



Judiciary of England and Wales

REX

-v-

JOHN GARETH BALDWIN

NEWCASTLE CROWN COURT

30 JANUARY 2025

Sentencing Remarks of Mr Justice Constable

1. John Baldwin. You pleaded guilty to the murder of Evelyn MacIntyre on the first day of your trial, on 27 January 2025.
2. The sentence I am required to pass by law 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. At the outset I impose the

victim surcharge, a collection order and order forfeiture and destruction of the weapons seized in evidence.

3. Evelyn McIntyre, aged 52 at the date of her death, was a kind friend to many and clearly a much loved mother and grandmother. At the outset I pay tribute to her daughter, Ashton, who spoke with great courage and movingly in Court of how, notwithstanding the difficulties Evelyn faced, they had enjoyed many happy family times in the past. The distress in having a mother so cruelly taken away was clear; the hope that Ashton and her mam would enjoy more good times has gone with Evelyn.
4. You and Ms McIntyre lived together in a ground floor flat in Sunderland Road in Gateshead, since late 2000. I have read much evidence from your neighbours, together with documents from medical professionals and the authorities. I take account of the justified caution urged on me by your Counsel that some of that evidence is inconsistent and does not all point in the same direction. That evidence makes clear that, on account of her alcoholism, Evelyn could be angry, abusive and aggressive towards you. However, her struggle with alcohol also made her vulnerable, and that vulnerability was exploited by you. The full details are set out in some considerable detail in the Prosecutions Opening Note and in the schedule of bad character evidence which would have been relied upon had the trial proceeded, both served before you pleaded Guilty. I am sure that you were controlling, abusive, and violent to Evelyn. You admitted to neighbours that you hit her, and Evelyn had described to many different people and at different times the physical abuse and coercive behaviour she received from you. Although Evelyn was reluctant to report you to the police, I am left in no doubt, even taking account of alternative explanations for some of the injuries she may displayed,

that the events of 21 August 2024 were an escalation of your pattern of domestic violence against her.

5. No one will ever know what precisely went on in your flat on the night of 21 August 2021. Although there is no toxicological evidence because of your refusal to co-operate on arrest, you admit having taken heroin that day and, not least from your own inability to recollect the events, I am sure you were heavily under the influence of the drugs you had taken.
6. The scene that met those attending your flat following your arrest in bloodstained clothing and in the possession of the weapons you had earlier used on Evelyn was one of indescribable horror. Extensive staining with Ms McIntyre's blood on walls and other surfaces in the address. Evelyn was lying face down in the living room, dead, with her trousers pulled down revealing her underwear. She had been placed on the seat cushions from a sofa. Her hands were tied behind her back. Her right foot was placed under the leg of a chair. She had the key to the front door in her hand. A pool of blood on the sofa base, under where the cushions would have been, indicated that Evelyn bled heavily while on it, and was moved later.
7. Post-mortem examination revealed thirty-seven sharp force injuries to the head, neck and torso, damage to the right carotid artery and jugular vein, a stab wound to the right lung, bruises all over her head and body, and fractures to her hand. Four of the facial injuries and two of those to the neck required a severe degree of force. Indeed, the neck injuries, consistent with the use of a meat cleaver, were deep enough to damage the spinal vertebrae, which suggests that you may have been trying to decapitate her. Evelyn had no defensive injuries, suggesting that she was incapacitated by the first

blow. Whilst no mitigation, this may bring some comfort to her loved ones that her suffering is likely to have been brief.

8. You told the police various things after the killing. At one point you claimed she walked away from your attack; at another you said it was self-defence, and at another you maintained that other people, including your upstairs neighbours, entered the flat and attacked you both.
9. The starting points in fixing the minimum term are set out Schedule 21 of the Sentencing Act 2020. There are no features which take this murder outside Paragraph 5 of the Schedule which dictates that the starting point 15 years. In considering the minimum term, in the circumstances of this case, I have also specifically borne in mind the Overarching Guideline relating to Domestic Abuse.
10. The following factors are aggravating features.
11. First, and significantly, is the domestic context in which this murder took place. I have specifically consulted the Overarching Guideline on Domestic Abuse. The domestic context of the offending behaviour makes the offending more serious because it represents a violation of the trust and security that normally exists between people in an intimate relationship. In your case the history of violence and your abusive behaviour towards the victim during your turbulent relationship, which I have already described, is a serious aggravating factor.
12. Second, your previous convictions for violence and possession of weapons/bladed article. You were convicted in 2003 of a section 20 wounding, and of 3 counts of battery against three women in the street in 2014, as well as possession of weapons in

2016 and 2022. I take account of the age of the offences for violence, but they remain aggravating features.

13. Third, your own intoxication through drugs at the time of the killing.
14. Fourth, the vulnerability of Evelyn, both in her state of intoxication on the night of her death as demonstrated by the toxicology report, and because she was in her own home where she should have been safe.
15. Finally, the horrifying extent of violence including the use of weapons to kill Evelyn. The extreme ferocity of your attack, the use of at least one knife and a meat cleaver, tying her up and degrading her body are particularly serious aggravating factors.
16. In terms of mitigation, I accept that the attack was not premediated. I also accept that there is some evidence of a fragile state of mind following the death of your father. I have read the letters sent to me by your cousin and your mother, and the letter you have also sent to me. I accept that the expression of sorrow at what you have done is genuine.
17. In terms of your guilty plea, the maximum I can give is one sixth. The sentence council indicates that a maximum reduction of one twentieth, or 5%, is appropriate when a defendant pleads guilty on the day of trial in a murder trial. Your counsel has sought to persuade me that, in accordance with the exception set out at section F1 of the Guidelines, I should take into account (1) the need for an examination in respect of your fitness to plead; (2) your plea to manslaughter at the first opportunity after your fitness to plead was established and (3) the legitimate time taken for a potential plea of diminished responsibility be considered by your legal team in advance of pleading guilty. Dr Thorpe's report, for the Defence, was dated 2 December 2024, with an

addendum on 10 January 2025. The report for the prosecution was served on 16 January and a joint report on the day of trial. The latest Defence statement was signed on 12 December 2024, after the Defendant's medical evidence was received. As in the case of R v Markham and Edwards, a defence of diminished responsibility depends on a version of facts which in large part emanates from the defendant. Depending on the nature of any disorder or disability, adults may be expected to be able to make informed decisions based on an assessment of the evidence. Each case must be considered on its own merits. Of some significance in this case is your later almost disavowal by you of those factual elements which Dr Thorpe had earlier considered important to the conclusion that this may have been caused by a psychotic episode. In the circumstances as I have described them, your own changing presentation of facts has contributed to the lateness of your plea. The picture is therefore mixed and I do not consider it appropriate for you to receive the maximum reduction available. I will, however, depart from the usual position of 5% on day of trial in a murder. The credit you receive for your plea in the circumstances of this case is 10%.

18. I also need to sentence you for two other counts: affray and possession of a bladed article. Both relate to your conduct on the streets of Gateshead after you had murdered Evelyn. At about 23:20 you boarded a bus. The cameras on the bus show you visibly bloodstained in Evelyn's kimono and a pair of boxer shorts. You were holding an ornament in your left hand. You moved up and down the bus asking for £2 from passengers. As the bus approached a stop, you walked up to the driver's cab and said, 'you are not stopping the bus, take me to Birtley'. You tried to reach under the protective plastic screen, and you had a meat cleaver in your hand. You pleaded guilty to the affray and to possession of the bladed article.

19. I consider these offences as if I were sentencing them in isolation. In accordance with the relevant Guideline, the affray would be category B culpability, harm 2, with a starting point of 26 weeks custody. The offence is aggravated by the fact that your threat was directed at a public servant, the bus driver. Your possession of a bladed article would be category A1, which has a starting point of 1 year and 6 months. If being sentenced separately, I consider that, taking account of totality, you would have received, particularly in light of your previous convictions, 24 months on the count of possession of a bladed article and 6 months, concurrent, for the affray. This would be subject to a 25% deduction for the timing of your Guilty plea. This would amount to 18 months. In light of your previous convictions, this would not have been suspended.
20. I will aggravate the sentence I would otherwise have given you for murder, in light of these counts, which will run concurrently. I bear in mind when doing so you would have served half of this, i.e. 9 months. I must take account of totality.
21. I need also to take account of 160 days which you have spent on remand.

Stand up.

22. John Baldwin. For the murder of Evelyn McIntyre, I sentence you to life imprisonment. Without the credit for plea, I would have set a minimum term of 21 years' imprisonment for the totality of your offending. Taking that 10% credit into account, it is a period of 18 years and 46 weeks. I sentence you to 18 months for the possession of and bladed article and 18 weeks for affray, to run concurrently. Taking into account the time spent on remand, the minimum term is **18 years and 162 days**.