

IN THE CROWN COURT AT NOTTINGHAM



R

v

ANTHONY DAW, JAKE HONER, SHAUN BUCKLEY

CONNOR SHARMAN, GARRY COOPER, MATTHEW JONES

JOHN McDONALD & ADAM COLLINS

SENTENCING NOTE

1. On the 1st November 2019 Ross Ball, a vulnerable 42 year old man whose life was blighted by drug addiction, was attacked with machetes and other weapons and was murdered outside his home. His vulnerability had been exploited by drug dealers operating a county lines operation from his second floor flat in Sutton in Ashfield, Nottinghamshire. This trial has revealed yet again the misery and harm caused by county lines drug dealing, but also the extreme violence used to protect that corrupting and dangerous business.
2. The drug dealers were you, Garry Cooper, Anthony Daw, Jake Honer, Shaun Buckley, Connor Sharman and Matthew Jones. You Cooper, were the leader, known as “Boss man”, the others effectively worked for you. Each of you pleaded guilty, or indicated your guilty plea before trial, to Conspiracy to Supply Class A Drugs. The Jury have now convicted six of you, including you McDonald, of Murder. Sharman, you have been convicted of Manslaughter. You Collins, have been found not guilty of Assisting an Offender, but fall to be sentenced for unrelated offences to which I shall return later..

3. The background to what happened on the 1st November last year was an attack on your drugs operation. It operated at a number of places in the East Midlands but included Flat 14 Langton Court, the deceased's home. It worked 12 hours a day, every day of the week earning up to £3000 per day, the equivalent of £1 million a year. It was a highly lucrative drugs conspiracy, of which others were, no doubt, envious.
4. On the 30th October, a rival gang took over the flat and threatened with violence those who had worked for you Cooper. On the 1st November, two days later, that same gang attacked you Honer, whilst you were in a flat, upstairs from 14, Langton Court. Three men with weapons burst into the flat and assaulted you Honer. Then they tortured you by removing your toe nails with pliers. You managed to escape, but ran off in your boxer shorts and a T shirt but with no shoes. You had also wet yourself. After those two violent events a plan was prepared to attack the rival gang, to take back control of your drugs operation from that flat, to punish them and to send a clear message to anyone else who might think to challenge you.
5. During the evening of the 1st November two vehicles, a Ford Fiesta and an Audi A3 driven respectively by you Daw and you Sharman, drove to Langton Court in Sutton in Ashfield. Both vehicles had been regularly used for the purposes of the drugs conspiracy: they were stolen vehicles with false registration plates and used to drive you, Daw, Honer, Buckley and Jones, from Birmingham to Sutton and Mansfield on a daily basis. On this night, however, the vehicles were used to take each of you, as well as McDonald, to Langton Court armed with weapons; not just any weapons, but a sword, machetes and a baseball bat. The six of you arrived together at just after 9.15pm and waited until you were ready to attack. Just before 10.30pm the Fiesta drove onto Mill Street, followed by the Audi, and parked at the rear of Langton Court. You had arranged for someone inside the flats to open the locked rear door for you to enter the building. Throughout this time, you, Cooper, whilst keeping yourself distant in Mansfield, were in touch with Jones and Buckley, as you directed the attack. Most striking is the mobile

phone evidence: the last person Jones spoke to immediately before the attack was you Cooper, when you called Jones; the first person Jones and Buckley tried to contact after the attack was you Cooper.

6. Five of you got out of the Fiesta: Daw, Honer, Buckley, Jones and McDonald. You walked to the back door of the flats, which contained number 14. The door was opened, as planned, to let you in. You Sharman got out of the Audi and followed them in. I am satisfied on the evidence that there were at least three machetes, a sword and a baseball bat which the six of you took with you. Each of you intended to cause really serious harm using those weapons, in particular the bladed weapons. Each of you participated in what was to follow.
7. At the door to Flat 14 the six of you gathered. The door was repeatedly kicked to gain access. Inside was the deceased and two other men who worked for the new drugs gang. All three escaped from the first floor flat through the windows. That caused you to go back outside to chase after them. Although the other two men ran away, the deceased was not so fortunate. He was caught and attacked with bladed weapons, those machetes and a sword; he was struck with blunt force by a kick to the head, which you Sharman later admitted to a witness. The most serious wounds were to the deceased's left and right flank and, particularly to his right foot. That wound was inflicted with severe force, cutting through the heel bone and almost severing off the deceased's foot. Once you had all finished, you quickly returned to the two cars and drove off, leaving the deceased to bleed to death. He died later from his blood loss and a cardiac arrest.
8. The six of you, in the two vehicles, drove a short distance and disposed of some of the weapons, before meeting up at a petrol station. There you could be seen to celebrate what you had done, CCTV images even showing two of you "fist bumping" as if it was a job well done. Later, you Daw and McDonald drove back to Birmingham in the Fiesta, taking a machete and baseball bat with you. You Honer, Buckley, Jones and Sharman, drove to Mansfield in the Audi, to meet up with Cooper. There Honer, Buckley and Jones discussed with Cooper what they

had done for him. More chilling still is the evidence that Cooper, Jones, Buckley and Honer travelled in a taxi back to Sutton and to the scene, no doubt so that you and Cooper could see the aftermath. I reject as simply incredible, that it was only a coincidence that you drove there, on the way to a public house to have a drink, having left Mansfield Town Centre. Later, you Cooper arranged and paid for a taxi to take Honer, Jones and Buckley back to Birmingham.

9. I am satisfied on the evidence that efforts were made to dispose of and destroy evidence. The Fiesta had its registration plates changed and was quickly sold; the registration plates on the Audi were also changed; mobile phones and SIM cards were destroyed or disposed of; weapons were hidden and not recovered and some clothing was burned.
10. Having tried this case and hearing all of the evidence I am satisfied that this murder was not with an intention to kill, but to cause really serious harm. That is how I directed the Jury and they have convicted you. Equally I am sure that each of you knew that weapons, in particular bladed ones, were being taken to the scene in readiness for use to cause really serious harm. That finding is expressly clear from my directions to the jury and their verdicts. Further, I am sure that you, Cooper, directed that this offence take place. It was your drugs operation which had been attacked and it was you that wanted to inflict punishment and to send a clear message to others. You appointed Jones and Buckley, the ones with whom you were in contact in the lead up to and during that evening. Your contact with Jones in the minutes before the killing and in the minutes afterwards is clear evidence of your role. Whilst you were not at the scene, you had directed others to carry out your wishes.
11. Whilst it would be open to me to try and determine which of you actually used a weapon and caused the serious wounds, in my judgement it cannot be concluded to the criminal standard on the evidence. It is not safe to determine the issue against any of you on the evidence of your co-accused, whose own evidence has been rejected by the Jury. Therefore, I shall treat you Daw, Honer, Buckley,

Jones and McDonald as equally culpable; I cannot distinguish between you for what you did. Each of you played a full part in this murder. In the Manslaughter, Sharman, I am satisfied that the deceased's death was caused by you, acting with your co-accused, in the course of an unlawful act where your intention fell short of an intention to cause really serious harm.

12. I turn now to the antecedent history of each of you:-

- Anthony Daw, you are aged 25. You have 4 previous convictions for 13 offences. At the time of this Murder, you were subject to a 14 months suspended sentence. You are now to be sentenced for Murder and Conspiracy to Supply Class A drugs.
- Jake Honer, you are aged 21 but you were 20 at the time of this offence. You have no previous convictions. You are now to be sentenced for Murder and Conspiracy to Supply Class A drugs.
- Shaun Buckley, you are also aged 21 and were 20 at the time of this offence. You have 3 convictions for 8 offences. You are also to be sentenced for Murder and Conspiracy to Supply Class A drugs.
- Connor Sharman, you are aged 22 and were aged 21 at the time of this offence. You have 3 convictions for 14 offences, including two weapons offences as a juvenile. You are to be sentenced for Manslaughter and Conspiracy to Supply Class A drugs.
- Garry Cooper, you are aged 34 and have 20 convictions for 43 offences, including Conspiracy to Cause Actual Bodily Harm and Possession of a Prohibited Firearm with Intent to Cause Fear of Violence, for which you must be sentenced. You were also the subject of a suspended sentence of 8 months imprisonment at the time of this Murder. You are now to be sentenced for Murder and Conspiracy to Supply Class A drugs.
- Matthew Jones, you are aged 23 and have 2 convictions for 3 offences. You are also to be sentenced for Murder and Conspiracy to Supply Class A drugs.

- John McDonald, you are aged 25 and have no previous convictions. You are now to be sentenced for Murder, but not for the drugs conspiracy.
- Adam Collins, you are aged 36 and have 27 convictions for 70 offences. You are to be sentenced for Dangerous Driving and related road traffic offences, none of which are related to the death of the deceased.

13. In mitigation, it has been submitted :-

- For Anthony Daw, your age at the time of these offences was 24; that your previous convictions do not materially aggravate the seriousness of these offences, although you were the subject of a suspended sentence of 14 months when you committed them. Also, that you are now a father of a child, who will grow up whilst you are in custody.
- For Jake Honer, your age at the time of these offences, was 20, and you have no previous convictions.
- For Shaun Buckley also, that your age also at the time of these offences, being 20, and that your previous convictions do not aggravate the seriousness of these offence.
- For Connor Sharman, convicted of Manslaughter and not Murder, your age at the time of these offences was 21, and whilst you have previous convictions they are not for violence.
- For Garry Cooper, the firearms offence for which you must also be sentenced did not include any offence in relation to ammunition.
- For Matthew Jones, your age at the time of these offences was 22, and your previous convictions do not aggravate the seriousness of these offence.
- For John McDonald, your age at the time of these offences was 24, and you have no previous convictions.
- Adam Collins, you have effectively served the maximum sentence for Dangerous Driving and pleaded guilty.

14. I will sentence those of you who have pleaded guilty to the Drugs offence before turning to the sentences for Murder and Manslaughter. This is because the drugs conspiracy was in important background to the homicide offences, but the sentences must be served concurrently. This was a well organised, lucrative Class A county lines drugs operation. At Langton Court alone it was producing £20,000 a week for at least two months. There is evidence that it had existed for longer than that. It also operated at other addresses in Nottinghamshire. On the evidence I am satisfied that Cooper, you played a leading role in the conspiracy, and that you Daw, Honer, Buckley, Sharman and Jones played a significant role. You were each motivated by financial gain and were aware of the scale of the operation. This was a Category 1 offence under the Guideline. For each of you this offence was aggravated by the fact that you targeted a vulnerable victim to use his home for your drug dealing. I discount the sentence to reflect your guilty pleas, either entered or indicated, before trial. Your sentence Cooper is 13 years for the drugs conspiracy and yours Daw, Honer, Buckley, Sharman and Jones is 10 years.

15. I turn now to sentencing for the offence of Murder. The sentence I am required by law to impose is Imprisonment for Life and that is the sentence that I now pass on you Anthony Daw, Jake Honer, Shaun Buckley, Garry Cooper, Matthew Jones and John McDonald. I am also required to fix the minimum term that each of you must serve before you might be considered for release by the Parole Board. Even after release, you will be on licence for the rest of your lives and subject to prison recall if you breach the terms of your licence.

16. The Starting Point for the minimum term must be 25 years. I am satisfied on the evidence that this was a murder which was carried out by each of you acting together. You all knew that weapons, in particular machetes, a sword and a baseball bat, were to be taken to the scene and you intended to use them to cause really serious harm which caused the deceased's death. It follows from the Jury's verdicts that you used at least one of those bladed weapons in committing

this murder. Therefore, your starting point under paragraph 4 of the Sentencing Code must be 25 years.

17. The aggravating factors are firstly, that there was a significant degree of planning. Secondly, it was an offence committed by six of you acting together. Thirdly, evidence including weapons, phones, SIM cards and clothing was disposed of, and car registration plates were changed. Fourthly, this was an offence of Murder committed against the background of drug dealing.
18. In addition to your personal mitigation, as I have already stated, this was a murder in which your intention was to cause really serious harm and not to kill. That, in the case of each of you, is the principal point of mitigation.
19. Garry Cooper, stand up. You were the leader, both in relation to the drugs conspiracy as well as this Murder. You directed it to be carried out through Mathew Jones and Shaun Buckley with whom you were in contact at all relevant times. It is no mitigation that you were not at the scene, because that is how you planned it: having others carry out your dirty work, to cause really serious harm to those you believed had disrupted your drugs operation, and had then attacked and humiliated one of your workers. This was a planned revenge attack at your direction. Allowing for the aggravating and mitigating factors I have identified, but also that this was an intention to cause really serious harm and not to kill, the minimum term is for the murder is 29 years , less 315 days you have served on remand. I have increased your minimum term from 27 years to 29 years to reflect the concurrent firearms offence for which I must also sentence you. I impose a concurrent sentence of 13 years for the Conspiracy to Supply Class A drugs, and I activate your suspended sentence of 8 months imprisonment, also to be served concurrently.
20. You are also to be sentenced for an offence of Affray and for Possession of a Firearm with Intent to Cause Fear of Violence, contrary to s16A Firearms Act 1968. You pleaded guilty to both of these offences which were committed

against the background of drug dealing. For the Affray offence I sentence you to 2 years imprisonment, to be served concurrently with all other sentences. For the Firearms offence I sentence you to 5 years imprisonment. Although normally that sentence itself would be required to be served consecutively, given the Life Sentence I have imposed and that I have taken it into account in fixing your minimum term at 29 years, I order that it be served concurrently. You will also pay the Statutory Charge in the appropriate amount. Take him down.

21. Anthony Daw, Jake Honer, Shaun Buckley, Matthew Jones and John McDonald, stand up. I find you equally culpable as each other for this Murder, acting on the directions of Cooper. Allowing for the aggravating and mitigating factors that I have identified, including your ages at the time and that your intention was to cause really serious harm and not to kill, the minimum term which you Daw, Honer, Buckley and Jones must serve is 25 years. I reduce that to 23 years for you McDonald, because you are not being sentenced for the drugs conspiracy. The time which you have each served on remand will be deducted from your minimum term: being in each of your cases Daw, Honer, Buckley and McDonald 409 days, and yours Jones 266 days.

22. Also, I impose upon each of you, Daw, Honer, Buckley and Jones, concurrent sentences of 10 years for the Conspiracy to Supply Class A drugs. Further, Anthony Daw I activate your suspended sentence of 14 months, to be served concurrently. Each of you must pay the appropriate Statutory Charge. Take them down.

23. Connor Sharman, your offence of Manslaughter falls within Category B of the Manslaughter Guideline, with a starting point of 12 years. Taking into account the aggravating and mitigating factors I have identified, including your age, I sentence you to 13 years imprisonment. I discount your 10 years sentence for the drugs conspiracy to 8 years, to reflect the principle of Totality, such that your total sentence is 21 years imprisonment. You will serve 2/3 of the Manslaughter

sentence in custody, followed by half of the drugs sentence, after which you will be on licence until the end of your sentence. If you breach the terms of your licence you may be recalled to prison. You will also pay the statutory charge. Take him down.

24. Adam Collins, you were acquitted of the offence of Assisting an offender, but have previously pleaded guilty to dangerous driving, an offence on the 21st November 2019. I sentence you to 18 months imprisonment, and make no separate penalty on the remaining offences. I disqualify you from driving for 2 years and you will not be permitted to drive again until you pass an extended driving test. You have been on remand for 396 days, which means that you have effectively served your sentence. You may go.