



Judiciary of England and Wales

REX

V

JANAED AKHTAR

SENTENCING REMARKS OF MR JUSTICE CONSTABLE

1. Mr Ahktar, you may sit down whilst I take some time to explain the sentence I am going to pass. At the outset I impose the victim surcharge, and order forfeiture and destruction of the baseball bat and knife seized in evidence.

2. You were convicted of the murder of Neil Comins. The sentence I am required to pass is one of life imprisonment. I must determine the minimum time you are to serve before you are eligible to apply to the parole board to be released on licence. Whether you are to be released after that time is a decision for the Parole Board and will be decided on the basis of whether, at that point, you no longer present a danger. If you remain a danger, you will serve longer than the minimum term, and may never be released. If you are released you will remain liable indefinitely to being recalled to serve the remainder of your sentence, that is until the end of your life, should you breach any of the conditions of your licence.

3. I must also sentence you in respect of Count 2, your attempt to pervert the course of public justice, in the circumstances which I shall come on to explain. I will pass a concurrent sentence in relation to that offence, but will take into account that offending as an aggravating feature when deciding the minimum term which you are to serve for murder. In this context, I do not allow the applications for compensation in respect of financial loss on the part of the victims of this Count, as to do so would be academic, and there are other routes by which Mr Bigmore and Mr Pierre can be recompensed their financial losses caused by your actions.
4. At the outset, I pay tribute to Mrs Hexall, Neil's mother, who gave evidence during the trial about the last time she saw her son alive, the evening they enjoyed together before he was murdered. She remained in Court with dignity, having to listen to the distressing circumstances surrounding her son's death. In her moving Victim Impact Statement, Mrs Hexall explained how Neil was so much more than just her son: he was a brother, nephew, uncle and cousin as well as a dear friend to many. The gaping hole in the life of her and her family will remain for all time. Her raw anger at this needless and awful crime is completely understandable. Mrs Hexhall had to endure giving evidence. She was candid about the difficulties Neil had experienced with drug addiction, but she has also told the Court of how things were considerably more positive in the period prior to his senseless death. I have also read the touching statement of Neil's auntie, Teresa Bleach, who echoes the indescribable pain and sadness of their loss, comforted only by the happy memories of those special moments which are all that is left behind. The sentence you get, Mr Akhtar, will not bring Neil back.
5. You were friends with Neil Comins, having known him from your school days. You both had experienced various difficulties in your respective lives, but it was in part

through Neil's help that you were given accommodation at 56 Cope Road, a residence which housed those who had experienced homelessness and were trying to get back on their feet. 56 Cope Road housed two others in addition to you and Neil, namely Dave Bigmore and Kelon Pierre, who in due course you tried to frame for attacking, in the case of Mr Pierre, and murdering, in the case of Mr Bigmore, Neil in the hours after you yourself had committed that terrible crime. Each of you had your own flats and you shared a communal kitchen.

6. The precise circumstances of Neil Comin's death may never be known. Having heard the evidence, I am sure that in the early hours of 3 January 2024, Neil was in the communal kitchen making himself a hot drink. You were in the kitchen and a row ensued, most probably arising out of some minor aspect of shared living space that aggrieved you. Raised voices were heard by neighbours, one witness describing how someone, which I am sure was you, was shouting at the other who was speaking was a quieter, calmer voice. There is no suggestion in the evidence from those sharing the communal area that the baseball bat was generally kept in the kitchen, and it was not suggested in cross-examination that it was. I am sure that it was not and that you took the bat from your flat to the kitchen. Whether you took your baseball bat into the kitchen at the start of the argument, or whether there came a point when you fetched it, is not clear. I am sure, however, that in either case, you took the weapon from your own, locked flat for the purposes of, if not initially for using it, at the very least threatening Neil, and to have it available as a weapon. There is simply no other sensible explanation on the evidence for taking your baseball bat from your flat to the communal kitchen at 3am in the morning. At some point after the shouting stopped, neighbours heard someone, we know now to have been Neil, crying out in pain. There were a number of yelps, each no doubt in reaction to heavy blows inflicted by you on the side

of Neil's head, with substantial force sufficient to fracture his skull in a number of places and cause the significant internal bleeding which led to his death. There is also evidence of at least one sharp force injury which is consistent with you having at some point also wounded Neil with a knife, although this was not material to his cause of death. It is clear from the evidence that Neil fell where he was hit and later died in hospital of the injuries caused by your unprovoked and ferocious attack with the baseball bat.

7. You left Neil for dead, and returned to your room where you set about putting in place a no doubt improvised plan to frame the others in the shared accommodation to misdirect the police. You called the emergency services, and described being extremely concerned having heard a row in the kitchen between Neil and a person who you called Rob but who, from your descriptions, was really Dave Bigmore. You said that after the shouting stopped, you saw Rob's feet as he climbed the stairs outside your room. In your later interview with the police, you elaborated your evidence making it clear that the only candidate for having carried out the attack on Neil was effectively Dave Bigmore. You also laid a trail against your other neighbour, Mr Pierre, describing how Neil had been injured around the head a few days earlier, and which – you said – Neil had told you have been as the result of an attack by Mr Pierre. None of what you told the police was true.
8. The careful and thorough investigation by the police led to the discovery of the baseball bat which you used to murder Neil Comins in your room, with Neil's DNA on the striking end. The police also discovered splatter from Neil's blood on your trainers. It was no doubt this evidence that led to the jury to be sure of their conclusion of your guilt. I commend the team, lead by Senior Investigation officer DCI Roddy, and those

who worked with him who know who they are but I will not mention individually, for their hard work in the difficult and complex investigation which led to your conviction, and equally importantly, the exoneration of the two innocent men against whom you made allegations.

9. Your attempts to shift the blame have had real and significant consequences for Mr Bigmore and Mr Pierre. I have read the Victim Impact Statements provided by each. Mr Bigmore describes how he was held in custody for three days, and without access to medication suffered mental trauma in which he questioned his own sanity. Following his detention, he has been connected with this crime despite having nothing to do with, and been the subject of quite unjustifiable threats and abuse. Mr Pierre describes his world being turned upside down: although he rightly knew he was innocent, he was terrified that the police could think he was guilty. The period of bail following his release led to a strain on his relationships with his child's mother; he nearly lost his job, and the unimaginable impact of your false accusations on Mr Pierre and his family has been enduring.
10. Against that background, I must follow the principles in Schedule 21 of the Sentencing Act 2020. The first question I must ask is whether the circumstances of the murder are such that section 4 of that Schedule applies. This section imposes a starting point of 25 years in circumstances when an offender takes a knife or weapon to the scene intending to commit any offence or have it available to them as a weapon. I have found that I am sure that you took the baseball bat from your locked flat to the kitchen at the very least to use it to threaten Mr Comins with, or to have it available as a weapon, if not in fact with the intention to use it. Either way, you took the baseball bat out of your

own flat into a communal area of the house you lived in which is where the murder took place.

11. I have reviewed with care the authorities which have been referred to by both Mr Hughes and Mr Selby in their respective notes for sentencing. As summarised in the leading authority of *Dillon* [2015] EWCA Crim 3,

(a) A knife taken from a kitchen to another part of the same flat or house, including a balcony (Senechko), will not normally be regarded as having been taken to the scene, even if a door is forced open (Kelly);

(b) Conversely, if the knife is taken out of the house or flat into the street (Bowers), or into another part of the premises (Balraj Singh), or on to a landing outside a flat (Folley), it will normally be regarded as having been taken to the scene.

(c) However, a starting point is not the same thing as a finishing point....

12. It is clear to me that, although you did not leave the overall building, you took the weapon from your locked flat to a communal area, just as the defendant in *Dillon*, took his knife from his locked flat to the communal stairwell. In *Dillon*, this amounted to taking the weapon to the scene, and I consider the same is the correct analysis here. Section 4 of Schedule 21 applies and the starting point is 25 years. However, I do not apply this mechanistically, and will consider your overall culpability. Your culpability is not, for example, the same as a case where someone takes a knife into the street intending to use it. I also bear in mind that even if the starting point had been 15 years, the offence would be significantly aggravated by your use of a weapon, and the ferocity

of attack which involved more than one blow. These factors alone would lead to a sentence substantially in excess of the starting point of 15 years, which would have applied if section 4 had not been triggered. Your offence is aggravated by your previous convictions for offences of violence in a domestic context, although I bear in mind the age of these offences, the different circumstances involved and the absence of any use of a weapon in respect of that offending. The extent of aggravation by these previous offences is small. There has been no show of remorse whatsoever. Indeed, you continue to deny murdering Neil. This is a further aggravating factor. I do not consider in the context of the attack that Neil should be regarded as a person of particular vulnerability.

13. By way of mitigation in respect of the murder, I accept that there was no material pre-meditation and that there was no intention to kill, although I consider that you were entirely indifferent to whether your savage attack did have that effect. I have also read with care the report from Dr Lally, who concludes that you suffer from paranoid schizophrenia and that it is likely that conspiratorial delusions probably played some part in your actions, impairing your ability to exercise judgment and make rational decisions. I accept that, for the purposes of mitigation, whilst affording you no defence, this reduces your culpability. A copy of this report is to be provided to the prison services responsible for your incarceration.
14. Sentencing for the murder alone, without considering the serious aggravation of Count 2, I would have set the minimum tariff at 20 years' imprisonment.
15. Your conviction for attempting to pervert the course of justice is a serious aggravating factor. I have considered the Sentencing Guideline in relation to this offence. As Mr

Hughes and Mr Selby agree, this case falls into A – high culpability as the underlying offence is very serious and category 1 harm due to serious consequences for Mr Bigmore and Mr Pierre as a result of the offence. The starting point for an A1 case is 4 years' custody with a range of 2 – 7 years' custody.

16. In considering where in that range you fall, I take account of the fact that the underlying offence of murder in respect of which you were attempting to divert attention could not be more serious. Whilst the nature of your deceptive conduct was unsophisticated and relatively short-lived, it involved allegations against two people, implicating one in murder and the other in a serious assault. I have already explained the serious and enduring consequences of your actions upon both Mr Bigmore and Mr Pierre. I bear in mind your mental state to which I have already referred by way of mitigation. If I was sentencing for this offending alone, I would impose 5 years and 6 months' imprisonment. Bearing in mind totality, however, I uplift the minimum term I have explained in respect of the murder alone by a period of 3 years.

Please stand up.

Mr Akhtar. For Count 1, the Murder of Neil Comins, I sentence you to life imprisonment. Subject to time on remand, the minimum term you will serve before you are eligible to apply for parole will be a period of 23 years. In respect of Count 2, attempting to pervert the course of justice, I sentence you to 5 years and 6 months' imprisonment, to be served concurrently with your sentence on Count 1. I have to take account of the number of days you have spent on remand. Counsel agree that this is 238 days. I therefore determine the minimum term to be a period of 22 years and 127 days.