



JUDICIARY OF
ENGLAND AND WALES

R v JEFFREY WARD & STEVEN BAXTER

Swansea Crown Court

Sentencing Remarks – 9 April 2019

1. Steven Baxter, you have been found guilty of murdering Simon Clark.
2. Simon Clark was your neighbour at the Grove Caravan Park in Pendine, Carmarthenshire. You and he were friends. In fact, you owned his caravan and he was paying you money in instalments to purchase that caravan from you.
3. On 27 September last year, shortly before 8 pm, you and Simon Clark got into an altercation. Simon Clark had in his hands two metal poles which he had taken from a greenhouse-type tent in your garden after getting up from the ground where he had been exchanging blows with Jeffrey Ward, a friend both of yours and of Simon Clark and another Grove Caravan Park resident. Before going to the ground Simon Clark and Jeffrey Ward had fallen into the greenhouse, causing it partially to collapse – hence Simon Clark being able to pick up the poles.
4. That altercation had come to an end when you threw something – you say a brick, Jeffrey Ward says a boulder – at Jeffrey Ward’s left hand in order, according to you, to break up the fight between your two friends. That fight was preceded, I find on the evidence heard at trial, by Simon Clark coming into the caravan which you shared with your partner, Linda Rowley, shouting accusations at Jeffrey Ward. Linda Rowley having pushed Simon Clark out of the caravan, he then was shouting at Jeffrey Ward to come out. Jeffrey Ward did that. The two men then got into a struggle which, as I say, saw them first fall into the greenhouse and then to the floor where they were punching each other until your intervention.

5. At that point, Jeffrey Ward let Simon Clark get up and told him to go. He did so, heading in the direction of his own caravan whilst Jeffrey Ward went into your caravan along with Linda Rowley in order to have the injury to his left hand caused by what you had thrown to be seen to.
6. Jeffrey Ward was not only your friend. He was also your co-defendant in these proceedings. Unlike you, however, the jury have acquitted him of murder. In so doing, the jury must have concluded either that he acted in self-defence when engaged in his altercation with Simon Clark or that, in letting Simon Clark go after you had thrown a boulder/brick as you did, Jeffrey Ward should be regarded as having backed out of the fight which was, ultimately, to involve your stabbing Simon Clark with a knife.
7. Returning to what happened after Jeffrey Ward told Simon Clark to go, it was your case that Simon Clark was still being aggressive when you needed to go to the gate of your property in order to close it to prevent your puppy running out. It was for that reason that, you explained, you picked up a knife from just inside the door of your caravan as a deterrent to persuade Simon Clark to move away as you went to the gate.
8. You went to the gate and duly closed it. Simon Clark, then, you explained, walked round your car and then to the back of his own red van to the front of his own caravan. At that time, you were the other side of your caravan near the gate but you then moved to the other side near to the fence abutting Simon Clark's property. There, according to you, Simon Clark was still ranting about Jeffrey Ward when you asked him what his problem was. The only reason that you walked there, you insisted when giving evidence, was that you wanted to know what was going on. A struggle then ensued between the two of you during which, you stated in evidence, Simon Clark lunged for you and hit you in your arm with one of the metal poles which he was holding.
9. It was your case at trial that you did no more than was necessary to stop Simon Clark striking you in the face with one of the poles and that you only stabbed Simon Clark with the knife which was in your hand by accident as you were putting your arms up to protect yourself. Even then, according to you, you thought that you had hit Simon Clark in the arm, not that you had stabbed him in the chest as, in fact, you did. Your case, in short, was that what you did as regards Simon Clark was done purely in self-defence.
10. The jury rejected that defence, instead accepting the prosecution case that you were not seeking to defend yourself but that, whatever the position as between Simon Clark and

Jeffrey Ward, in the altercation between you and Simon Clark you were the aggressor and that the reason you took a knife from the caravan when you went towards Simon Clark was not because you were wishing to protect yourself. In truth, you should never have picked up that knife and, had you not done so, Simon Clark would not now be dead. His death was wholly unnecessary and the result of your decision to take a knife from your caravan when you went towards Simon Clark to close your gate and then to keep that knife with you when Simon Clark retreated to his side of your property.

11. Simon Clark was 54 at the date of his death and a father and grandfather to children who must now come to terms with having to live without their father and grandfather and in the knowledge that the reason why that is so is that he was murdered. You, and you alone, are to blame for his death. Three victim impact statements have been read out in Court today. One is from Meg Clark, Simon Clark's mother. Another is from Sarah Stockwell, his partner at the time of his death. The third is from Jemma Clark, Simon Clark's daughter, who explains the impact of her father having died on her as well as her younger siblings and her own children. They each make sad reading. It is clear that family members' lives have changed forever. I should record that throughout the trial Simon Clark's family have attended. I commend them for the dignity which they have each shown in listening to evidence which must have been distressing for them.
12. There is only one sentence that the law allows to be passed for the offence of murder. That is a mandatory sentence of imprisonment for life. I am required to specify the minimum term, pursuant to Section 269 and Schedule 21 of the Criminal Justice Act 2003, which must elapse before you can be released on licence.
13. Pursuant to paragraph 5A of Schedule 21, Parliament has set the starting point for the minimum term for anyone who takes a weapon to the scene of a murder intending to commit any offence or have it available as a weapon and used that knife or weapon in committing the murder, and that starting point is 25 years. Mr Leonard Smith QC, on your behalf, acknowledges that, whilst it is important not to adopt too mechanistic an approach to the matter of sentence, nonetheless this is a case in which it is appropriate to regard a knife as having been taken by you to the scene and so that the appropriate starting point is, indeed, 25 years.
14. Having chosen that starting point, I am required then to take into account aggravating and mitigating factors in your case.

15. It has been submitted by Mr Smith that there are no aggravating factors pursuant to paragraph 10 of Schedule 21. He is right about that. There are, however, a number of non-statutory aggravating factors in this case which are relevant and need to be borne in mind. First, there are obviously your previous convictions, including your conviction (albeit a long time ago when you were 19 years old) for attempted murder in 1986. Secondly, there is the fact that, as emerged at trial, you were on the run from the police at the material time, and had been for some 8 years, in respect of alleged serious domestic incidents involving your then wife. Thirdly, there is the fact that after killing Simon Clark you went on the run for a month in a determined attempt to escape justice.
16. These are all aggravating factors, although I consider that there is force in the point made by Mr Smith that the fact that your attempted murder conviction was some appreciable time ago reduces its impact in sentencing terms. There is force also in Mr Smith's point that the fact that you thought that you were on the run at the time of Simon Clark's killing should be tempered by the knowledge that the relevant matter was, in fact as it has turned out, concluded in 2013. I agree also with Mr Smith that, in context, given that what is being considered is the length of an appropriate minimum term, the fact that you went on the run after you killed Simon Clark is not as significant as it might otherwise be.
17. I turn, next, to the mitigating factors listed in paragraph 11 of Schedule 21. I am satisfied that this is a case in which a number of factors there identified apply.
18. First, there are (a) *"an intention to cause serious bodily harm rather than to kill"* and (b) *"lack of premeditation"*. The evidence in this case showed that Simon Clark entered your caravan and did so in some sort of confrontational manner – albeit that any ire was directed not towards you but towards Jeffrey Ward. It was after this that Simon Clark and Jeffrey Ward got into a fight, Jeffrey Ward contending at trial that what he did was in self-defence and the jury having acquitted him in all probability in recognition that there was merit in that defence. There is no positive evidence to suggest that what you did in killing Simon Clark was the result of an intention to kill (as opposed to cause serious bodily harm) nor that it was premeditated or planned.
19. Secondly, there are (d) *"the fact that the offender was provoked"* and (e) *"the fact that the offender acted to any extent in self-defence"*. Although I am sceptical that (e) is strictly applicable given the jury's rejection of your self-defence case, it nonetheless seems to me that it would not be right to ignore the fact that there was at least some degree of provocation on Simon

Clark's behalf by entering your caravan and behaving as he did in the lead-up to the incident which resulted in his death at your hands – not, I make it abundantly clear, that anything which Simon Clark may have done warranted what, ultimately and so tragically, happened to him.

20. Mr Smith submits also that you have shown remorse for what you did. I do not accept that, however. Whilst I am prepared to proceed on the basis that you regret that Simon Clark died, I was unable to detect any remorse on your part when you gave evidence. On the contrary, your attitude was summed up by your saying that what Simon Clark did was akin to sticking one's fingers in an electrical socket and then moaning when one gets electrocuted. Your position in this trial was that it was Simon Clark's fault that he did what he did and that you bear no responsibility. That is not an attitude which sits at all easily with the suggestion that you have shown remorse. I am clear that you have not.
21. I come, then, to the minimum term which I consider is appropriate in your case. The aggravating features in your case lead me to increase from the starting point of 25 years to 27 years. In view of the mitigating features in your case, considering the overall justice of the case and avoiding adopting too mechanistic an approach, it is appropriate that that be reduced to 24 years. I should record, really only in passing, that this is a minimum term which is within the range of between 23 and 26 years identified by Mr Smith as being appropriate in your case.

[Stand up, Mr Baxter]

22. I sentence you in respect of the murder count to imprisonment for life with a minimum term of 24 years. From this must be deducted the days that you have spent on remand in custody for this offence - I am told numbering 163 but, if different, the matter can be adjusted administratively. The victim surcharge must also be paid.
23. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which must be served before you are considered for release. After it is served, there is no guarantee that you will be released at that time, or at any particular time thereafter. It is then only if the Parole Board decides you are fit to be released that you will be released. Moreover if, and when, you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your life sentence. It is in these ways that a life sentence protects the public for the future.

[Please go with the officers]

24. I must also sentence you, Julie Harris. You have pleaded guilty to an offence of doing acts tending and intending to pervert the course of justice. You did so on 18 January this year at the PTPH which took place in this case.
25. You are the partner of Jeffrey Ward and a woman aged 46 years old with no previous convictions.
26. This offence concerns your conduct in the aftermath of Simon Clark's killing, specifically your returning to the Grove Caravan Park on the night of 27 September 2018 in order to take both Jeffrey Ward and Steven Baxter to the home of Philip Powell in Glynneath. There, you gave First Aid to Steven Baxter, before leaving him and Jeffrey Ward there and returning to the Grove Caravan Park where you accept that you removed certain cannabis plants from Jeffrey Ward's caravan and put them in your caravan. The next day, you travelled back to the Rhondda to the home of a friend where you and Steven Baxter's partner, Linda Rowley, met up with your respective partners. The day after that, 29 September, Jeffrey Ward and Steven Baxter having spent the night in a boxing gym, you returned again to the Rhondda, to your house, where you again met up with Jeffrey Ward and Steven Baxter, before driving Steven Baxter (along with Jeffrey Ward) in your car to Glynneath where you dropped Steven Baxter off. You and Jeffrey Ward then spent the night at your home. The next day, 30 September, as Jeffrey Ward continued to try and evade arrest, you drove him from your house to St Clears and the address of a friend where later that day Jeffrey Ward was arrested on suspicion of murder.
27. You pleaded guilty at the PTPH on the basis of a written plea in which you maintained that you were not aware that Jeffrey Ward and Steven Baxter were connected to Simon Clark's death when you were with them on the afternoon of 28 September having heard at that time that Simon Clark had been killed and that a 48-year old man had been arrested in connection with the investigation into his death. You maintained also that the next day when you gave Steven Baxter a lift to Glynneath, although you were by then aware that he was wanted by the police, you did not know that this was in connection with the investigation into Simon Clark's death. I cannot accept that what you had to say in your written basis of plea as regards these matters can be right since I agree with Mr Lewis when he submits that it is inconceivable that, Steven Baxter having told Jeffrey Ward that he had stabbed Simon Clark right after he had done so, your partner, Jeffrey

Ward, did not then tell you about this at some point in the hours which followed that day and the next day.

28. On your behalf, Ms Susan Ferrier highlights, first, the fact you have no previous convictions and that you now have a conviction for this offence – I observe, along with Steven Baxter, the only other person to be convicted in respect of what happened at the Grove Caravan Park last September. Secondly, she submits that what you did in assisting Jeffrey Ward and Steven Baxter was done out of misplaced loyalty to your partner, Jeffrey Ward, and because you have a natural tendency to want to help people. Thirdly, she highlights by reference to two character references which have been provided to me that you are a decent person. Fourthly, she describes how you are a mother to three adult children but also the grandmother to seven children whom you help to bring up since yours is a close family. Lastly, she points out that you spent some 46 days in custody on remand for this offence and that you have been on curfew since your release at the end of November last year. This equates to the equivalent of having already served an approximately 7-month sentence. For all these reasons, Ms Ferrier submits that an appropriate sentence in your case would be a suspended sentence of imprisonment rather than immediate custody.
29. Taking account of these submissions by way of mitigation and affording you credit of 25% in respect of your guilty plea, you having pleaded at a stage when that level of credit is appropriate, I have concluded that the appropriate sentence in your case is a sentence of imprisonment since the seriousness of the offence is such that neither a fine alone nor a community order can be justified.
30. Offences such as yours strike at the heart of the criminal justice system and are rightly regarded with appropriate seriousness. This has been made clear in a number of cases, including by Treacy LJ in *Att. Gen.'s Ref. No. 34 of 2015* [2015] EWCA Crim 1152 in which the view was taken that a sentence of 24 months' imprisonment suspended for 2 years was unduly lenient but that, in the event, owing to the offender's personal circumstances, that sentence should be converted into a shorter sentence albeit of immediate imprisonment. In this case, like that case, the assistance which you gave cannot properly be characterised as merely fleeting since it spanned a few days. That said, in *Att. Gen.'s Ref. No. 34 of 2015*, there were two counts with the second relating to lies which were told to the police a month later.

31. In that case, there was also no plea of guilty as there has been in your case and it is right, in those circumstances, to approach the matter of sentence in a way which reflects that fact. It is right also to reflect the other mitigation which has been advanced on your behalf, including the fact that you have already spent an appreciable amount of time in custody on remand and have since your release been the subject of a curfew.
32. Taking account of all these matters, including giving 25% credit for your guilty plea, I have reached the conclusion that the appropriate sentence in your case is 14 months' imprisonment. This is the least that can be imposed to mark the seriousness of the offence. That sentence will be suspended for 2 years.
33. If in the next 2 years you commit any offence you will be brought back to court and it is likely that this sentence will be brought into operation.
34. Also for the next 2 years you will be subject to a rehabilitation activity requirement. That means that you must meet with the officer supervising this requirement as and when required and you must attend and co-operate fully with any activities that are arranged – up to a maximum of 25 days. If you fail to comply with this requirement you will be in breach of this order, which means that you will be brought back to court and you will be liable to serve the sentence.

[Stand up, Julie Harris]

35. I sentence you to 14 months' imprisonment suspended for 2 years with a rehabilitation activity requirement.