



THE HON. MRS JUSTICE WHIPPLE DBE

In the Crown Court at Lewes Sitting at Brighton

R v Jacob Barnard and Andrew Milne

28th May 2021

1. On the night of 9 July going into 10 July 2018, fire ripped through 9 Croxden Way. There were three people in that house. Two of them never made it out. They were Milo Ingles-Bailey, who was only four years old, and Gina Ingles, his mother, who was 34. They both died of smoke inhalation. Their bodies were found, with the adopted family dog beside them, beneath the main bedroom window. Gina was in a crouching position, covering Milo who was lying beneath her. She was trying to protect him, even to the last. They were inches from the window. They must have been terrified in their last moments as toxic smoke and fire engulfed them.
2. Nothing can bring either of them back, and nothing I can say now can bring comfort to their devastated family and friends. The Court has had the benefit of hearing Gina's mother's victim impact statement which is deeply moving. She speaks of the heartbreak, pain and re-lived nightmare that she and her family bear daily.
3. One image which will be etched on the minds of all who have taken part in this trial will be the photo of a smiling Gina with Milo on her knee, taken one sunny day long before the horrors of that night. That is how they should be remembered.
4. One person from the house survived, that was Toby Jarrett, Gina's partner. He described waking up at around 1am and feeling like he was suffocating. He said the air was thick and the bedroom was full of black smoke. He woke Gina who ran into Milo's bedroom next door to pick up Milo. She started to come back into the main bedroom. Toby felt an explosion under his feet, and felt his body burning. He went to the window of the main bedroom which looked over the back of the house, he thought Gina was behind him with Milo. He was going to hang onto the window sill and drop down and then help them out. But he slipped and fell out. He stood there screaming for Gina and Milo but they never followed him.

5. Toby was 26 at the time. He sustained very serious injuries. He was burned over about 30% of his body, with about half of those being full thickness and the rest being partial thickness. He was treated at the scene by neighbours and emergency workers who tried to cool his burning skin. He was taken to hospital where he was put into an induced coma for a month. He had a broken pelvis and a spinal fracture. He underwent many different medical procedures. He now has the physical scars of burning. He carries the psychological scars of the experience, and the deep grief of losing his partner Gina and her son Milo who he treated as his own.
6. Neighbours were woken by Toby's shouting and by the sight and smell of a house on fire. They saw a burning fuel can outside the house. Close to it, the emergency services found a discarded lighter. Both were taken for forensic examination. Those were the items used to set the fire.
7. Experts called to investigate the fire noted a strong smell of petrol underneath the front doormat and analysis confirmed the presence of petrol in that area. The fire had been set deliberately by pouring petrol through the front door, which was then ignited. The fire had spread quickly up the stairwell to the first floor, and into the bedrooms on the upper floors.
8. This was a crime under cover of darkness, a crime of stealth and cowardice. The perpetrators made no sound as they came or went, they gave no warning, they lit the fire and disappeared into the night. This was a carefully planned, targeted, terrible attack on innocent people. It is shocking to all right minded people.
9. The police investigation was long, complex and painstaking. At one point, the police were considering 55 individuals as potential suspects; by their investigations, they excluded all but two. Meanwhile, the net around those two closed as more and more evidence came to light to identify them as the killers.
10. Forensic scientists detected DNA on the fuel can and the lighter, potentially from multiple contributors on each item, but shown to include Mr Barnard's DNA on the lighter and Mr Milne's DNA on the fuel can. Number plate recognition showed that a vehicle owned and insured by Mr Barnard, a black Mercedes 4x4, was in the vicinity of Croxden Way on the night of 9 going into 10 July, driven there from the area around Mr Barnard's home in Winchelsea, and returned to Winchelsea, by a circuitous route. That night, Mr Barnard's phone had disconnected from the network at 23.11, likely to have been a deliberate act. It was reconnected at 03.01 the next morning. Mr Milne's phone had not received or made any calls at all between 23.00 on 9 July and 04.21 on 10 July, in contrast to the pattern of use on most recent previous evenings. CCTV showed two men walking away from 9 Croxden Way at 00.56 on 10 July 2018; the footage is grainy, but one appeared to look back towards the house as he walked on.
11. Then there were the events of 7 July, when Mr Barnard and Mr Milne went together to the vicinity of Croxden Way: this too was caught by number plate recognition. But that night, they had their phones with them and they could be

tracked together on that journey. Mr Milne's alternative explanation of a visit to a friend's mother made no sense and was not even supported by Mr Barnard who Mr Milne said was with him at the time. I am sure that the jury rejected it.

12. The Mercedes was removed from the country on 10 July 2018, driven to Mr Barnard's property in Portugal by Mr Tabakis, the third Defendant. This was by prior arrangement with Mr Barnard, to remove incriminating evidence from the jurisdiction and to evade the police investigation. On 10 July 2018, Mr Barnard switched to a new phone number. Then he followed to Portugal on 16 July 2018. Meanwhile, after enjoying a relationship with Mr Milne involving multiple, daily phone calls between them, Mr Barnard and Mr Milne stopped all communication from 11 July. Again, this was a futile attempt to prevent the police detecting links between them.
13. The case against Mr Barnard and Mr Milne was very largely built on circumstantial evidence. But there was direct evidence as well, in the form of Mr Barnard's confession made to a witness, who reported Mr Barnard telling him that the Mercedes had been taken out of the UK because it had been used in criminal activity pouring petrol through a letter box to make an example of someone who owed him money. The Defendants relied on an eye witness to the events that night who gave an account which was not consistent with the Crown's case. She was a young woman named Courtney, only 12 at the time. But for a number of reasons her account was unreliable, although she was undoubtedly doing her very best to help the Court. By their verdict, the jury indicated their rejection of Courtney's evidence.
14. These various strands of evidence combined to make a strong case against Mr Barnard and Mr Milne. That case demanded an answer. Neither of them could offer anything approaching a coherent explanation. They both steadfastly denied any involvement in these events, saying they could not remember important details, fabricating incredible stories, or putting forward false alibis. Mr Barnard tried to inculcate others in his defence, unsuccessfully.
15. The jury rejected both Defendants' evidence and their denials. They accepted the Prosecution case, and were sure of it.
16. It is clear that Mr Barnard and Mr Milne acted together, as part of a joint enterprise. They had only met recently. But they were friends, and more. They drank together. They took cocaine together. And they worked together. They were equals.
17. Why did they do it? The Prosecution's case was that Mr Barnard, an acknowledged drug dealer, was owed a drugs debt indirectly by Toby Jarrett, and wanted to send a message to his drugs customers to pay up. Mr Milne was his enforcer in the drugs business, using violence where necessary to extract payment and convey just such messages. The debt owed was small, only around £400 although the jury was given some evidence that the debt might have been reported to be larger, around £2,500. On any view, the drugs debt was a small thing to trigger such an unspeakable act.

18. Counts 1 and 2 are the murders of Gina and Milo. The sentence for murder is prescribed by law. It is a life sentence. I must determine the appropriate minimum term, which is the term each Defendant must serve in prison before he becomes eligible for parole.
19. Although there are elements of this offending which come within paragraph 2 of Schedule 21 to the Sentencing Act 2020, after careful consideration, I conclude that this is not a case for a whole life term. But it is still a particularly serious case. Given the deaths of two people, and the fact of murder by arson, the starting point is 30 years within paragraph 3 of Schedule 21. I go up from there. This was murder for gain, to send a message to other drug debtors, which makes the offence the more serious. There are aggravating features: a significant degree of planning, going back to the reconnoitre on 7 July and then to the quietly executed plan on the night of 9 and 10 July 2018. The victims were particularly vulnerable, because Milo was only four and unable to escape by himself; Gina was his mother and responsible for him, she went back to save him and lost her own life in consequence. Both must have suffered terribly in the moments before they were overwhelmed.
20. As to mitigation, it is clear from the jury's verdict of guilty of attempted murder (for which intention to kill is required) that the jury were satisfied that Mr Barnard and Mr Milne had intended to kill and not merely to cause really serious injury. There can be no mitigation on the basis of a lesser intent.
21. Count 3 is the attempted murder of Toby Jarrett. I have had regard to the Sentencing Council's Guideline for Attempted Murder. This offending is within Level 1, with a starting point of 30 years, in a range of 27 to 35 years.
22. I have had regard to the Sentencing Council's Guideline on Totality. The minimum term imposed will reflect all the offending for each of Mr Barnard and Mr Milne. All sentences are to be served concurrently. The victim surcharge provisions will apply.
23. Mr Barnard is 32 years old and has extensive previous convictions in this jurisdiction for violence and drugs. On 16 June 2020, he was sentenced to 8 years custody in Portugal for possession of drugs and weapons. His previous convictions are an aggravating factor. I am told that his earliest release date from the Portuguese sentence will be 20 December 2022, approximately 18 months from now. He will then return to this jurisdiction to serve the remainder of his minimum term. I have increased that minimum term by one year to reflect the fact that he is already serving this custodial sentence.
24. So far as mitigation is concerned, Mr Power does not seek to mitigate beyond reminding me that Mr Barnard is still relatively young and that his incarceration will impact him and his mother, and invites me to impose the shortest minimum term possible. Mr Barnard has written to me today and I have read what he has to say.
25. Mr Milne is 42 years old. He has some previous convictions but they are not recent; I disregard them for present purposes. In addition to counts 1, 2 and 3

related to the fire at 9 Croxden Way, he falls to be sentenced on count 5, for possession of a taser found in his garden shed.

26. So far as mitigation is concerned, Mr Benson reminds me that he has not previously been in custody. He has two children in Scotland, with whom he had hoped to remain in contact. He too invites the shortest term possible.

27. **Mr Barnard:** For the murders of each of Milo Ingles-Bailey and Gina Ingles, I sentence you to life imprisonment with a minimum term of 36 years. For the attempted murder of Toby Jarrett, I sentence you to 30 years imprisonment. There is no credit for days spent on remand given that you are already serving a sentence of imprisonment on other matters.

28. **Mr Milne:** For the murders of each of Milo Ingles-Bailey and Gina Ingles, I sentence you to life imprisonment with a minimum term of 34 years. For the attempted murder of Toby Jarrett, I sentence you to 28 years imprisonment. For the possession of a prohibited weapon, I sentence you to 6 months imprisonment. You will have credit for 305 days spent in custody on remand; any correction to that figure can be made administratively.