



JUDICIARY OF
ENGLAND AND WALES

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-v-

**Dwayne Edgar
Robert Lainsbury
Jake Whelan**

In the Crown Court at Bristol

26 March 2019

Sentencing remarks of Mr Justice Morris

Dwayne Edgar, you are now aged 31. Jake Whelan, you are now aged 26. Robert Lainsbury is now aged 25. He is not present in court today. These sentencing remarks are addressed to him equally and a transcript will be available for him.

All three of you have been convicted by the jury of the murder of Lynford Brewster.

It is now for me to pass sentence upon you. I ask that you remain seated whilst I describe the circumstances of your offence.

You have each previously been sentenced in respect of these matters and, by reason of paragraph 2 of Schedule 2 of the Criminal Appeal Act 1968, I may not pass a sentence of greater severity than was passed on that previous occasion. Subject to that, this sentence is based on the evidence and facts before the Court in this trial.

The Facts in outline

At around 7pm on Sunday 12 June 2016, Lynford Brewster was stabbed to death in a residential part of Cardiff on a grassy area and in front of a number of local residents, including two boys aged 13 and 16. Moments earlier, Dwayne Edgar, Robert Lainsbury and Jake Whelan had chased Lynford Brewster for over 150 yards down a gully, along a path and into the grassy area. At least two of them were armed with knives. Lynford Brewster was stabbed three times, once in his back and twice at the back of his legs. He collapsed there and died within a matter of minutes.

Post mortem examination revealed that he had three substantial knife wounds. One of those wounds, in his back, was the cause of death. It was 7cm in depth and penetrated his left

pulmonary artery. It was caused by a large combat/hunting knife with a 6" blade and a serrated edge on one side.

At the time Lynford Brewster was aged 29. His partner, Samantha Brewster, was, unbeknown to him, pregnant with his child. She is now just 2 years old. The attack and the killing was a traumatic event for Samantha Brewster, and for those many local residents who had witnessed such a shocking attack in daylight on a summer's evening.

The statement of Lynford Brewster's mother read to the Court today is eloquent testimony of the pain she has endured. She, together with other members of her family, have sat patiently and stoically through this trial. Their grief remains palpable. It is clear that Lynford Brewster was a much loved son and brother.

In addition, in his sentencing remarks in December 2016, Mr Justice Lewis made specific commendations in relation to the conduct of the witnesses Simon Cox and Gareth Morris and award recommendations for the two young witnesses, then aged 13 and 16. I wish to endorse those commendations.

The background

At the time, Lynford Brewster lived in Heddfaen South with his partner Samantha Brewster. Dwayne Edgar lived nearby in Lincoln Court, with his partner and two children. He had moved to Cardiff from London a few years earlier. He had been involved in dealing drugs including class A drugs. Jake Whelan, who hails from the Midlands, had also moved to Cardiff some years previously. He worked as a personal trainer, but was also involved in supplying cannabis. His mother still lived in Kidderminster. Mr Whelan and Mr Edgar knew each other well at that time. Robert Lainsbury, who also hails from the Midlands, was a friend of Mr Whelan. As at 12 June 2016, he was living in a bail hostel in Worcester, having recently been released from prison.

The events of 12 June

On the morning of 12 June 2016, there was an altercation at Heddfaen North. Samantha Brewster and Lynford Brewster met up with Jake Whelan. Lynford Brewster appeared to be armed and was acting aggressively. The argument was about drugs. Immediately following that incident, Jake Whelan called both Dwayne Edgar and Robert Lainsbury. He then drove from Cardiff to the Midlands and there picked up Mr Lainsbury. The two of them then drove back to Cardiff. Upon arriving back in Cardiff, they first picked up Dwayne Edgar from his home in Lincoln Court. Their joint purpose was to find Lynford Brewster and attack him. They were armed with knives. On the evidence at trial, I find that at least two of the men were carrying knives. One of those knives was the large combat/hunting knife which was subsequently found near the scene of the crime.

The three of them then set about looking for Lynford Brewster. At 6.17pm they were captured on CCTV walking past Lynford Brewster's house in Heddfaen South. All three were dressed in black hoodies. They were looking for Lynford Brewster. Lynford Brewster had left his house at 5.45pm.

The three men then got back into Mr Whelan's car and drove over towards Brynfedw. They parked up near where a Mr Hiatt lived. At that point they encountered Lynford Brewster, who

was running by. At that moment, whilst on a call to Samantha Brewster, Lynford Brewster realised that he had been set up. There was a confrontation and the sound of glass smashing was heard. Lynford then ran off down the narrow gully between two rows of houses. The three defendants gave chase, down to the end of the gully, turning left into a further path and opening up on to the grassy area. There Lynford Brewster was stabbed, and died. A number of residents overlooking that area witnessed these events. One witness described Lynford Brewster as having the fear of God in his face; another heard him cry out to his assailants to stop, as he had already been stabbed three times. Jake Whelan ran off in one direction, back to where his car was parked. Dwayne Edgar and Robert Lainsbury ran off in the direction of Lincoln Court. On their way, the combat knife was discarded in the woods, where it was subsequently found. The sheath to that knife had been discarded close to the grassy area. The DNA of both Jake Whelan and Dwayne Edgar was found on it. Robert Lainsbury's DNA was found on the back of Lynford Brewster's hand. Shortly after Jake Whelan and Robert Lainsbury met up and the two of them drove back to Kidderminster. Dwayne Edgar went back home. Subsequently each of them was arrested and detained.

Murder

The sentence for murder is fixed by law. It is a life sentence. The Court must impose this life sentence and must also specify the minimum term which must elapse before you can be considered for release on licence. I make clear that the minimum term will run from the date when you were first sentenced for this offence, namely 21 December 2016.

So that there is no misunderstanding, the minimum term is not the point in time when you will be released. It is the minimum term you must serve before you are considered for release. Whether you are released then, or indeed ever, is a matter for the Parole Board, not for me.

If and when you are released you will remain on licence for the rest of your life and liable to recall if you commit any further offence or breach the terms of that licence.

Schedule 21 of the Criminal Justice Act 2003 sets out the approach which I must adopt in deciding what minimum term you must serve. I must first identify the appropriate starting point for that term, before going on to consider, and balance, the aggravating and mitigating factors.

Paragraph 5A of Schedule 21 provides that "if the offender took a knife or other weapon to the scene intending to (a) commit any offence, or (b) have it available to use as a weapon and used that knife or other weapon when committing the murder" then where the offender is aged 18 or over, the offence is normally to be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years.

In the present case, I am sure that at least two of you went to the scene at Brynffedw armed with a knife. However all three of you went to the scene with the common purpose of finding Lynford Brewster and stabbing him and that all of you knew that the plan involved the carrying of knives, to be used to stab Lynford Brewster. I therefore conclude that paragraph 5A applies to all of you. Accordingly, I find that the starting point for the minimum term for each of you is 25 years.

The features of the present case

With that starting point, I then turn to relevant aggravating and mitigating factors. First, I consider factors which apply to all three of you. I then consider your individual cases.

As regards aggravating factors, I find that there was a significant degree of planning and premeditation on the part of all three of you. After the incident in the morning, Jake Whelan set about contacting Dwayne Edgar, then drove all the way to the Midlands and back to collect Robert Lainsbury. Upon return, the two of you – Jake Whelan and Robert Lainsbury - went back to collect Dwayne Edgar. All three of you then set out to find Lynford Brewster, being seen on camera outside his home at 617pm. All three of you were dressed in black hoodies and at least two had armed themselves with knives. When you found Mr Brewster, all three of you then chased him down the gully, round the corner and into the grassy area, where he was stabbed in the back and in the back of his legs on more than one occasion. Whatever had happened in the morning or at the beginning of the incident before the chase provides no excuse or mitigation for what then happened.

On the evidence I cannot be sure which one of you inflicted the fatal injury. In any event I am satisfied that each of you was a willing and knowing participant in the plan to find and attack Lynford Brewster with knives and, subject to your individual roles in that *plan* (to which I will turn shortly), you bear equal responsibility for the stabbing.

As regards possible mitigating factors, whilst an intention to cause serious bodily harm rather than to kill is a statutory mitigating factor, it does not apply in this case. I am sure that each of you acted with the intention of killing Lynford Brewster, and not just to cause him really serious harm. This follows in my judgment from the plan to find and stab him, from the fact that you chased down a struggling man, and from the nature of the weapon used – a 6” long combat/hunting knife – from the nature and depth of the fatal wound and the fact that there were two further serious stab wounds to the back of his legs.

Moreover I do not consider that the fact that you have undergone a second murder trial to be a mitigating factor. It was always open to you to avoid such a trial by accepting responsibility for the murder.

Jake Whelan

In your case, Jake Whelan, in addition, as regards aggravating factors, I am satisfied that you were the ringleader of this plan to find and stab Lynford Brewster. Regardless of the nature of your prior involvement with drugs and in particular with Dwayne Edgar, following the confrontation in the morning, it was you who instigated the plan and who contacted both Dwayne Edgar and Robert Lainsbury, and who drove to the Midlands and back specifically to collect Robert Lainsbury and then drove your car to collect Dwayne Edgar. You also have previous convictions, including one for an offence of robbery committed in October 2012 and one for an offence of possession of a knife in a public place in June 2015.

As regards mitigating factors, the statutory mitigating factors of lack of premeditation, provocation or acting to any extent in self defence do not apply. There are no other mitigating factors.

Robert Lainsbury

In your case, Robert Lainsbury, in addition, as regards aggravating factors, whilst you were not the ringleader, you took a full and willing part in the plan to find and stab Lynford Brewster. Whether or not you actually inflicted any of the injuries, you participated fully in the plan and the chase. You were involved in disposing the weapon. You also have a substantial number of previous convictions, including one for an offence of wounding with intent to do grievous bodily harm committed in 2010, possessing a knife in a public place in August 2012 and robbery in September 2012. You had been released on licence for that last offence 17 days before you committed this offence of murder. I find that the fact that you committed this offence whilst on licence to be an additional aggravating factor in relation to this offence in your case. The fact that the time you spent in custody prior to the first trial does not count towards your minimum term does not detract from the fact that, in breach of the trust placed in you, you reoffended in that period of licence. As regards mitigating factors, I consider that your age at the time of the offence, 22, provides little, if any, mitigation. There are no statutory or other mitigating factors.

Dwayne Edgar

In your case, Dwayne Edgar, in addition, as regards aggravating factors, whilst you were not the ringleader, you too took a full and willing part in the plan to find and stab Lynford Brewster - whether or not you actually inflicted any of the injuries. Whilst you have previous convictions, most of which are for the supply of drugs, including Class A drugs, you have no record for offences of violence. Accordingly, I do not consider those convictions to be an aggravating factor justifying an increase in your minimum term. In your case, none of the statutory mitigating factors are present and there is no other relevant mitigation.

The Sentence

This was a brazen, vicious and brutal attack by the three of you, hunting down an unarmed man who was running away from you. At no stage has any of you shown any remorse for what you have done nor for the enduring misery you have caused to others.

Please stand

Jake Whelan

Jake Whelan, for the murder of Lynford Brewster the sentence is life imprisonment. You will serve a minimum of 28 years less the period of 146 days you have spent on remand.

Robert Lainsbury

Robert Lainsbury, for the murder of Lynford Brewster the sentence is life imprisonment. You will serve a minimum of 26 years.

Dwayne Edgar

Dwayne Edgar, for the murder of Lynford Brewster the sentence is life imprisonment. You will serve a minimum of 25 years less the period of 187 days you have spent on remand.

You may both go.