



**Regina**

**v.**

**Indre BARYSAITE**

**Dimitrius JAKIMOVAS**

### **Sentencing Remarks**

1. Indre Barysaite and Dimitrius Jakimovas, the jury have found you guilty of the murder of Zygimantas Kromelys on Sunday 10 November 2019.
2. You, Indre Barysaite, were engaged to be married to Mr Kromelys. You, Dimitrius Jakimovas, were his friend. Nevertheless, one of you stabbed Mr Kromelys through the heart when the three of you were alone together in the home which you shared in Rotherham. The other deliberately assisted or encouraged the stabbing. Neither of you have explained why you did this. It remains a mystery.
3. There does not appear to have been a struggle. Mr Kromelys was stabbed only once. The blade passed between his ribs, through his heart and into his lung, which collapsed. There was massive internal bleeding, with 3 litres of blood being found in his chest cavity. Mercifully for him, death came quickly.
4. For his family, however, there is a lifetime of grief. I have read the moving statement by his sister, Diana Vitkute, in which she has set out in powerful terms the devastating effect of your actions on every member of his family.

5. I have to impose a sentence of life imprisonment. However, I also have to decide the minimum term which you will serve before you are eligible to be considered for release by the Parole Board.
6. It is important that you, and everyone concerned with this case, should understand what a minimum term means. A minimum term is not a fixed term after which you will automatically be released. It is the minimum time which you will spend in custody before your case can be considered by the Parole Board. It will then be for the Parole Board to say whether or not you will be released. If they do not, you will remain in custody.
7. If and when you are released, you will still be subject to licence. This will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.
8. The law says that the starting point is a minimum term of 15 years. I have to consider whether I should adjust that figure up or down, so I have to consider all of the aggravating and mitigating factors.
9. The principal aggravating factor is the use of a knife. Although I do not know which of you used the knife, the jury have found by their verdicts that you each intended that Mr Kromelys should be stabbed.
10. There are three aggravating factors which are particular to you, Dimitrius Jakimovas. First, you were by your own admission heavily intoxicated. By contrast, while you, Indre Barysaite, had also had something to drink, there has been no suggestion that you were intoxicated.
11. Secondly, you, Dimitrius Jakimovas, have accepted that you picked up the knife and placed it in water in a bowl in the sink. I am sure that this was an attempt to conceal evidence. The police did not find it there, so I am sure that you moved it again, rinsing or washing it and putting it in the cutlery drawer. The expert evidence was that three of the knives found in that drawer could have been the murder weapon and that it was possible that the murder weapon had little or no blood or tissue on it.
12. Thirdly, you were convicted in 2017 by a court in Lithuania of the infliction in 2016 of physical pain or minor bodily harm, for which you were sentenced to 15 months' imprisonment, suspended for 18 months. That was an offence of violence, although it was nothing like as serious as the present offence. Moreover, you are 33 and it is your only conviction for a violent offence.

13. The mitigating factors are as follows. First, I cannot be sure that either of you intended to kill Mr Kromelys. That is because I cannot be sure which of you stabbed Mr Kromelys. There was only a single blow of moderate force.
14. Secondly, there is no evidence that the murder was premeditated.
15. Thirdly, you, Indre Barysaite, are 30 and you have no relevant previous convictions.
16. Fourthly, I bear in mind the additional burdens involved in a prison sentence served at the present time and served by someone who speaks little English.
17. Although you, Indre Barysaite, had harmed yourself in the past, between 8 and 10 years ago, following the death of your daughter, I do not accept that your degree of culpability was lowered by any mental disorder or mental disability. There has been no medical or other evidence to that effect.
18. Similarly, I do not accept that you were provoked. You did not give evidence to that effect. You were angry that Mr Kromelys had stopped for a drink on his way back from the shop at about 9 pm and you questioned him repeatedly about it. Mr Jakimovas' evidence was that, on that occasion, Mr Kromelys had one swig from a 200 ml bottle of vodka, equivalent to about a double measure of vodka.
19. His drinking was a regular source of arguments between you, but you had been with him all evening when he had been drinking. The three of you went to a shop and alcohol was purchased. You were aware that Mr Jakimovas twice went with him to another shop, where more alcohol was purchased each time. Moreover, after the event, in a conversation recorded on a police officer's body worn video camera, Mr Jakimovas said that it was you who had been provoking.
20. I have to make an order that you each pay a victim surcharge. The order will be drawn up in the appropriate amount.
21. Indre Barysaite, I impose on you a sentence of life imprisonment.
22. I fix the minimum term which you will serve in custody at 14 years, less the time which you have spent in custody on remand. I am told that you have spent 416 days in custody on remand, so the minimum term will be 12 years and 315 days. If that figure is wrong, it can be corrected administratively, without the need for you to come back to court.

23. Dimitrius Jakimovas, I impose on you a sentence of life imprisonment.
24. I fix the minimum term which you will serve in custody at 14 years and 8 months, less the time which you have spent in custody on remand. I am told that you have spent 416 days in custody on remand, so the minimum term will be 13 years and 132 days. If that figure is wrong, it can be corrected administratively, without the need for you to come back to court.

**Mr Justice Lavender**

31 December 2020