



Judiciary of
England and Wales

IN THE CENTRAL CRIMINAL COURT

DANIEL KELLY, LOUIS AHEARNE AND STEWART AHEARNE

SENTENCING REMARKS

The victim surcharge applies in the case of each of these defendants and I direct that the order be drawn up in the appropriate amount.

Daniel Kelly is not present in court today. I accept that he wished to be present but is prevented from attending by severe back pain. His counsel, Miss Jones, has confirmed that instructions have been taken from him and that she is content that I proceed to sentence him in his absence.

Background

1. On Monday 24.3.25 Daniel Kelly, Louis Ahearne and Stewart Ahearne were all found guilty of conspiracy to murder Paul Allen. The verdicts were unanimous decisions by the jury.

Facts

2. On 11.7.19 at just after 11 o'clock at night, a number of shots were fired through the ground floor windows at the back of Paul Allen's home. Mr Allen was hit by two of the bullets. He survived the shooting, but suffered life-changing injuries. One bullet caused wounds to the thumb and little finger on Mr Allen's left hand. Another bullet entered on a downwards trajectory at the front of his neck and lodged in his spinal cord, leaving him paralysed for life.

3. Daniel Kelly and Louis Ahearne were there at the back of Paul Allen's house that night. I am satisfied that Stewart Ahearne was not present that night.
4. You, Louis Ahearne, were the only defendant to give evidence at the trial. You accepted that you were there at the back of Paul Allen's house, but said you had no idea that a shooting was planned. You said you thought that you and Daniel Kelly were carrying out a reconnaissance for a burglary. The jury rejected that account.
5. Neither Daniel Kelly nor Stewart Ahearne gave evidence. The case put forward on behalf of each of them was he was not present at the scene of the shooting and was not part of any agreement to murder Paul Allen.
6. Paul Allen lived with his partner Jade Bovingdon and their two very young children. Mr Allen was convicted in 2006 for taking part in an armed robbery and was sentenced to 18 years' imprisonment. Whether the motive for this shooting was connected with that is something we do not, and may never, know.

Burglary of museum in Geneva – 1st June 2019

7. The three defendants worked together to carry out burglaries. On 1.6.19 they burgled a museum in Geneva, and managed to steal three items, including a Ming vase, with a combined value of more than 3 million pounds.
8. Louis Ahearne's evidence was that he became involved in this in order to pay back a large debt that he owed to Mr Kelly. I have read the full judgment of the Swiss court and heard Louis Ahearne's account. I am satisfied that Mr Kelly recruited the Ahearne brothers to that enterprise.

27th June 2019

9. On 27.6.19, there was a reconnaissance expedition to the area where Paul Allen lived. A Mercedes with a registration number starting LL66 was used for

that expedition. Daniel Kelly was the only person insured to drive that car and it was he who paid for the insurance. I am satisfied that Mr Kelly was in that car on that day. I cannot be sure that Louis Ahearne and Stewart Ahearne were with him.

Sunday 7th July/Monday 8th July 2019

10. On the night of 7.7.19, there was another reconnaissance expedition. Daniel Kelly's telephone was activating cells in the vicinity of Paul Allen's address at 11pm until just after midnight. His SIM card was also switched between his telephone handset and an i-pad in the course of that night. The i-pad was used in the planning and carrying out of the shooting.
11. Once again, I cannot be sure that either of the Ahearne brothers was present on that night.

9th July 2019– hire of Renault

12. On 9.7.19, Stewart Ahearne hired a Renault Captur from Avis in Dartford. He hired it in his own name and presented his own driving licence. The Renault was later to be used in the shooting of Paul Allen.

9th July 2019 – Ide Hill burglary

13. That night, the three of you went in the Renault Captur with a fourth man to a gated community in Kent. You were disguised as police officers with a flashing light attached to the car. You burgled one apartment and attempted to burgle another.

10th July 2019 – morning

14. On 10.7.19, a telephone number ending 7391 made its first appearance. This was a number used for making the arrangements for, and carrying out, the shooting. Its first activity was a text to Stewart Ahearne at 09.23hrs: the text read: "Yo Mackral call on this".

15. Over the 3 days that this 7391 mission phone number was in use, it was only ever in contact with 7 numbers: the most frequent contact was with Stewart Ahearne's number 9636. The second highest was the 3649 number attributed to Daniel Kelly's partner. One of the other 5 numbers it was in contact with was Louis Ahearne's partner Soraya Wright. Another contact from that phone was with a man called Skinner, who is currently serving a lengthy sentence for drug and firearm offences. That is one of the indications of Daniel Kelly's associates.

10th July 2019 – p.m. – Renault Captur followed Jade Bovingdon in AF18 LKU

16. Later that afternoon, the Renault Captur trailed a Mercedes AF18 which was owned by Paul Allen and Jade Bovingdon. Ms Bovingdon was driving it that day. I am satisfied that one or more of you, or your associates, placed a tracker under that Mercedes at some stage since it would otherwise have been impossible to find the car. Daniel Kelly had obtained several trackers.
17. Louis Ahearne accepted in his evidence that he was in the Renault Captur that afternoon and said that he was with his brother Stewart, who was driving, and with Daniel Kelly. Louis Ahearne said that he thought they were going back to Kent in connection with another burglary.
18. The Renault Captur was due to be returned to the car hire company the next day – the 11.7.19 but the company simply extended the rental by one day and notified Stewart Ahearne by text message that they had done so.

11th July 2019

19. On the 11.7.19, the day of the shooting of Paul Allen, the same Mercedes as had been used in the 27.6.19 reconnaissance trip was again driven from the Woolwich area, this time at about 5.30am, to the area of Paul Allen's home address. The i-pad which had been used late on the night of the 7.7.19, with

Daniel Kelly's 2475 SIM card inside it, was also being used. The car returned to the Woolwich area at about 7.15am.

20. In the evening, Daniel Kelly and Louis Ahearne went in the Renault Captur to Paul Allen's home address. Louis Ahearne's account was that he thought they were going to carry out another burglary. He told the jury that they stopped on the way and he bought plastic gloves and tape at Daniel Kelly's request. They also stole registration plates from a van and put them onto the Renault.
21. Paul Allen was not present when Daniel Kelly and Louis Ahearne arrived in the area but he returned home later. It was while he was in his kitchen at about 11pm that night that shots were fired from the back of his garden and into his house. The firearm was never recovered but the expert evidence was that a Glock pistol was used in the shooting. I am satisfied that the shots were fired by Daniel Kelly: he could be seen on the CCTV footage that night, just before the shooting, putting on a pair of gloves and, in addition, an accessory, a Modular Optical Sight which can be used on a Glock pistol to improve accuracy, was later found at his home address.
22. At least six bullets were fired and two of them struck Mr Allen.
23. On the way back to the Woolwich area after the shooting, Daniel Kelly threw the i-pad that had been used in connection with the shooting into the River Thames. Remarkably, it was found in a search by police divers in November 2024 and data recovered from it.

Aftermath

24. The Mercedes LL66 that had been used in the reconnaissance expeditions was sold in Peterborough on 15.7.19 in part exchange for an Audi. Daniel Kelly and his partner, together with a man called Mbaki Nkhwa, were present.

25. On 15.8.19, the Audi was stopped by the police for unrelated reasons. Daniel Kelly and Louis Ahearne were in the car with two others. Two tracking devices were found.

Arrests and interviews

26. Stewart Ahearne was arrested and then interviewed on 30.10.19. Louis Ahearne was arrested in December 2019 and Daniel Kelly in January 2020. The reason for the delay in bringing the case to trial was that Louis Ahearne and Stewart Ahearne were extradited to Switzerland where they stood trial for the burglary of the museum in Geneva. They were convicted and sentenced to terms of imprisonment. Stewart and Louis Ahearne returned to the UK in March and June 2024 respectively and were charged.

Injuries

27. There are no victim impact statements before the court but Paul Allen's injuries were severe. One bullet caused wounds to the thumb and little finger of his left hand. Another bullet entered on a downwards trajectory at the front of Mr Allen's neck and lodged in his spinal cord, leaving him permanently paraplegic. That is, he has lost movement and feeling to the majority of the trunk of his body and all of his legs. Injuries of this type remain life-threatening because they carry additional medical and physiological consequences including loss of normal regulation of blood pressure which can rise suddenly and precipitously to dangerous levels. He will be dependent on others for all his needs for the rest of his life.

Basis of sentence

28. I now turn to the role and culpability of each one of you. You all denied participating in any conspiracy at all but that does not prevent me from forming a view as to the respective roles of each of you. In the course of the

trial, I have become familiar with the many, and intricate, pieces of evidence and had the benefit of hearing Louis Ahearne's account. I have been able to come to a clear and sure conclusion as to the role played by each of you and to your individual culpability.

29. My conclusions are as follows. The underlying motive for the shooting, on the part of those who instigated it, remains unknown. I have no doubt that this agreement to murder Paul Allen involved other people apart from the three of you and that you three were motivated by a promise of financial gain
30. I am satisfied that Daniel Kelly, while not the instigator, was higher up in the organisational chain than Louis Ahearne or Stewart Ahearne. It was Daniel Kelly who recruited Louis Ahearne and Stewart Ahearne. Daniel Kelly went to some lengths to avoid detection and to conceal his own involvement.
31. Daniel Kelly carried out the reconnaissance trips and arranged for a tracker or trackers to be placed on Paul Allen's Mercedes. While no tracker was found after the car was seized, the car could not have been found and followed on the afternoon of 10.7.19 if it had not been tracked. I am also satisfied that it was Daniel Kelly who fired the shots through the Allen family windows.
32. Louis Ahearne was the get away driver and was present as back-up. He also, by his own admission, bought gloves and tape and assisted in placing stolen registration plates on the Renault Captur on the night of the shooting. He was also present when the Allen household Mercedes was followed on 10th July.
33. Stewart Ahearne's principal role was to hire the Renault Captur, which was to be used by those carrying out the shooting and he otherwise provided logistical support. He hired the car in his own name, using his own details. He also retained the mobile phone he used at the time. This indicates a lack of sophistication on his part. He, too, was present when the Allen household Mercedes was followed on 10th July.

The defendants and their antecedents

Daniel Kelly

34. Daniel Kelly was born on 26.10.78 and is now 46 years of age.
35. Mr Kelly has 20 convictions for 60 offences. These started with shoplifting at the age of 11 and at the age of 12 he was fined for carrying an air weapon and a bladed article in a public place. At the age of 15, Mr Kelly was convicted of three offences of robbery and for carrying a firearm with intent to commit an indictable offence. At the age of 20 he received a sentence of 45 months' imprisonment for being concerned in the supply of Class A drugs. Other offences include several for dwelling house burglaries, and in 2004 an aggravated burglary and kidnapping. The most recent was a conviction was for the importation of Class A drugs for which Mr Kelly was sentenced to 6 years' imprisonment on 12.1.22 in the Crown Court at Snaresbrook.
36. There are currently extradition requests outstanding from Switzerland, in relation to the burglary of the museum in Geneva, and Japan, in relation to an allegation of robbery.

Louis Ahearne

37. Louis Ahearne was born on 2.12.88 and is now 36 years of age.
38. Louis Ahearne has 6 convictions for 14 offences. These include two dwelling house burglaries in 2019, and the burglary of very high value items from the museum in Geneva. In 2020 he was sentenced to 12 months' imprisonment for possessing a prohibited weapon, namely a stun gun. Louis Ahearne has no convictions for offences of violence.

Stewart Ahearne

39. Stewart Ahearne was born on 21.8.78 and is Louis' older brother: he is now 46 years of age.
40. Stewart Ahearne has 9 convictions for 26 offences. These include the supply of Class A drugs and an offence of wounding with intent to cause grievous bodily harm for which he was sentenced to 40 months' imprisonment in 2007. He has no other convictions for offences of violence apart from a minor public order offence in 2019, for which he received a fine.

Sentencing Guidelines

41. There are no sentencing guidelines for conspiracy to murder but all parties agree that the sentencing guidelines for attempted murder can be considered. Section 63 of the Sentencing Code reflects the need to consider both culpability and harm, both caused and intended, when assessing the seriousness of any offence.
42. I must first consider the offence category. The culpability of each one of you is very high because of the use of a firearm and because the offence was committed for financial gain. The harm caused to the victim was very serious: indeed, short of killing him, it could hardly be more serious: he is permanently paralysed and reliant on others for every single need.

Starting point and category range

43. The offence category therefore is A1. The starting point is 35 years' imprisonment and the range is 30-40 years.

Aggravating factors

44. The aggravating factors are:

- (i) Previous convictions, in the case of Daniel Kelly. He has previous convictions for violence and for carrying firearms. I bear in mind, however, that the last of these category of convictions was in 2004, when he was convicted of aggravated burglary. Since then, his criminality has consisted largely of dwelling house burglaries and the importation of drugs.
 - (ii) The shooting was carried out in circumstances where others, including two young children, were put at risk. While Louis and Stewart Ahearne may not have known that children would be present, any plan to fire shots into a dwelling house late at night is bound to carry such a risk.
 - (iii) Daniel Kelly attempted to destroy the i-pad used in the commission of the offence by throwing it into the River Thames and he was a party to concealing the Mercedes LL66 used in the reconnaissance trips by selling it in Peterborough after the shooting.
45. I do not treat the previous convictions of Louis Ahearne or Stewart Ahearne as significant aggravating factors. Louis Ahearne has no convictions for offences of violence. He does have a conviction for the possession of a stun gun, which was a small taser, but that is an offence of a wholly different nature from the use of a Glock pistol. Stewart Ahearne has a conviction for causing grievous bodily harm with intent, but it was in 2007.

Mitigating factors

Daniel Kelly

46. Miss Jones, who appears on behalf of Mr Kelly, has realistically accepted that there is nothing that can be advanced by way of mitigation.

Louis Ahearne

47. I have read a great many positive reports from HMP Wandsworth about Louis Ahearne's activities there and I have also read a letter from Louis Ahearne himself. I have taken account of all this material. It is of limited weight when set against the gravity of the offence, but it is a part of the information before me which has been of assistance in my assessment of whether Louis Ahearne meets the criteria for a finding that he meets the statutory definition of dangerousness.
48. Mr Chaudhuri, who appears on behalf of Louis Ahearne draws my attention to the length of time that has passed since this incident and the time that Louis Ahearne has spent in prison in Switzerland before being extradited back to stand trial on this matter.

Stewart Ahearne

49. Mr Woods, who appears on behalf of Stewart Ahearne, also draws my attention to the length of time that has passed since this incident and the time that Stewart Ahearne has spent in prison in Switzerland before being extradited back to stand trial on this matter.
50. I have also read a great many positive reports from HMP Wandsworth about Stewart Ahearne's activities there. I have taken account of all this material. As in the case of his brother, this material is of limited weight when set against the gravity of the offence, but it is a part of the information before me which has been of assistance in my assessment of whether Stewart Ahearne meets the criteria for a finding that he meets the statutory definition of dangerousness, to which I now turn.

Assessment of dangerousness

51. The issue of dangerousness is governed by section 308 of the Sentencing Act. I must decide, taking into account of a number of factors, whether one or more

of these defendants poses a significant risk of serious harm to members of the public occasioned by the commission of further specified offences. If I conclude that one or more of the defendants does pose such a risk, I must then consider what the appropriate sentence is.

52. I did not ask for pre-sentence reports to assist with the assessment of dangerousness because I have a wealth of detailed information which would not be readily available to a probation officer. I had the benefit of observing the defendants during the course of the trial. I have detailed knowledge of the communications, adduced at the trial, between them, and other parties. I heard bad character applications and have had sight of the underlying evidence in relation to some of their previous convictions and in relation to other conduct. I know something about those associated with Daniel Kelly, in particular, because they featured in the trial: I have mentioned Mr Skinner; another was Mr Mbaki Nkhwa, the registered owner of the Mercedes LL66 reconnaissance car: he was present when the Renault Captur was hired and when the Mercedes reconnaissance car was sold; his email address was registered on the account with the company who supplied trackers to Daniel Kelly. Mr Nkhwa has an extensive criminal record, which includes drug and firearm-related convictions. I have also received additional information in preparation for this hearing: in particular, the very large number of reports from HMP Wandsworth to which I have referred.
53. I am not satisfied that Louis Ahearne presents a continuing and significant risk of serious harm to the public. This conclusion is based upon the impression I formed in the course of his evidence, his antecedent history and the material made available since the trial about his activities while in custody. These present positive evidence that in the 6 years since this offence was committed, Louis Ahearne has changed his approach. Reports of positive progress in custody must be approached with a degree of scepticism, but Louis Ahearne

has amassed several reports from prison officers and others confirming his sustained efforts to contribute in a positive way to prison life and to support others including those with neuro-diverse conditions.

54. I am also not satisfied that Stewart Ahearne presents a continuing and significant risk of serious harm to the public. This conclusion is based upon his limited role in the conspiracy, his antecedent history and the material made available since the trial about his activities while in custody which, as in the case of his brother, demonstrate a willingness to change. I repeat that reports of positive progress in custody must be approached with a degree of scepticism, but Stewart Ahearne has attracted impressive commendations from a wide range of others attesting to his contribution to the well-being of others and his consistent support for the vulnerable and, in particular those with neuro-diverse conditions.
55. I have given careful consideration to Daniel Kelly. He was more closely involved with those who instigated this shooting of Paul Allen and he did play a significant role in the planning and execution of the shooting and in the attempts to conceal the Mercedes and the i-pad and the firearm, which has never been recovered.
56. I have concluded that Daniel Kelly is a dangerous offender. There is a significant risk of him causing serious harm in the future by committing a specified offence. That conclusion is based upon the facts of this offence, the role he played, his association with other criminals and his antecedent history.

Sentences

Daniel Kelly (sentenced in absence)

57. Daniel Kelly is not present. I have concluded that he is a dangerous offender. I must now decide if a life sentence is justified after considering
- (a) the seriousness of the offence;

- (b) previous convictions;
- (c) the level of danger he represents to the public and for how long; and
- (d) the available alternative sentences.

58. This was a very serious offence, but it is not difficult to envisage examples of conspiracies to murder of even greater gravity. A life sentence is a sentence of last resort and there are alternative sentences available to provide the protection that the public require. These are an extended determinate sentence or a very long determinate sentence.
59. I have concluded that a life sentence is not justified. I have also concluded that a determinate sentence does not sufficiently address your dangerousness. There will be an extended sentence of imprisonment.
60. Mr Kelly will serve at least two-thirds of the determinate sentence that I pass. After that, the Parole Board will consider what continuing risk he poses to the public. He may not be released until he has served the full term.
61. Whenever he is released, he will be subject to licence conditions for any unserved part of the custodial term plus a further five years.
- If, when subject to licence, Mr Kelly commits another offence or fails to comply with the terms of his release, he is liable to be recalled to custody and may serve the entire sentence in custody.
62. The total sentence will be an extended determinate sentence of 41 years, being a custodial term of 36 years plus an extension period of 5 years.

Louis Ahearne

63. Louis Ahearne: will you stand up please.
- I am satisfied that in your case a long determinate sentence is appropriate.

Any time that you spent on remand in relation to this offence will be deducted administratively.

You will be released from custody no later than two-thirds of the way through the sentence, and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

The sentence I pass is one of 33 years' imprisonment.

You may sit down.

Stewart Ahearne

64. Stewart Ahearne: will you stand up please.

I am satisfied that in your case a long determinate sentence is appropriate.

Any time that you spent on remand in relation to this offence will be deducted administratively.

You will be released from custody no later than two-thirds of the way through the sentence, and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

The sentence I pass is one of 30 years' imprisonment.

HHJ Sarah Whitehouse KC

25.4.25

Central Criminal Court

