

A matter is this, my Lord, and my Lord is bound to, whatever minimum term my Lord fixes in  
principle, deduct therefrom the time that this man has spent on remand. And I have been  
informed, my Lord, that the period is 537 days. And so my Lord would ultimately I suspect  
B wish to express this as a sentence with a minimum term of whatever figure less 537 days.

**JUSTICE PLENDER:** Thank you very much Mr Smith. Newton stand. You have  
been convicted by a unanimous decision of the jury of the murder of Philip Hendy. And you  
have been sentenced to life imprisonment. I now have to specify the minimum term for your  
C detention.

I begin by dealing with the circumstances of the offence. Philip Hendy was a healthy  
man aged 75. He is described by his son Simon as kind and generous. He had been married  
D for 52 years to his present widow Elfreida, who shared his interest in their allotment and  
crosswords and in their children and grandchildren. His photograph, which I have seen,  
shows the face of a man whom I would describe as intelligent. This was the man whose life  
you extinguished on Sunday 29<sup>th</sup> April. His son Simon states "I still have great anger that my  
E father could be struck down by such low life for no reason." He states "I harbour a great fear  
that Newton through various circumstances will be released early and could be free to return  
to my mother's district and haunt her during her lifetime."

F The sentence that I am about to pass should ensure that Simon's fear is not realised.  
The evidence, as to which there was little dispute in the trial, shows that on 29<sup>th</sup> April 2007  
you either took with you or obtained a knife, described by Anita Jones as bright and shiny.  
G You had it in your right hand. For no apparent reason other than intoxication by amphetamine  
you stabbed Mr Hendy in the neck, severing as it seems his carotid artery. You then stabbed  
him near his hips. The jury found in their verdict that you did this intending either to kill  
Philip Hendy or to cause him grievous bodily harm.

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A I now turn to the minimum period that you must serve. Let there be no  
misunderstanding, the minimum period is not a sentence. Your sentence has been passed and  
it is a sentence of life imprisonment. The minimum period is the period after which the Parole  
B Board will consider the possibility of your release. People who are sentenced to life  
imprisonment invariably serve more than the minimum term. And if they are released they are  
liable to be recalled to prison at any time, particularly if they present a risk to the public. I  
have concluded that the minimum period that you must serve in prison before being  
C considered for release is one of 16 years.

I am now required to say how I calculate that period. I adopt as my starting point the  
same starting point that was urged upon me by leading counsel for the defence, that is one of  
D 15 years. I then consider whether I am able to reduce that by any mitigating circumstances. I  
am unable to reduce the period on the ground that you suffer from a mental disability that  
diminished your degree of responsibility because the jury considered and rejected your plea of  
diminished responsibility. I am unable to reduce it on the ground of a mental state short of  
E diminished responsibility. You can be treated in prison.

I am satisfied that you committed the offence while intoxicated, but in the words used  
by Lord Bingham "This is neutral as regards sentence." The intoxication is a state that you  
F chose to bring upon yourself. I cannot give you credit for a guilty plea, which would have  
reduced your sentence by some five years, because you didn't plead guilty. I consider whether  
you should have any credit for acknowledging your part in the killing. But I see nothing in  
this because you were seen in the very act by somebody, Anita Jones, who knew you well.  
G And you were caught red handed, literally so because the blood on your sleeve matched the  
DNA of Philip Hendy, so that the probability of error was of the order of 1 in 1 billion.

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I now consider aggravation. I am perfectly satisfied that you chose as your victim that morning two gentlemen who by reason of their age were vulnerable. They were Philip Hendy, whom you killed, and Hargovindbhai(?) Taylor a man aged 85 whom you assaulted. It has been urged upon me that your state was such that you may not have chosen these men by reason of their vulnerability. I am persuaded by that. When you were challenged by a younger man, Larry Owen, who prudently took for his protection a rounders bat, you walked away from him. I am in no doubt at all that you selected your victims because they were vulnerable, and that aggravates your sentence. The second aggravating factor is that you armed yourself with a knife, the blade of which was measured to be 4½ inches long.

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In considering your sentence I also bear in mind your record, which shows a pattern of escalating violence including racially aggravated assault, assault and battery, harassment and battery. I have looked for comparable cases. I have found the case of Komar(?) 2002 Cr.App.R 146. There, as here, the accused knifed his victims while intoxicated. The intoxication there was alcohol. There the sentence of 20 years was reduced to 16. There are always differences between cases and one of the differences in Komar was that there was three people who were knifed. But the other is that through skilful surgery they survived, so that the crime was that of attempted murder, whereas you stand convicted of murder. My conclusion therefore is that 16 years is the appropriate sentence.

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I cannot rise today without an expression of sympathy for your many victims. Chief of these are the Hendy family, especially Philip's widow Elfreida. But your own family, Newton, are also victims of your crime. Your mother Vilna(?) who did her best to look after you in years of drug intoxication does not deserve the sorrow that she must suffer once you are taken from this Court to prison with a sentence of life imprisonment. There you must now go. Take him away.

A **MR SMITH:** Does my Lord in fact say 16 years less?

**JUSTICE PLENDER:** I do deduct 535 days that the defendant has now served.

**MR SMITH:** 539.

B **JUSTICE PLENDER:** 539 was it?

**MR SMITH:** 539 my Lord.

**JUSTICE PLENDER:** Yes the period that he has already served in prison as a matter of  
C law is deducted.

**MR SMITH:** I am so sorry 537. We will get there in a moment, 537.

**JUSTICE PLENDER:** Well 537 days will be taken into account as the period served.

D **MR MOONEY:** My Lord, just before you rise, I was invited to, and have done so,  
handed a letter written to your Lordship which is self explanatory, written by the senior  
investigating officer. And I draw its contents to your attention.

E **JUSTICE PLENDER:** Well I am very happy to have the opportunity of expressing  
thanks. One of those whom I am invited to mention I have already congratulated on his  
courage, and it is the gentleman who confronted the accused armed with a baseball bat. I  
F thought him courageous and said so, Larry Owen. Another is Anita Jones, whom I have  
mentioned. Her identification of the accused and her evidence has been absolutely central and  
I do wish to express thanks for their initial reaction and their assistance in getting the police  
there. And also the efforts of Detective Constable Knight and Detective Constable  
G Chamberlain, who in pursuance of their duty but with exceptional effort gathered evidence  
and presented the case to the Crown Prosecution Service.

**MR MOONEY:** Thank you my Lord.

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