



Courts and Tribunals Judiciary

IN THE CROWN COURT AT NEWCASTLE

THE KING - v - AARON RAY

Introduction

1. Aaron Ray, you fall to be sentenced for the murder of Jason Brockbanks on 24th September 2022 of which you were convicted by the Jury. You are aged 21, as you were at the date of this offence.

The Victim: Jason Brockbanks

2. Jason Brockbanks had turned 24 years old just 9 days before he was killed. He was a student at Northumbria University, and he had his whole life in front of him. As shown by the evidence of Dr Bolton, he was fit and healthy. He is described by his parents as, and I quote, “a loving, kind, gentle soul who shied away from confrontation and who hated violence. He had a huge heart and a passion for life. He was a young and talented man who had so many dreams to realise Jason’s loss has impacted the whole family including his elderly Grandparents, his Aunts and Uncles, his Nephew and Nieces who are of a similar age and his many friends. We all miss his laughter, his infectious smile and his company. There is a void in our lives that can never be filled and the pain we feel will never leave us. Our lives will

never be the same and not a day goes by when we do not feel Jason's loss. As parents Jason's death has affected us psychologically and physically. We have had so many difficult and tearful days and we know there are so many more to come. There have also been so many sleepless nights and we often wake in the night with feelings of such immense sadness. News reports of violence triggers feelings of anger and sadness. Every Christmas day, Birthday, Mother's day and Father's day brings an influx of so many emotions that cannot be truly comprehended if you have not experienced the pain of losing a child. We miss Jason so very much."

The Circumstances of the Offence

3. The background to this murder is that you and Jason met in about June 2022 and formed a relationship. You had previously had relationships with Jonathan Stokoe and Jay Wills-Fascia. Both of those previous boyfriends spoke of the effect of alcohol on you. Jay Wills-Fascia told how, after you were drinking, you became disconnected, obsessively possessive, jealous and violent. You made threats to kill him and members of his family and he felt the need to obtain a non-molestation injunction against you. He said that when you are drunk, anything can kick you off. Jonathan Stokoe, although not suggesting that you were violent, described you as alcoholic, someone who could drink a bottle of gin a night, and who again refers to your jealousy and possessiveness. What both Mr Wills-Fascia and Mr Stokoe described in common was your habit of searching through their phones whilst they were asleep for evidence of unfaithfulness followed by your uncontrollable anger when you found such evidence.

4. On the night of 23rd September, you made your way to Jason's student lodging at Mansion Tyne, Howard Street, Northumberland, arriving there at about 9:45 in the evening. Before your arrival at Mansion Tyne, it would appear that Jason had been exchanging messages on a gay dating app, Grindr, with other men, and he may have met another man for sex. Between then and 12:15am, you and he were drinking and, apparently, having a good time. You then went out on the town, together visiting bars and clubs in the 'pink triangle' area of Newcastle. At about 3:15 on the morning of 24th September you and Jason left the Powerhouse nightclub, Westmoreland Road and walked back to Mansion Tyne. CCTV shows you holding hands until, shortly before you arrive at Mansion Tyne, something happens to change the dynamic. On your evidence, this was the fact that Jason received a message on Grindr on his telephone but he denied this when you challenged him about it. By this time you were intoxicated and the anger started to build. This is plainly shown both by the way you are seen to march off in front of Jason and by the way you kick him hard on his left knee as he is sitting on a low wall outside the entrance to Mansion Tyne. You take the key from Jason and lead the way into Flat 52, slamming the door open hard and the two of you enter Jason's room at No 351. It is unclear whether you got undressed or not, but Jason certainly stripped down to his boxers and I have no doubt that he fell asleep shortly after he is last seen on WhatsApp at 04:11. He is under the duvet. Within seconds, you are in the bathroom with his phone and you video yourself scrolling through his Grindr messages. You discover his Grindr activity in the period before your arrival at Mansion House earlier that evening. I have no doubt that you became enraged. You opened the door to No 351 from the inside at about 04:15 and I find that you go to the kitchen and take a large, sharp knife, Exhibit RS1, from one of the drawers. You then return to Jason's room. It is likely that Jason was lying on his side, facing

towards the wall, his back exposed and the duvet covering the rest of his body, You slashed him with the knife on his back. You then stab him in an overarm downwards motion, through the duvet into his right flank to a depth of 10 cm. This seems to me the only way to reconcile the injuries and it is consistent with the downwards, stabbing motion you demonstrated in interview. You were acting in drunken rage, but you knew exactly what you are doing and, as found by the jury, intended to cause him at least really serious harm. I have no doubt that you intended at that moment to kill him. On previous occasions, you had uttered death threats when in a jealous rage and on this occasion you had the opportunity not merely to utter threats, but carry them out. I find that when he was attacked, Jason was asleep, under his duvet, defenceless and in no position to defend himself against your attack.

5. You then gather your things, including your rucksack and jacket, you put your headphones round your neck and you take the knife into the bathroom and wash the blood off it. You then leave the room and return the knife to its drawer in the kitchen before exiting Flat 52 at 04:19. You make your way back to Newcastle Central Station. CCTV shows you walking along the streets of Newcastle towards the station, headphones on listening to music, as if you don't have a care in the world. Jason's father says: "We will never comprehend how a human being could walk away from Jason lying injured in his room in such a cruel and callous manner" and I agree. When Mr Lamb KC played that footage in the course of his opening, it was too much for his poor father who broke down weeping, and what father – or mother - could fail to understand that emotion.

6. You took a taxi home to Sunderland where you lived with your parents, arriving at exactly 5am. Once home, you start to exchange messages or make calls on your phone. At 05:18 you send a message to Wesley Gill, "I'm in trouble", and I have no doubt that this was a reference to what you had done to Jason. You showed no remorse for your actions, and in particular you did not call the emergency services to help Jason. He was bleeding profusely from the wound, the blood soaking through his duvet and sheet and he fell to the floor beside his bed, his duvet falling onto the floor and covering his phone. That is why, I find, he did not call for help himself. He attempted to stand up, found his way to the bathroom where he collapsed in the shower cubicle and bled to death. As Dr Bolton said, the position was potentially retrievable had you summoned help, but you did not. You were arrested in the early hours of 29th September 2022. The previous day, you had googled the search term "can schizophrenics be murderers", a clear indication that you knew you had killed Jason Brockbanks. You are not a schizophrenic, as shown by Dr Nadkarni's report, but you are a murderer.

7. After your arrest, you were interviewed twice and you constructed a web of lies in an attempt to mislead the police as to what had happened in Room 351. You pretended that you had been attacked by Jason Brockbanks, that the knife happened to be lying on the desk, that you grabbed it and struck Jason either by accident or in self-defence. However, unsurprisingly, your lies were inconsistent and contradicted by the evidence. It is clear that the interviewing officers saw through your lies, as did the Jury in this case, despite you maintaining your impossible position in your evidence to this court. You are deceitful, dishonest and, when drunk, highly dangerous, and any regret you have expressed for Jason

Brockbanks' death and the anguish to his family has been false and motivated only by your self-interest: there has in reality been no shadow of remorse on your part.

Mitigation

8. In passing sentence, I take into account, principally, your age. I've also taken into account all that I have heard and read on your behalf, including the psychiatric report of Dr Rajesh Nadkarni dated 24 February when you were still asserting your innocence. I take into account the fact that you were sexually abused and exploited by older men when under the age of 16 and your descent into alcoholism, probably as a result. You have also suffered from mental health problems, including anxiety and depression, and you have self-harmed. Your alcoholism has led to difficulties in your relations with your family, and in particular your parents who fostered you since the age of 4 days and who adopted you when you were 2.

Previous Conviction

9. You have one previous conviction from June 2020, when you were aged 18, for causing unnecessary harm to a protected animal arising from when you killed the family pet. This offence arose from an incident on 11 January 2020 when you cut the throat of the family's pet cockatiel. For this you received a sentence of 12 weeks' imprisonment, which was suspended for a period of 12 months.

Other Aggravating Factors

10. Other aggravating factors are that.

- i. This murder took place in Jason's own home, where he had the right to feel safe;
- ii. The attack was premeditated, as I have described, in that you left room 351, fetched the knife, and returned to the room to attack Jason, but I accept there was not a significant degree of planning;
- iii. You took a knife to the scene of your attack: I accept that, on the basis of the authorities of *Kelly* [2011] EWCA Crim 1462 and *Dillon* [2015] EWC A Crim 3, because the knife was fetched from another room within the same flat, this does not qualify within paragraph 4(2) of Schedule 21 to the Sentencing Act 2020 so as to provide a starting point of 25 years: however, it is a significant aggravating factor;
- iv. You were intoxicated through alcohol at the time;
- v. You failed to summon assistance for Jason whereby he bled to death;

Murder

11. In any murder case the only available sentence is one of life imprisonment. I have to set a minimum period to be served. I find that this case falls within Paragraph 5 to Schedule 21 of the Sentencing Act 2020, which provides an appropriate starting point of 15 years. However, if I had found that your offence fell within Paragraph 4, by virtue of taking a knife to the scene, the starting point would have been 25 years and the distinction is a fine one. As the Lord Chief Justice observed in *Kelly*, "if a man makes up his mind to kill his partner and walks back to their home and there picks up a knife in the kitchen and kills her with the knife, he will not have taken the knife to the scene... If a man in exactly the same frame of mind walks home and buys a knife on the way and kills his partner in the kitchen in exactly the same circumstances, then, on the face of it, Paragraph 5A would apply. We doubt whether anyone would believe that justice will be represented by the assessment of

the starting point for respective minimum terms for each of these defendants at 15 years and 25 years, respectively. The culpability levels are the same: the consequences are similarly catastrophic." With those considerations in mind, the Lord Chief Justice observed that the hierarchy of the various paragraphs forming Schedule 21 does not create a stepped sentencing regime with fixed dividing lines between the specified categories and it is important to remember that the statutory language does not identify the ultimate decision, but only the appropriate starting point.

Deduction For Time Served and Other Formalities

12. The time you have served on remand shall be deducted, which I understand is 174 days. If that figure is incorrect, it can be adjusted administratively. Once you have served the minimum term which I am about to specify, less the time spent on remand, you will then be eligible for early release by the parole board but you will remain on licence for the rest of your life and may be recalled to prison at any time. You will pay the appropriate victim surcharge of £190.

Sentence

13. Aaron Ray, please stand up. For murder I sentence you to imprisonment for life with a minimum term to be served of 22 years. You may go down.

Commendations

14. Whilst I would generally commend the police work in this case, which enabled the case to be brought to court less than 6 months after the commission of the offence,

I issue formal commendations to the following individuals whose contributions have been pivotal:

- The OIC, DS Stephen Ross - this was his first murder investigation as OIC
- DC Beth Murphy and DC Skachill for the highly skilled manner in which they conducted their interviews with the defendant: I had the advantage of seeing a video recording of the defendant's first two interviews and I consider these to have been a model of their kind.
- DCs Lisa Reed and Toni Laverick who had the difficult task as acting as the Family Liaison Officers to Jason's parents and grandparents for the duration of the trial.
- Mr Philip Holmes for his assistance to the prosecution team during the case preparation and with the presentation of the CCTV footage during the trial

15. May I also, again, reiterate my thanks to counsel for all their assistance, both in the trial and in relation to sentence.

The Victim's Family

16. Finally, I turned to the family of Jason Brockbanks. You have sat in court for the whole of this trial and to have heard the evidence of how Jason came to meet his end must have been almost unbearably difficult for you. At times, I have observed how you, Mr Brockbanks, have broken down and wept at the horror of what you have seen and heard. The way you have conducted yourselves and the fortitude you have shown commands the respect and admiration of all in this court. Of course, nothing that has happened in the course of this trial can bring Jason back but I

hope you consider that you have seen a form of justice done and you have my sympathy and that of all in this court for his tragic, untimely death.