



Courts and Tribunals Judiciary

REX

-v-

MARQUES WALKER

Copies of these sentencing remarks will be available for the victim's family and the press immediately after the hearing.

You can stay seated until I tell you to stand up.

Marques Walker: you are today to be sentenced for the murder of Jermaine Cools on 18th November 2021, for possession of the murder weapon and for an offence of causing grievous bodily harm with intent contrary to S18 of the Offences against the Person Act, committed on 1st July 2022 whilst you were in custody awaiting trial for Jermaine's murder: ("the s 18 offence").

You pleaded guilty to possession of the knife used in the murder on 18th March 2022. You initially pleaded Not Guilty to the murder but changed your plea to guilty on 9th January 2023. You pleaded guilty to the S18 offence on 10th March 2023 following the addition of a second Count to the indictment which had originally charged you with attempted murder.

The Statutory Surcharge applies to this case.

This is yet another case involving the senseless murder of a young teenager committed for reasons that no mature adult can fathom. Jermaine Cools was only 14 when you killed him. He was the youngest victim of fatal knife crime in London in 2021.

Tragically since that date and to this day there have been many further murders of young teenagers since Jermaine's death and nothing seems to deter the likes of you from going onto the streets of London and elsewhere armed with lethal knives, easily acquired on the internet, intent upon serious violence with no thought for the consequences for the victims, their innocent loved ones nor for the consequences for themselves.

In the words of your own Counsel this was an “appalling act of senseless violence.”

The impact of Jermaine’s violent and needless death is immeasurable. His parents have each set out, as best they can, the devastating effects upon them of the loss of their youngest son. His father says: “He was everything to us, a sunshine, a bright light in this world, a humble child with a lot of dreams.”. “Now we are nothing, just wanting to die to be with Jermaine”. He describes how they have put a large picture on Jermaine’s bed so that they can pretend he is still there.

Jermaine’s mother describes how since her beloved son’s death, they have “ceased living and just existed.” Their home used to be filled with love, laughter and happiness and is now a sad and empty house. Memories are all they have left. Jermaine will never be forgotten. He was the perfect son.

Jermaine was his mother’s soulmate. She has not been able to work since his death. She is an empty shell. She also describes the significant impact upon Jermaine’s older brother.

Both his parents have been diagnosed with PTSD, depression and anxiety due to their loss. They take medication and are receiving counselling.

There is no sentence which I can pass which can relieve the pain and loss which you caused. Nothing can bring Jermaine back. No term of years can even begin to compensate for his family’s loss.

My job today is to pass a sentence on you which reflects your culpability for what you have done and to pass the appropriate punishment upon you based upon all the circumstances of this tragic case.

The murder and its surrounding circumstances were captured on CCTV and other footage. The facts are these:

On the early evening of Thursday 18th November 2021 you were out in the busy street in London Rd in Croydon with your friends. You had a large machete hidden under your clothing. Another of your friends, Stanley Lopez, was also armed with a large knife. He was disguised with a balaclava. Your group were clearly geared up and ready for serious violence.

14 year old Jermaine was with his 2 much older brothers. At 1840, your group approached Jermaine's group. There was a tussle between your friend Stanley Lopez, who had drawn a knife, and Jermaine's older brother, Deloney, during which Jermaine did no more than to throw a punch. Deloney disarmed Lopez of his knife before he was able to use it and he, Deloney, put that knife out of harm's way. That knife was recovered by police and I have seen a photograph of it.

Jermaine would have had no idea that you and your friend were armed with lethal weapons and nor that you were out on the street with the intention of using them. During the tussle, Jermaine stumbled to the floor and having briefly got to his feet, possibly because he was pushed by one of your group, he fell over again. From that moment he was trapped on the ground, utterly defenceless, and you chose him as your target. You drew your knife, ran towards Jermaine and stabbed him mercilessly no less than 7 times in his chest, abdomen and shoulder as he tried hopelessly to avoid the blows rained down on him by rolling around on the pavement. He did not stand a chance. He must have been terrified and in agony.

You intended to kill Jermaine and you achieved your desire. Having done so, you ran off. Public spirited members of the public helped Jermaine and drove him to the hospital. Efforts to save his life were fruitless due to the catastrophic loss of blood he had suffered from the wounds which you inflicted 2 of which were independently capable of killing him. He was pronounced dead at 1950.

As you fled the scene you discarded the knife. It has never been found. You lay low for 2 ½ hours before taking a taxi to your home in Bromley. You arrived home at 1020pm where your mother was. In the early hours of the following morning you left your home on the pretext of going to get food. You did not return. Your mother checked a tablet which showed that you had been involved in the stabbing and online chats in which you were told to get rid of your phone and clothing in order to avoid being caught.

You took a taxi to Thornton Heath arriving at 0115 where you stayed the night with a female in her care home. You left with 2 females at 3pm. You made sure that your identity was concealed from cameras in the premises. You were not seen again until 6 weeks later when, on 28th December 2021, police attended an address in Upper Norwood to arrest the occupant and, quite by chance, found you there.

You were spoken to – you gave a false name to the police but eventually admitted who you were and you arrested for the murder. You did not answer police questions.

You were remanded to HMP Feltham YOI.

On 4th April 2022 an officer found drill lyrics in your cell in which you celebrated the murder of Jermaine.

The second serious offence of violence for which I have to deal took place on 1st July 2022 when you were still on remand for the murder at HMP Feltham. You and 4 other inmates were in the exercise yard around 1030. There is poor quality footage of the incident which followed. However several prison officers were able to describe what took place. Also in the yard was 17 year old Temur Quereshi. He got up onto a picnic style table. From there he was attacked by your group. You led the attack. You punched Temur causing him to fall backwards onto the ground. All 5 of your group then kicked and stamped upon Temur for a few seconds in a sustained attack until officers were able to intervene. Even then you continued to kick and stamp upon Temur's head and torso. During the attack you were heard to shout "Finish him off" and "this is how you put mans to sleep".

When you were restrained you were shouting "that's what snitches get"; To one of your group, Valnushan Balakrishnan who, like you, was also on remand for murder, you said "I had to start it, that's what you get" to which VB replied "Rest in peace." The two of you were laughing. You added "That's what happens to snitches. That's how we wipe them out". You were crowing that you had "smoked him" and as you were locked into your cell you made gun signs.

When your cell was searched an improvised weapon was found.

TQ suffered life changing injuries. Your group left him unconscious. He had lost control of his bowels and bladder and vomited and fitted while still unconscious. When he briefly regained consciousness he begged the officers to save his life saying "I have a daughter". He then fell back into unconsciousness. He was taken to hospital by air ambulance. He had suffered increased pressure and a bleed to his brain which was life threatening and has been life changing. He underwent lengthy surgery but is left with permanent and significant brain damage. His cognitive functions are badly affected. He will require lengthy rehabilitation and

ongoing long-term input from multi disciplinary teams to support him in reaching his full potential.

You again answered no comment in interview.

THE APPROACH TO SENTENCE

This is a complex sentencing exercise.

You were 16 when you committed the murder. You are now 17.

The sentence for murder is fixed by law. In the light of your age the sentence is one of detention for life at His Majesty's Pleasure. I have to set the minimum term which you must serve before you are eligible to be considered for release by the parole board. That minimum term must reflect the seriousness of the murder offence and any offence associated with it. It must also reflect the s18 offence.

By Schedule 21 of the Sentencing Act 2020 (as amended) at Paragraph 5A(2) the starting point where a knife was taken to the scene of the murder (in circumstances where I am satisfied you took the knife to the scene and you intended to and did use it in committing the murder) is 17 years. That starting point applies to those aged 15 or 16 at the date of the offence. You were 16 years and 2 months.

The starting point in your case is therefore 17 years. I note that had you been 10 months older the starting point would have been 23 years.

The fact that you were in possession of a machete on the night of the murder is already taken into account in that starting point as is the fact, as I have found, that you intended to kill Jermaine.

Aggravating factors

There are, however, significant aggravating factors.

- (i) The first is your previous conviction for possession of a large Rambo style weapon on school premises on 27/1/20. You pleaded guilty to that offence and received a 9 month referral order.

- (ii) On 12th April 2021, in the context of County Lines drug dealing you were found by police to have a hunting knife. You were not prosecuted for that offence as you were found to have been a victim of modern slavery.
- (iii) On the 6th October 2021, when on bail for the April matter, and only 6 weeks before you murdered Jermaine you were found in possession of yet another lethal knife – this time one with a 50cm blade. You told officers that you always carried knives as without one you felt that you were walking to your death. You were again bailed. That offence was withdrawn following your guilty plea to Jermaine’s murder.
I have seen photographs of all those horrific knives which are typical of those which these courts see on an almost daily basis. They are of a type which this court sees on a daily basis in the context of gang related murders. There is absolutely no legitimate reason for carrying those weapons and your possession of them significantly aggravates the seriousness of the offence.
- (iv) You were on bail for 2 offences of possession of knives and in breach of a bail condition not to enter Croydon.
- (v) The murder involved a sustained attack on a defenceless 14 year old child with a deadly weapon in the context of gang violence in close proximity to members of the public.
- (vi) You were under the influence of cannabis upon which I note you were dependent.
- (vii) You sought to evade capture and were successful in so doing for 6 weeks.
- (viii) The drill lyrics written by you and found in April 2022 which do, in my view, demonstrate a lack of remorse on your part (at least at that date).

Mitigating Factors

I have read a number of very helpful and detailed reports upon you. Those reports can be found at Sections T 3-7 of the Digital Case System.

- (i) The principal mitigation is your youth although your age is already reflected in the reduced minimum term.
- (ii) On 7th February 2022 a conclusive grounds decision was made that you were the victim of modern slavery. You ran away from home at a

young age and were recruited into the world of street gangs and exploited. Thus you became embroiled in dealing drugs in a County Lines enterprise. It is an all too familiar picture at this court. That provides background and some explanation but no excuse for you to engage in the sort of violence which you have chosen.

- (iii) You presented to the doctors with symptoms of Complex Post Traumatic Stress disorder following your childhood experiences which included the murder of your father, cousin and friends. You also have some traits of Conduct Dissocial disorder. However there is no significant impairment in your cognitive functioning. You are “a complex and vulnerable young man who has experienced a great deal of trauma and abuse” in your young life.
- (iv) You have recently shown some regret for what you have done.

Credit for plea

It was always accepted on your behalf that you were the person responsible for the unlawful killing of Jermaine. It was, however, necessary for you to be assessed by mental health professionals in order to determine whether the partial defence of diminished responsibility was available to you. Once it became clear that it was not, you were rightly advised that you had no alternative to plead guilty to murder and you did so on 9th January 2023, the day when your trial had been due to start. In all the circumstances a reduction from the minimum term for the murder of just under 1/6 is merited.

POSSESSION OF THE KNIFE

Your possession of the murder weapon is already reflected in the minimum term starting point. For an adult for such an offence the relevant guideline gives a starting point of 18 months custody. Due to your youth I reduce that term by 1/3 to 12 months and then further to 8 months to reflect your early guilty plea.

THE S18

The group attack upon a fellow inmate in which you played a leading role and which involved significant planning was an extremely serious offence. It was a revenge attack upon a youth who you perceived to be a snitch. The victim suffered particularly grave and life-threatening injury. That offence fell within Category 1A of the relevant guideline with a starting point for an adult of 12 years and a range of 10-16 years.

There are a number of aggravating factors:

- (i) The fact that this was an attack within a custodial setting
- (ii) The fact that you were on remand having pleaded Not Guilty to Jermaine's murder and
- (iii) Your previous offending and criminality.

The mitigating factors are those which I have set out above in relation to the murder. I do not repeat them. I note that you have been the victim of violence while in custody having been stabbed in the head from which you bear a noticeable scar. In relation to this offence the mitigating factors balance out the aggravating factors.

I emphasise that I have guarded against any double counting and borne firmly in mind the youth guideline, the guideline relating to mentally disordered offenders and totality.

You were 16 $\frac{3}{4}$ at the date of the s18 offence. Applying the youth guideline, the notional determinate term is one of 8 years namely $\frac{2}{3}$ of the 12 year adult term.

You were originally charged with attempted murder to which you pleaded Not Guilty. You entered a plea to the S18 offence on 10th March 2023. Your trial had been listed for July. You deserve 25% credit for plea which gives a term of 6 years.

I then have to consider the dangerousness provisions. In your case I am of the firm view that despite your youth and the other matters to which I have referred, on all the fact of this case, you do present a significant risk of serious harm to the public occasioned by the commission by you of further specified

offences. The author of the pre-sentence report is of the same view and assesses your risk as very high.

In my judgment, acknowledging that a life sentence is a last resort, the s18 offence is in itself serious enough to justify a life sentence and there is no reliable estimate of the length of time you will remain a danger.

In any event, of course, you will be serving the life sentence which I will impose for the murder of Jermaine.

SENTENCE

The minimum term which I attach to the life sentence for the murder must include a term to reflect the S18 offence as the sentence which I impose for that offence will run concurrently with the sentence on the murder.

Having started at 17 years for the appropriate minimum term, I have concluded that the aggravating factors for the murder outweigh the mitigation and that a minimum term of 19 years would have been appropriate in your case before considering the S18 offence. From that minimum term should be deducted 3 years (just under 1/6) to reflect your plea of guilty which gives 16 years.

Having determined that the notional determinate sentence for the s18 would have been 6 years I propose to increase the minimum term for the murder to one of 19 years to reflect totality.

Accordingly the sentences I pass are as follows:

For murder: detention at His Majesty's Pleasure for life. The minimum term before you will be considered for release by the parole board will be 19 years

For possession of the murder weapon: 8 months detention concurrent.

For causing grievous bodily harm with intent: a discretionary life sentence of detention at His Majesty's Pleasure with a minimum term of 4 (2/3 of the 6 year notional determinate term) years. That sentence will run concurrently to the sentence for the murder.

You have spent 497 days in detention on remand which will count towards your sentence and so the minimum term is 19 years less 497 days. If the information which I have been provided with as to the days in detention on remand proves

to be inaccurate then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days of today.

You will not be released when you have served that minimum term. Indeed you will only be released if the parole board conclude you no longer pose a risk of harm to the public.