



JUDICIARY OF
ENGLAND AND WALES

The Queen

-v-

Adam Ward

Aaron Aziz

Nottingham Crown Court

22 March 2019

Sentencing remarks of Mr Justice Spencer

1. You may both remain seated for the time being.
2. Adam Ward, I have to sentence you for the offence of manslaughter, the unlawful killing of Lee Marshall in the early hours of Friday 29th June 2018. You stabbed him in the buttock, severing an artery, and he bled to death. The jury acquitted you of murder because you lacked an intent to cause really serious injury.
3. Aaron Aziz, I have to sentence you for assisting an offender. You drove Adam Ward away from the area where he had disposed of the knife, when he phoned you at around 3.30 in the morning and asked for a lift home.

4. The jury convicted you both after a nine week trial in which four other defendants were acquitted of murder and manslaughter. It follows that neither of you is entitled to any credit for a guilty plea.
5. This was a senseless and wholly avoidable loss of life. Lee Marshall was only 38 years old. He leaves a grieving partner, two young daughters and a devastated family. In the course of the trial the jury heard a lot about the downside of his character, and there is no getting away from the fact that he had done some very bad things in the past. But there was another side to his character, as the moving impact statements from his family have demonstrated. He was a loving and doting father, a kind and considerate partner. He and his partner were due to get married this year. From the evidence the jury heard of his conversation with the landlady in the public house earlier that night, he was in a happy and generous mood, talking about the new job that he was enjoying, and saying how good things were at the moment. He escorted the two female bar staff home when a taxi wasn't available, walking one of them right to her door, the perfect gentleman.
6. Lee Marshall's sister, who is a social worker within child protection, knows all too well through that vocation the pain and grief of families bereaved as a result of knife crime. Lee Marshall's brother is a research scientist working for a global pharmaceutical corporation. He had rebuilt his relationship with the family only a few weeks earlier, as they came to terms with two other bereavements. The funerals of their father and their grandmother had taken place on successive days only 10 days before Lee Marshall was killed. I know the family will understand that no sentence I pass can begin to ease their pain and loss.
7. Knife crime is rampant on our streets, particularly among young people, as the news headlines tell us each day. It is very important to emphasise, however, that this is not a case of knife crime of that kind. You, Adam Ward, did not set out that night to attack anyone with a knife, or to carry a knife in the street. Serious trouble came to you and your friends at their home. Nevertheless this case is yet another reminder of the risk of violence escalating with fatal consequences whenever a knife is needlessly introduced into a confrontation.
8. I deal with you first **Adam Ward**. These tragic events arose from what should have been a happy occasion, a party attended by a large number of 16 year olds, 60 or more,

who had just completed their GCSE examinations, and had been celebrating at a school prom earlier that night. The party was at the home of your close friend Calvin Turner in Bulwell, Nottingham. His younger brother had arranged the party. You and Calvin Turner were both 18 years old. Your role was to keep an eye on the party, to see that the youngsters had a good time, and generally to act as responsible adults overseeing the party.

9. It is crystal clear from the evidence the jury heard that the catalyst for the violence which erupted that night was another young man then aged 17, who was not invited to the party but insisted on coming into the house and made a thorough nuisance of himself. He cannot presently be named in any report of the case because he is himself due to stand trial for an offence of affray arising from these same events. I shall refer to him simply as “the trouble maker”.
10. Over a period of several hours between about 1.30am and 3am the trouble maker repeatedly threatened violence, both inside the house and out in the street. He armed himself with a broken fence panel with nails protruding, and was repeatedly threatening and chasing people with that weapon. Some of it was captured on CCTV. Calvin Turner took the lead in remonstrating with him and trying to keep him away from the party. In the end, Calvin Turner lost his temper and, having ill advisedly armed himself with a large kitchen knife, chased the trouble maker up the street. To your credit, Adam Ward, you took that knife off Calvin Turner on his way back to the house, and placed it in the kitchen sink, out of harm’s way - or so you thought.
11. The trouble maker resented being chased away like this. He threatened that he would return with reinforcements. That is how Lee Marshall came to be involved at all. He lived nearby. Earlier that night, on his way home from the public house where he had been drinking, he had walked past this teenage party taking place at the house on the corner of Latham Street and Commercial Road. A little later had taken an interest in an ambulance called to the party to attend to a girl who was unwell, and he had remained on the corner for quite some time around 2 am before returning home. He set off from home again at about 2.50am with his two dogs, and soon afterwards met up with the trouble maker.

12. It is infinitely regrettable that Lee Marshall allowed himself to be drawn into someone else's arguments that night, egged on by the trouble maker. Together they walked round to Latham Street, to the side gate of the house where the party was taking place, arriving at around 3.16am. Ten minutes later Lee Marshall had been fatally stabbed.
13. Precisely what happened in those ten minutes accounted for much of the evidence in the trial, with the jury having to piece together very many eye witness accounts, some far more reliable than others. There was undoubtedly a confrontation in the street between Calvin Turner on the one hand and Lee Marshall and the trouble maker on the other, down near the junction of Latham Street and Barry Street, shown in photographs 31 to 36. Lee Marshall had been drinking heavily. His blood alcohol level was two and a half times the limit for driving. He had also taken cocaine. On the evidence given in the trial, he seemed unsure of why he was there, but he knew that Calvin had chased the trouble maker with a knife and was concerned that Calvin might still have a knife, although in fact he didn't. After some heated verbal exchanges Calvin Turner was punched in the face, and a punch was thrown at Lee Marshall in return. It was this that prompted Calvin's brother to scream for help, shouting your name, Adam Ward.
14. You had been waiting behind the side gate in the back yard of the house, along with several other younger boys. You had been passed the large kitchen knife which you used shortly afterwards to stab Lee Marshall. Precisely who passed it to you does not matter, although I note that in your defence statement and in the two psychiatric reports and the psychologist's report, you consistently said that it was Calvin Turner who passed you the knife through the gate, contrary to the more convoluted account you gave in evidence. I accept that you did not go into the kitchen and fetch the knife yourself. But I also accept the evidence of the young witness Sam Thorley that you were "psyching yourself up", in possession of the knife, before you rushed out of the gate into Latham Street to assist your friend Calvin Turner. In the covert recordings you said that the way you "bust out... nearly snapped the gate off".
15. The prosecution case was that the four other defendants charged with murder took part in a joint attack with you, kicking and punching Lee Marshall, and that during that attack you stabbed him when he was on the ground or crouched down trying to defend himself. The jury rejected that factual case by acquitting those other defendants of

manslaughter as well as murder. In those circumstances, and having reviewed the evidence again carefully, nor can I be sure that you stabbed Lee Marshall in precisely that way.

16. However, nor do I accept that the circumstances of the stabbing were precisely as you told the jury. You said that when you came out of the gate you saw Calvin Turner with his hands over his face and believed he had been slashed across the face. That is not what you said in your defence statement, nor in your police interview, nor in the covertly recorded conversation in the prison van. In those accounts you described seeing Calvin's arm up in the air, as if he had just punched Lee Marshall. You ran down Latham Street to the corner where the confrontation was taking place. You told the jury that Lee Marshall was advancing towards you with both fists up, like a boxer. You said that, with the knife in your right hand, in self-defence and in defence of your friend Calvin, you instinctively swung the knife at Lee Marshall, around his back, as you stood almost face to face, striking him in the left buttock. You aimed low and did not intend to do him serious injury. You could never have foreseen that you would sever an artery and thereby cause a fatal wound.
17. The medical evidence is consistent with this description of the infliction of the fatal injury. It was a single thrust with the knife. The orientation of the wound is shown in the photograph and the pathologist's diagram, with the sharp edge of the knife entering at 10 o'clock and the blunt edge at 4 o'clock. That orientation matches your account, provided that you were holding the knife with the blade upwards and towards you. Although this would be an unusual way to hold such a large knife, I accept that this part of your account is true. It may well explain how you came to cut the webbing between your right thumb and forefinger, when one considers the sharp right angle of the blade near to the handle which would have been against that webbing.
18. Although there was, I accept, an element of self-defence in this stabbing, I am quite sure that it did not happen precisely as you suggest. You were hyped up at the gate, under the influence of alcohol and cannabis, ready to run out with the knife and take on in defence anyone who was threatening your friends, be it Lee Marshall, or the trouble maker, or the unidentified hooded man who may also have been there. Even if you

genuinely believed you had to take some defensive action, on any view it was grossly excessive and unreasonable to stab him as you did, with this very large knife.

19. I note that in your police interview you gave a very similar description of the lead up to the stabbing, but claimed only to have pushed Lee Marshall over. That is what you could and should have done, and perhaps would have done had you not been holding a large knife in your hand. In your evidence to the jury you accepted that you saw no weapon in Lee Marshall's possession. True, Lee Marshall was a big man, 6 foot tall and 18 ½ stone, but you were 6 foot 2, and far nimbler and more agile, well able to dodge any punch he might have thrown. The trouble maker and the hooded man had run away on seeing you with the knife. Calvin, on your account, was standing behind you. The jury were sure that this was not lawful self-defence or defence of another.
20. I note that in your psychiatric and psychologist's reports, which were not in evidence at the trial, your account was that you had lunged at Lee Marshall and stabbed him as a "warning shot". That is rather different from the account you gave the jury.
21. I have mentioned the important fact that you had been drinking vodka and smoking cannabis, to the point where your judgement and perception must have been affected. You told the jury you were 6 out of 10 on a scale of drunkenness. In cross-examination you said you were very drunk, but not as drunk as Calvin who was "steaming".
22. When you rushed out of the gate, hyped up and armed with the knife, you were followed by several others and there was undoubtedly a concerted attack on Lee Marshall with fists and feet, even though the four acquitted defendants took no active part in it. But neither can I be sure that you took part in such an attack, with fists or feet. There was precious little eye witness evidence to put you there. It all happened in a matter of seconds.
23. On careful consideration and analysis of the evidence, I am sure that you immediately confronted Lee Marshall and stabbed him in panic; he then stumbled to the location where he fell to the ground and was set upon by others, already fatally wounded. You then fled up Latham Street and along Commercial Road, where you can be seen on CCTV running away at full speed.

24. You disposed of the knife in dense undergrowth near the Cinder Hill tram stop, confident it would never be found. There would have been blood on the knife. That is probably the source of the trace of blood on your right training shoe, and the blood spots on your jeans and top.
25. You phoned Aaron Aziz, your cousin's husband, and asked him to pick you up in his car and give you a lift home, which he did. From the conversation that must have taken place between the two of you, Aziz knew or believed you had committed a serious offence of violence, and in giving you that assistance he intended to impede your apprehension. There were police cars in the area. Had you been stopped and questioned, wandering the streets in the clothes which you later burnt and buried in the garden of your home, the likelihood is that you would have been arrested.
26. You were arrested some 36 hours later. When you were interviewed you lied to the police, consistently denying that you had done more than push Lee Marshall when he was confronting your friend Calvin. Even when you were made aware that Calvin had told the police of the conversation in the van in which you had disclosed the whereabouts of the knife, you still made no admission to the stabbing. I accept that by then you were too frightened to admit that you were responsible for killing Lee Marshall, having learned of his reputation and his associates. But there was no expression of remorse. On the contrary. In the covert conversations in the van you showed a callous attitude to what you had done, seeking to justify the stabbing as saving the lives of Calvin and his brother. When asked by Calvin to describe how it felt to stab him, you said it was like putting butter on your toast, "piss easy".
27. I am required to consider whether you are a dangerous offender for the purposes of the Criminal Justice Act 2003, in respect of whom an extended sentence is necessary for the protection of the public. Given your otherwise impeccable character, and the particular circumstances of this offence, I am satisfied that your case does not call for such a sentence.
28. I turn to the sentencing guidelines for manslaughter, recently issued by the Sentencing Council, which I am obliged to follow. I have been addressed by counsel on the question of where in the wide spectrum of the guidelines this case falls, in terms of culpability.

29. I do not consider that your case falls squarely within category B, high culpability. I accept that you did not intend to stab Lee Marshall in a part of the body which would risk really serious injury. You stabbed him once only, and deliberately in the buttock rather than anywhere else. Nor was there, in my judgment, a high risk of really serious injury which was or ought to have been obvious. It is clear from the medical evidence that although the knife penetrated some 20-22 cms into the body, no great pressure would necessarily have been required. Indeed, Professor Rutty, one of this country's leading pathologists, explained to the jury that the force required to cause a wound such as this has been likened to pushing on a doorbell with a single finger.
30. Nor, however, can I accept that your case falls within category D, low culpability. Although there was an element of self-defence, that label would misrepresent the full context of this stabbing, for the reasons I have already explained. The guideline stresses the importance of reaching a fair assessment of your overall culpability in the context of the circumstances of the offence. And on any view, looking at the other culpability D factor, the use of such a large knife carried the obvious risk of something more than only minor harm.
31. It follows that, broadly, your case falls into category C, medium culpability, but well up the range, and in my judgment bordering on the cusp of category B. This is a case where death was caused in the course of an unlawful act which involved an intention to cause significant harm or (at the very least) recklessness as to whether such harm would be caused. As I have said, the risk was of more than minor harm. The guideline cautions against an overly mechanistic application of the specified culpability factors. This is a clear recognition that those factors cannot cover every situation.
32. For category C, the starting point is 6 years and the range up to 9 years. For category B, the starting point is 12 years, and the range begins at 8 years. The guideline states that where a case does not fall squarely within a category, adjustment from the starting point for that category may be required before consideration of aggravating and mitigating factors. This is such a case, and I take the view that a significant upward adjustment from the category C starting point of 6 years is called for.

33. In your case there are several aggravating factors. First, the offence involved the use of a weapon, a large knife. I bear in mind that to an extent this is reflected in the choice of category, and there must not be double counting. I accept that you did not deliberately arm yourself with that knife by fetching it from the kitchen and taking it to the scene. The knife was passed to you. I also accept that when you ran out of the gate and confronted Lee Marshall and the trouble maker, your initial intention was merely to show the knife as a deterrent, to scare them away. But as is so often the case, once a knife is introduced into a violent situation, there is almost an inevitability that the knife will be used, and often with catastrophic consequences.
34. Second, you committed this offence under the influence of alcohol and cannabis. Although you played it down in your evidence, I have no doubt that this was a very significant factor. I note that in the psychiatric reports, which were not in evidence before the jury, you told Dr Ozdural that by the time of the stabbing you had drunk two bottles of vodka and a few beers over the course of the night, as well as smoking a few grams of cannabis. You told Dr Rogers the same thing, and when he queried the quantity you explained that you had fallen into a pattern of weekend binge drinking over the summer, but could handle it: "I wouldn't say I was steaming but I was definitely drunk. My vision was blurry and I was stumbling". You and Calvin Turner were supposed to be acting as the responsible adults overseeing the safety of the partygoers. You fell woefully short in that role by getting into that state of inebriation.
35. Third, the stabbing was committed in the presence of a number of young people, impressionable teenagers, although none of them claimed to have seen the fatal event. The way in which you burst out of the gate no doubt encouraged them to join in the subsequent attack on Lee Marshall after the stabbing.
36. Fourth, Lee Marshall was caused significant mental and physical suffering during the last few minutes of consciousness before his cardiac arrest. It is all too clear from the eyewitness evidence that he was fully aware of the seriousness of his condition, and that death was imminent. The evidence of Frazer Disney is that he was saying repeatedly, "I don't want to die", and was calling out for his partner by name.
37. Fifth, you took active steps to cover up your offending. You disposed of the knife in a place where it would probably never have been found had it not been for your

admissions in the covertly recorded conversations in the prison van, subsequently disclosed in interview by Calvin Turner. You took yourself away from the scene by involving your co-accused Aaron Aziz to give you a lift, thereby evading likely arrest. You burnt the clothing that you feared might be bloodstained and buried it in the garden.

38. On the other side of the equation there are several mitigating factors under the guideline which I shall come to, but more general mitigation as well. I take into account the content of the two psychiatric reports, from Dr Ozdural and Dr Rogers, and the psychologist's report from Hazel Dobson. I bear in mind the impressive character evidence given on your behalf by your uncle, who is a solicitor and has known you all your life as a quiet and thoughtful boy, not disposed to aggression. It is clear that you were profoundly affected by your father's death when you were 15 years old. You had suffered a degree of post-traumatic stress disorder, although the symptoms of that had resolved in 2017. You were still suffering from mild depression. Despite this you had done well to come to terms with that family trauma, and you had begun to make something of your life. You had set your heart on a career in the army, and after a successful interview only a few weeks earlier you had every expectation of achieving that ambition in the very near future, but for these tragic events. For your family too, this whole sorry business has been a nightmare with lasting consequences. I take into account everything set out in your counsel's helpful written submissions, as well as his eloquent plea in mitigation. I also bear very much in mind the impressive letter from your mother explaining the impact of the case on you and your family.
39. Looking at the guideline there are the following specific mitigating factors. First, you have no previous convictions, and a positive good character. That is very much to your credit.
40. Second, I accept that you do now feel genuine remorse for your actions in causing a man's death. I have had the opportunity over the many weeks of the trial to observe your demeanour in the dock as well as in the witness box.
41. Third, I accept that there was a lack of premeditation. Although you were waiting behind the gate in case a call for help came, it was not until you were confronted with the situation outside in the street that you resorted to using the knife to stab someone.

42. Fourth, I bear very much in mind that you are still only 18 years old. You committed this offence just eleven days after your 18th birthday. As has been emphasised by the Court of Appeal in the recent cases of R v Clarke [2018] 1 Cr App R (S) 52 and R v Hobbs [2018] 2 Cr App R (S) 36, the youth and maturity of an offender will be factors which inform any sentencing decision even if an offender has passed his 18th birthday. Your counsel has referred me to various passages in the psychiatrists' and psychologist's reports which may have a bearing on this issue; they are set out in his written submissions. In particular, I note Dr Ozdural's observation that it is difficult to comment on your personality, still at the age of 18, but there was a degree of impulsivity, aggression and mood instability.
43. I have had the advantage of hearing and seeing you give evidence, and of listening to you in the covert recordings. In my judgment it cannot be said that you were significantly immature. You had learned to stand on your own feet in the years since your father's death. Nor were you suffering from any significant mental disorder or serious learning disability. Although not academically gifted you are and were quick witted, intelligent, and streetwise. Nevertheless, I bear in mind the situation in which you found yourself that night, confronted by violence which threatened your friends and the youngsters at the party. You did not have the experience and maturity of an older person to deal with it, particularly when you were under the influence of alcohol and cannabis.
44. I have to balance all these competing aggravating and mitigating factors, and pass a sentence which properly reflects your overall culpability for this needless death. I am satisfied that the proper sentence in your case is **8 years' custody**.
45. Stand up please: **Adam Ward**: for the manslaughter of Lee Marshall I sentence you to **8 years detention in a young offender institution**. As the law stands, you will serve one-half of that sentence in custody; you will then be released on licence. If you breach the terms of your licence or commit any further offence whilst on licence you will be liable to be returned to custody to serve the balance of the sentence. You may go down.
46. **Aaron Aziz**. The jury were sure, by their verdict, that you knew or believed that Adam Ward had committed a serious offence of violence when you picked him up in your car. You assisted him by driving him home, knowing that the police were in the area and

might well have stopped him on the street. The jury plainly rejected Adam Ward's evidence that he had told you nothing of the circumstances in which he found himself.

47. You did not give evidence. That was your right. But it means there was no explanation from you as to why you did what you did.

48. I accept that when you were first phoned by Adam Ward at 3.36am you were at work, having been called out to attend to an alarm which had gone off at a school not far away. From the timing and duration of his subsequent calls to you over the next few minutes, and your calls back to him, it is clear that he was in the process of disposing of the knife when he spoke to you, and must have been in a highly agitated state.

49. I ignore what Adam Ward said in the covert conversations in the prison van about the content of your phone calls with him. It is not and never was evidence against you. I do not sentence you on the basis that you gave him advice on how best to dispose of the knife. He worked that out for himself. But you were the only means he had of getting home and away from the scene quickly. He had no money because he had left his wallet at Calvin Turner's house. He could not risk calling his mother at that time of the morning. He could not risk walking home, in case he was stopped by the police. The jury were sure that you intended to impede his apprehension or prosecution; in other words you intended to help him get away with it.

50. In assessing your culpability and the seriousness of your offence, I have regard to the guidance from the Court of Appeal in *A-G's Ref (No 16 of 2009)* [2010] 2 Cr App R (S) 11. I am required to consider the nature and extent of the criminality you assisted; the nature and extent of the assistance you provided; and the extent to which the interests of justice were damaged.

51. The offending you assisted in was very serious; it was homicide. The nature of the assistance was, however, comparatively limited. You drove him away from the area where he had disposed of the knife, and gave him a lift home, a distance of no more than a couple of miles. As I have said, I accept that you did not help him to dispose of the knife, or advise him about that. The interests of justice were harmed in that the police were deprived of the opportunity of stopping Adam Ward in the street on his way home, in which case he could well have been arrested if he was unable to explain

his distressed state and any blood on his clothing. That is, however, somewhat speculative.

52. In the calendar of offences of assisting an offender, yours was not the most serious. I bear in mind that you were helping a family member, out of genuine concern for his welfare, albeit criminally misguided. I have regard to the level of sentence in reported decisions of the Court of Appeal in other cases, in particular *R v Roberts and Mould* [2008] 2 Cr App R (S) 350.
53. I bear in mind the content of the pre-sentence report, and everything your counsel has said on your behalf. I take into account the impressive array of character evidence from family and friends, and your own letter of apology and plea for leniency. You are now 29 years old, a family man with a wife and four children to support. But for one conviction for affray in 2016 for which you received a sentence of 12 months imprisonment, you have been a law abiding member of society. You have some mental health issues, and some other health issues, and these have been aggravated by the strain of standing trial with your co-accused for 9 weeks. Had you been tried on your own, the case would have taken no more than a couple of days.
54. As your counsel rightly acknowledges, a sentence of imprisonment is called for to mark the seriousness of your offence, and to underline the seriousness of this kind of offending. The appropriate term is **12 months' imprisonment**. I have to consider whether it is possible to suspend the operation of that sentence. In reaching that decision I am required to follow the Sentencing Council Guideline on the imposition of community and custodial sentences, and weigh the relevant factors.
55. Applying that guideline, I do not consider that you are a risk or danger to the public, nor do you have a poor record of compliance with court orders. The sole factor militating against suspension would be that only immediate custody would achieve appropriate punishment. The factors under the guideline militating in favour of suspension are all met: there is a realistic prospect of rehabilitation; you have some strong personal mitigation. Immediate custody would result in significant harmful impact on your wife and children.

56. In these circumstances I conclude that it is possible to suspend the sentence of imprisonment. But it is also appropriate that you should carry out some unpaid work on behalf of the community. You are fit and able to do such work. The appropriate period is 200 hours.

57. Stand up please. **Aaron Aziz**, for this serious offence of assisting an offender, I sentence you to **12 months' imprisonment, but that sentence is suspended for a period of 2 years. In addition, I attach an unpaid work requirement to the suspended sentence order, for 200 hours.** You must report to the relevant probation officer and do the work as directed. If you fail to comply with the order you are likely to be brought back to court, and you are at risk of the suspended sentence being activated. Equally, if you commit any further offence during the period of this suspended sentence you are liable to be brought back to this court and deal with for the breach which may well include the activation of the suspended sentence in whole or in part. Do you understand? Very well, you may leave the dock.