



# **Courts and Tribunals Judiciary**

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**-v-**

**Shay Walker**

**Liverpool Crown Court  
Sentencing Remarks of Mr Justice Freedman  
7 October 2024**

1. You are to be sentenced in respect of offences of possession of a prohibited weapon comprising a self-loading pistol which was a prohibited weapon and of ammunition without a firearm certificate. You have been acquitted of counts of murder and manslaughter in respect of Peter Hale and possession of a firearm with intent to cause alarm Peter Hale and Anthony Hale respectively. The death of Peter Hale is a tragic loss to his brother, to his family and to those who knew him.
2. Nevertheless, the verdicts of the jury are such that you have been found not guilty of any intention to cause death or harm or alarm by the use of the firearm and not guilty of manslaughter. This sentence is faithful to the verdict of the jury, and is only in respect of the offences of possession of the self-loading pistol and the ammunition which you have admitted. I do not intend to adopt a narrative which is any different from the defence account of what occurred.
3. The offences of possession of the self-loading pistol and the ammunition were committed against a background of serious drug trafficking. Over a period of months prior to 29<sup>th</sup> January 2024, the date of the last visit to 3a Haslingden Close, you were supplying cocaine and heroin to the drug addicted Hale brothers at 3a Haslingden Close about every other day. The arrangement was that the brothers would in turn have some drugs for their own use and would sell the same to addicts from their flat on your behalf. They would collect the proceeds and hand them over to you.
4. You obtained the drugs from suppliers. On your case, you agreed with your suppliers to mind the self-loading pistol and the ammunition for them. Your case is that on or before 29<sup>th</sup> January 2024 you arranged to collect the gun to mind it for them. You collected it just off Lodge Lane in Toxteth. Rather than store it yourself and expose yourself to the danger of detection, your case is that you arranged with the brothers Hale that they would mind the firearm for you. You took the pistol and ammunition first to a friend's home in Sydenham Avenue, and then by taxi carrying the gun and the ammunition to the flat of the Hale brothers 3a Haslingden Close in the expectation that they would store it for you. After the discharge of the pistol, you then returned to the taxi and went with the gun to your home in Broad Green Road, Old Swan. It was not recovered.
5. Your case is that you demonstrated the gun to the Hale brothers, and that in the course of doing that, and believing that the gun was not loaded, you pulled the trigger. On the basis of your evidence, your demonstration went seriously wrong, and Peter Hale was shot. He died a few days later from a bullet into his head. You stand to be sentenced consistently

with the verdicts of the jury that you had no intention to kill or to cause any injury or to cause alarm and that you were not guilty to all of the offences charged save for those to which you have pleaded guilty.

6. Your evidence is that you were not accustomed to having or using a gun. You did not know how to use this gun. You were found not guilty of using the self-loading pistol with intent to cause alarm to either Peter Hale or Anthony Hale, but irrespective of your intent, objectively Anthony Hale at least was caused alarm. You were also found not guilty not only of murder, but also of manslaughter.
7. You were sentenced on guilty pleas in July 2023 of two counts of possessing Class A drugs, that is both crack cocaine and heroin with intent to supply them. Despite this sentence, you supplied Class A drugs, both crack cocaine and heroin, to the Hale brothers. At one point in your evidence, you admitted that you were supplying drugs to them over a period of 12 months, but in cross-examination, you said that it was for four months up to 29 January 2024. On any view, you were supplying Class A drugs to the Hale brothers for the majority of the time between the imposition of the suspended sentence and 29 January 2024. It is accepted on your behalf that you stand to be sentenced on the basis that you were at least supplying Class A drugs throughout the period of the suspension until the incident of 29 January 2024.
8. I have had regard to the sentencing guidelines in respect of the firearms offence. It is relevant to the seriousness of the offence of possession of the self-loading pistol that you had at the same time ammunition which could be used within the pistol. The possession of ammunition is also a serious offence in the context of the possession of the pistol, but it does not carry a minimum term sentence. In your case, the ammunition guidelines are subsumed in the prohibited weapons guidelines. Accordingly, the focus ought to be on the prohibited weapon guidelines. I now turn to apply those guidelines.
9. The first step is to consider the type of weapon which you used. That was a self-loading pistol. It is accepted that this was a type 1 firearm namely that it was “designed to be capable of killing two or more people at the same time or in rapid succession.” The effect is that there is a minimum term of 5 years for possession of this self-loading pistol. The reason for the severity of this minimum term is because of the potential of such weapons to cause terrible harm.
10. It is said on your behalf that the possession was for a short period of time, but it was taken during that period in the streets of Liverpool and finally taken into the home of the Hale brothers. It is said that the Court should be slow to depart from the account which you have given in your evidence. The Court has reached its decision as to sentence in the light of the verdicts of the jury and in a way that is not inconsistent with the evidence which you gave.
11. I must now consider the question of culpability under the guidelines. It has been said on your behalf that your use of the firearm was not for a criminal purpose because it was an accident. I am nonetheless satisfied that this is a high culpability case because the firearm was to be used for a criminal purpose in connection with drug trafficking. On the basis of the case which is admitted by you, you agreed to store or arrange the storage of the gun on behalf of suppliers of drugs. It is clear from the evidence and entirely consistent with your evidence that the suppliers to you were higher up in the drugs chain than you, and that you were concerned at all times not to name them for fear of possible consequences to you and

your family. The clear inference based on your account is that the desire of drug traffickers to have somebody else store their self-loading pistol and ammunition was so that it was available for use if necessary in the drugs trade to their order rather than having to get rid of it. Due to the connection between guns and suppliers of drugs, the firearm was therefore to be used for a criminal purpose connected with drug trafficking. On this basis, I am therefore satisfied that this is a high culpability case.

12. I must now consider the level of harm for which you are to be sentenced. As regards harm resulting from the offence, the guidelines refer to the risk of harm which may be in category 1 as including a high risk of death or serious physical or psychological harm or that actual serious alarm or distress were caused. It is not an answer to say that the guidelines refer to the risk of harm rather than actual harm or to rely upon the fact that it was an accident and there was no intentional use of the firearm. It is important not to interpret the guidelines as a statute, but as providing a guideline. On the basis that this was an accident, it is nevertheless the fact that if you had not been in unlawful possession of the firearm with the ammunition, the death would not have occurred. That by itself is sufficient to treat the harm as Category 1. In any event, it is accepted that there is no doubt that serious alarm was caused. It is said that it is relevant factor that you were found not guilty of intending to cause alarm. In the light of the evidence of Anthony Hale, who saw what was happening to his brother and expressed in his evidence the alarm and distress that was caused to him, it is an inevitable concession that serious alarm was caused. None of this is inconsistent with the verdicts of the jury, and it is not an answer to harm or the level of harm that you were found not guilty of an intent to cause alarm or that you were found not guilty of manslaughter. The harm that occurred arose from your unlawful possession of a self-loading pistol and the ammunition.
13. The consequence of this is that under the guidelines, you stand to be sentenced for possession of a type 1 weapon, where there is high culpability and Category 1 harm. The appropriate starting point before giving credit for a plea is 8 years' imprisonment with an appropriate range of 7 to 10 years.
14. There are statutory aggravating factors of the previous convictions for drug offences. They are relevant because the firearms offences were committed in the context of drugs supply. This has been taken into account in arriving at the conclusion that the culpability was high. Further there are other aggravating features namely that the offence was committed while subject to a recently imposed suspended sentence. I shall refer to that feature in a moment when I consider totality.
15. I have mentioned that this is a case where there is a minimum term of five years for the offence of possession of the self-loading pistol. It has not been submitted on your behalf that there are exceptional circumstances which would justify the minimum term not being applied. I am satisfied that there are no exceptional circumstances.
16. The next relevant step taken to account is the effect of the guilty plea. The plea to the offence of possession of the self-loading pistol was made at the first opportunity. There is an issue that has been raised to the effect that you were not sent the ammunition charge at the outset, and at the Plea and Trial Preparation Hearing it was indicated that there had not been a proper opportunity to give advice about this new count, but the indication of the guilty plea to the possession of ammunition was provided in the defence statement. None of this has any consequence as regards the overall sentence. In the circumstances, I treat the

ammunition count in the same way as the weapon count by giving full credit for the guilty plea. In any event, the ammunition count is subsumed within the sentence for the self-loading pistol offence.

17. The Court must have regard to totality. That operates in a number of different respects in this case. First, the ammunition charge is a relevant feature in connection with the possession of the self-loading pistol. It is axiomatic that it is more serious to possess a self-loading pistol with ammunition and it is especially relevant to the harm criterion. It therefore follows that the sentence for the possession of the self-loading pistol subsumes any sentence for possession of the ammunition. Reflecting the totality principle, there will not be any separate penalty for the possession of the ammunition.
18. Second, the court is to sentence you separately for your breach of the suspended sentence. The sentence for the breach of the suspended sentence must be consecutive to the sentence for the possession offences, since it is separate from and additional to the criminality of the possession offences. On the other hand, the court must not punish you twice for the aggravating feature of the firearms offence, namely that it occurred during the currency of the suspended sentence whilst at the same time activating the suspended sentence. The court therefore in accordance with the totality principle sentences you for the possession of the pistol and the ammunition without regard to the aggravating feature about your previous conviction and your breach of the suspended sentence.
19. The sentence for the possession of the pistol, taking into account the possession of the ammunition, and all the features set out above, puts your case into the highest category as regards the type of weapon, into the highest culpability category and into the highest harm category, category 1. The Court has taken into account the totality principle in the manner indicated and is about to activate the suspended sentence to the extent to be indicated. In these circumstances, and bearing in mind the totality principle, despite aggravating circumstances in connection with the offence, it will not depart from the highest starting point for the offence of eight years.
20. That stands to be reduced for your guilty plea at the first available opportunity. There is to be a reduction of one third so that a sentence of 8 years, that is to say 96 months, will be reduced to 5 years 4 months, that is to say 64 months.
21. There will be no separate sentence in respect of the possession of ammunition, which has been taken into account in the sentence for the possession of the self-loading pistol.
22. As regards the activation of the suspended sentence, although the breaches of the suspended sentence were for offences in the nature of the possession of firearms, the possession was in the context of drug trafficking. The only question is whether that sentence should be imposed in full or in part. It is accepted on your behalf, and rightly so, that it is inevitable that the court will activate the suspended sentence, and that such sentence will be consecutive to the sentence for the firearms offences. It is submitted on your behalf that the court should only activate the suspended sentence in part to reflect compliance with the terms of the original order which had attached to it 120 hours unpaid work, a drug rehabilitation requirement of nine months and a 28 day rehabilitation requirement. I have been shown a progress report about that order. This shows that you completed the 120 hours unpaid work, It also shows that your meaningful engagement and compliance in drug rehabilitation were limited and none of the days for rehabilitation activity had been

completed. However, it is not precise as to the extent to which the rehabilitation requirement had yet arisen. You also tested positive for Class A drugs whilst in the community.

23. It is apparent from the evidence that you ignored the suspended sentence by supplying drugs in the months prior to 29 January 2024. It is therefore apparent that instead of using the opportunity which you had been given to comply with all the conditions of the sentence, you chose to use the opportunity given to you of your freedom for the purpose of continuing your business of this supply of drugs. You thereby showed no remorse or contrition or determination to change your ways.
24. I have considered and taken into account the sentencing guidelines for breach of a suspended sentence. The Court must activate the suspended sentence save that in a case of medium level of compliance, it may apply a reduction to the original custodial term. In a case of low level of compliance, there should be full activation of the original custodial term. In the circumstances, I am just persuaded that there is something between low and medium level of compliance because you have completed the unpaid work part of the sentence comprising 120 hours. The Court could have ignored that in view of your evidence of your continuing supply of drugs following the imposition of the suspended sentence and having regard to the reference in the probation report to your engagement in compliance being limited. Despite this, the Court will give you some limited reduction to the original custodial term to reflect the completion of the unpaid work by reducing three months of the activation of the suspended sentence. Other than that, the suspended sentences will be activated as to the balance of 21 months. That will be consecutive to the sentence of 5 years 4 months (64 months) for the possession offences. That makes a total sentence to be served of 7 years 1 month (85 months).
25. Shay Walker, you have pleaded guilty to an offence of possession of a self-loading pistol. The sentence of the Court for that offence, having given credit for your guilty plea, is a sentence of 5 years 4 months.
26. You have pleaded guilty to an offence of possession of ammunition for which there is no separate sentence.
27. You were in breach of the suspended sentences of 24 months imposed on 19 July 2023 for possession of Class A drugs with intent to supply the same, which were suspended for 24 months. Of the 24 months of the sentences, that will be activated as to 21 months, and that will be served consecutively to the sentence of 5 years 4 months (64 months).
28. The total sentence will therefore be 7 years 1 month (85 months). The time spent in custody will count towards the period to be served before you are released.
29. You will serve a half of your sentence in prison, and you will then serve the remainder of your sentence on licence meaning that your release from serving the remainder of your sentence in prison will be subject to observing various conditions which will be explained to you.
30. The statutory surcharge is applicable.