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**Louis Whelan
Anthony Keating**

In the Crown Court at Newcastle

25 January 2023

Sentencing remarks of Mr Justice Morris

Louis Whelan, you are now aged 23. Anthony Keating, you are now aged 23. You have both been convicted by the jury of the murder of Blaine Hammond.

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

The facts in outline

In the early hours of the morning of 3 December 2021 Blaine Hammond was subjected to a violent and persistent beating inside and just outside the flat where Louis Whelan lived in Saltburn Road, Sunderland. Louis Whelan and Anthony Keating carried out that beating. He was punched and kicked to the head on at least 6 occasions. At just after 3am Blaine Hammond was kicked down the stairs outside the flat and left lying unconscious on the pavement. An hour or so later Mr Whelan dragged him across the road, down a muddy path and put him in a disused electricity utility hut, described as a “green box”. At that stage he was alive, albeit unconscious. Following a call by Mr Whelan to the ambulance service the next morning, at just before 11 o’clock the police found Blaine Hammond in that box. Despite efforts to resuscitate him, Blaine Hammond was declared dead just after 1150am.

Post-mortem examination revealed multiple severe head injuries, bruises and cuts. He had been subjected to at least 6 blows, leading to a severe brain injury. The medical evidence showed that Blaine Hammond died because he had been kicked and stamped on his head and neck. This caused damage to his brain. A subsequent loss of blood and oxygen to the brain caused it to swell, resulting in further extensive brain damage.

Blaine Hammond died three weeks before his 23rd birthday. He was much loved by his mother, stepfather, brother, and wider family. He was sociable and liked spending time with his friends. Many members of his family sat through this trial, and have attended today, patiently and with dignity. A statement from his mother, Leigh Gray has been read to the Court today. In that statement she speaks courageously and movingly of the enduring pain of her and her family’s loss. It is clear that Blaine Hammond was a much loved son and brother, uncle, nephew and grandson.

The background

Louis Whelan had lived on his own with his dog at Saltburn Road for a couple of years. He had known Anthony Keating for 4 or 5 years. He had been in and out of employment and at

times in receipt of benefits. As at December 2021, he was a regular user of drugs – diazepam and cannabis. Anthony Keating also used drugs and was a supplier of them, to Louis Whelan amongst others. At the time he too was living in Sunderland. Blaine Hammond at the time lived with his mother, her husband and his brother. He was a friend of Anthony Keating's, but was not known to Louis Whelan before the events of 2/3 December.

Events on 2 December 2021

In the early evening of 2 December 2021, Blaine Hammond went over to see his friend Ethan Boyce who lives at Gleneagles Road. They hung out together and smoked some cannabis. At about 830pm, they decided to get some valium. At Blaine Hammond's suggestion, they contacted Anthony Keating and arranged to buy some pills from him. At about 1030pm Anthony Keating arrived at Ethan Boyce's with the pills. Then, at about 1115pm, Anthony Keating and Blaine Hammond left Ethan Boyce's and made their way over to visit two women, Chloe Metcalfe and Nicole Charlton. There, they had some tea and a chat. Blaine Hammond was the worst for wear; he asked if he could stay the night. At Nicole Charlton's request, at 1230am the two men left and made their way, on Anthony Keating's moped, to Louis Whelan's flat.

Events at No 27 Saltburn Road in the early hours of 3 December 2021

At about 1am, Anthony Keating and Blaine Hammond arrived at Saltburn Road on Mr Keating's moped. Eye witnesses saw the moped weaving in the road and heard the two of them making a lot of noise. Both of them appeared to be significantly intoxicated. At 108am Louis Whelan invited them both into his flat.

The precise details of what then happened inside the flat over the next two hours are known only to Louis Whelan and Anthony Keating. It appears that more drugs – diazepam and cannabis – were consumed. Nevertheless it is clear that Blaine Hammond was subjected to a persistent and brutal attack, starting in the lounge, proceeding into the hallway and ending up with him coming out of the front door. The trigger for the beating was the belief that Blaine Hammond had stolen a £20 note belonging to Louis Whelan from off the mantelpiece in the lounge. On the basis of the medical and forensic evidence, I find that the attack involved not just punches, but also kicks and/or stamps to the head. Forensic evidence of blood staining suggests that he was struck whilst close to the ground and on multiple occasions. Whether it was Louis Whelan or Anthony Keating who struck the various blows does not matter. Each of them participated in the beating either directly and/or by assisting the other.

CCTV footage at 304am shows Blaine Hammond outside the front door of No 27, being kicked and, as a result, falling down the stairs outside the property on to the pavement below. I find that it was Louis Whelan who did this. Blaine Hammond was left unconscious on the pavement. Louis Whelan then sought unsuccessfully to rouse his neighbour, Trevor Redford. By 318am, Louis Whelan was back inside his flat and Anthony Keating had ridden off on his moped.

From about 330am through until 5am, Louis Whelan sent a series of voice messages to people he knew on Facebook. In those messages, he explained in vivid terms what he had done to Blaine Hammond. He had "smashed him all over" and said he was knocked out. In those same

messages he was asking repeatedly for others to call an ambulance. He knew that Blaine Hammond was seriously injured and that, unless an ambulance was called, he would die.

Then just before 430am, Louis Whelan went outside, and dragged Blaine Hammond, feet first, across the road, down the mud path in the cut and put him in the green box. At that point, Blaine Hammond, whilst unconscious, was still alive. Louis Whelan and Anthony Keating exchanged messages as to what should be done about Blaine Hammond. Louis Whelan carried on sending voice messages asking people to call an ambulance.

Subsequent events

At around 8am Louis Whelan knocked on Trevor Redford's door, asking to use his phone to call an ambulance. He told him that he had knocked a lad clean out, and that the lad was in the box. Louis Whelan went over to look in the green box and then left. He made his way to his grandmother's house, where he collected a sim card for his mobile phone.

At 922am his mobile phone was activated on the network, and at 930am Louis Whelan called 999 and was put through to the ambulance service. He reported that Blaine Hammond had fallen down his steps and done some damage to his face, and that he was in the green box off Saltburn Road, asleep but breathing; he declined to give his name. He then went into Sunderland town centre. The police and paramedics arrived at around 11am. Blaine Hammond was found in the green box. He had severe head injuries and no pulse. Despite significant emergency medical intervention at the scene, he could not be saved and he was pronounced dead at the scene at 1153am. In the meantime, Louis Whelan had come back home and had been arrested there at 1120am. Anthony Keating was arrested in Billingham two days later.

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.

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. After this, whether, and, if so, when, you are released 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 Sentencing Act 2020 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.

Pursuant to paragraph 5 of Schedule 21, I find that the starting point for the minimum term in both your cases is 15 years.

As regards aggravating factors of the offence, none of the aggravating factors specifically identified in Schedule 21 are present. However your conduct, Mr Whelan, in moving Mr Hammond to, and concealing him in, the green box, whilst he was alive, but unconscious,

was a callous act. You, Mr Keating were aware that this had happened and of the risk of hypothermia. I also take some account of the fact that Blaine Hammond was vulnerable at the time because he was intoxicated from drugs. These are factors which warrant an increase from the starting point.

As regards mitigating factors, I find that, first that there was a lack of premeditation and, secondly, that you intended to cause serious bodily harm to Blaine Hammond, rather than to kill him.

In your case, Louis Whelan, you have a substantial number of previous convictions dating back to 2012 for various offences. However these offences either took place some time ago or are comparatively minor. None resulted in a custodial sentence. Accordingly, I do not consider those convictions to be an aggravating factor justifying an increase in your minimum term. As regards mitigation, I take account of your relatively young age. Other than that, none of the statutory mitigating factors are present. I also take into consideration that you made some limited efforts to obtain an ambulance and of the fact that you directed the emergency services to where Blaine Hammond was found. As to your personal circumstances, I bear in mind what has been said on your behalf today by your counsel and in letters from your mother, your sister and your grandmother.

In your case, Anthony Keating, you have four previous convictions for 9 offences, principally for drugs offences. In September 2020 you were sentenced to 16 weeks imprisonment suspended for two years for possessing a bladed article and for the possession of controlled drugs, including cocaine. In May 2021 you received a conditional discharge for an offence of possession of class C drugs with intent to supply. I find that you were in breach of that order, by committing the present offence, and, as a result, you fall to be resentenced for that offence. However, you have not previously served a sentence of custody. I do not consider those convictions to be an aggravating factor justifying an increase in your minimum term. As regards mitigation, I take some account of your relatively young age. No other statutory mitigating factors are present. I take account of all the matters drawn to my attention by your counsel, including in particular your educational issues.

Overall, in both your cases, the mitigating factors slightly outweigh the aggravating factors, justifying a reduction from the starting point.

You both pleaded not guilty and are therefore not entitled to any discount, if you had pleaded guilty.

The sentence

This was a persistent and drug induced attack by the two of you, leading to the senseless death of a young man with his whole life ahead of him, and which has caused enduring misery to others.

Louis Whelan

Please stand, for the murder of Blaine Hammond, the sentence is life imprisonment. You will serve a minimum of 14 years less the period of 259 days you have spent on remand.

You may go

Anthony Keating

Please stand, for the murder of Blaine Hammond, the sentence is life imprisonment. You will serve a minimum of 14 years less the period of 259 days you have spent on remand.

In respect of the offences of possession with intent to supply, there will be no separate penalty.

You may go.