Dack suffering terrible injuries and wounds. In one of them he was naked from the waist up, to show him bleeding from stabs to the arms. These photos, like those the previous day, can only have been taken to derive pleasure and satisfaction from his injuries. It has been suggested that there was an intention to kill Jamie Dack in the half hour prior to the fatal wounds. I proceed on that basis. During that period further horrific violence was to be inflicted, producing a chewed-up, mashed, area of the body in the region of the shoulder. Then the fatal wounds, four of them to the neck, were inflicted by you, Lee Nicholls. However each of you Ryan Woodmansey and you Andrew Dwyer-Skeats were part of the fatal attack and shared that intention to kill. You all knew that Jamie Dack could not be allowed to live. Meanwhile you, Donna Chalk, by your "weirdo" remark had encouraged violence realising that really serious harm might be inflicted with a knife, and you deliberately continued to encourage this violence by your presence.

Jamie Dack's physical and mental suffering must have been terrible both on 5 and 6 April. Eventually his death gave him a release from pain. The four of you eventually resolved upon and put in place a shocking plan to take his body away in a wheelie bin and burn it. In their dignified impact statement his family have described the terrible anguish that this and other aspects of what you did have caused them.

Everything that could possibly be said on behalf of each of you has been said by your respective counsel. I take full account of it, and I take account of the psychiatric and other reports that have been provided, including those attesting to work in prison.

As regards all defendants there was sadistic conduct or participation in sadistic conduct, demonstrated in the taking of photographs whose only purpose was to gain pleasure derived from seeing what had happened to Jamie Dack. When I come to set the minimum term that will entail a 30 year starting point. Even if it were wrong to describe the conduct as sadistic, it was so close to sadism that I would have increased any 15 year starting point to something close to 30 years. Combined with the aggravating factors of Jamie Dack's mental and physical suffering and the way you disposed of the body, before taking account of mitigating factors I reach a period in excess of 30 years for all of you.

As to premeditation, its presence is an aggravating factor and its absence is a mitigating factor. There was some premeditation on the part of the male defendants. I do not think it warrants an increase in the minimum term. Conversely, no credit is due for lack of premeditation.

To you Lee Nicholls, You were the leader and the sentence must recognise this. I will make a modest allowance for your plea of guilty and remorse. Both came far too late for anything more. I do not consider that mental disability lowered your degree of culpability to any significant extent.

To you Ryan Woodmansey, I will make some allowance for the substantial extent to which you gave a true account to the police, and for the fact that you were not a leader but a follower.

To you Andrew Dwyer-Skeats, there is little that I can give by way of mitigation other than to recognise that you, too, were not a leader but a follower.

To you, Donna Chalk, I give a substantial allowance for the fact that you envisaged no more than grievous bodily harm, for your lack of premeditation, for your age and for the matters described in the report of Dr Clarke, along with the fact that you inflicted no of physical injury yourself.

In the case of all there will be a concurrent term of 4 years imprisonment on count 2. (perverting the course of justice)

You are entitled to credit for the days you have already spent on remand in custody: the formal order of the court will take account of this. The concurrent term will not affect the length of time you will spend in custody. The statutory victim surcharge provisions apply.

When I come to the minimum that you will serve I make it plain that I am not ordering that you are to be released at the end of it. That will be a matter for the Parole Board. Only when it has, will the Board be entitled for the first time to decide whether it is safe to release you. If the board does release you will remain on licence and liable to recall for the rest of your life.

Before I turn to the minimum term, some words of praise.

I praise those working at and resident in Patrick House Hostel who raised matters with the police as soon as they were aware of cause for concern.

I praise Amber Patterson for her determination to go to the police. It is apparent to me that what happened on 5 April put her in a position where she did not have the willpower necessary to overcome obstacles to the fulfilment of that determination. I praise her for finding the courage to go to the police on the evening of 9 April, and to

give evidence at the trial last year. Amber Paterson has been vilified by those who have not understood the chilling characteristics of what happened in the flat at Bevois Mews that evening, how she had been drawn into the plans of those present, the impact of events that evening upon her, and the extent to which her mental state deprived her of real ability to do anything about what had happened.

The sentence for murder is, as it must be, imprisonment for life.

Lee Nicholls, for the reasons I have given the minimum term in your case will be 34 years.

Ryan Woodmansey, for the reasons I have given the minimum term in your case will be 30 years.

Andrew Dwyer-Skeats, for the reasons I have given the minimum term in your case will be 32 years.

Donna Chalk, for the reasons I have given the minimum term in your case will be 25 years.