



Courts and Tribunals Judiciary

Warwick Crown Court

4 August 2025

Her Honour Judge Kristina Montgomery KC

R v Jakob Walpole sentencing remarks

Convicted after a trial of offences of Manslaughter, Assault Occasioning Actual Bodily harm, Common Assault and Breach of a Restraining Order.

I have to sentence you for those four matters. The first, the unlawful killing of your own grandfather, John Brown who was 81 years of age at the time of his death. He was an exceptionally small man, in deteriorating physical health, who had been diagnosed with dementia. As a regular visitor to the home he shared with your grandmother you would have been well aware of the toll his advancing years had taken on him. Your visits were rarely made out of compassion or to offer companionship to your grandparents, even though your grandfather might justifiably have expected such given his obvious devotion to you. Your visits were made to exploit their love for you by taking money from your grandparents to fund your lifestyle. Over the years since 2020 your reliance on them had become entrenched and your requests for money had turned into demands. By 2024 you were an intimidating and persistent nuisance in their lives that they tolerated through a combination of residual loyalty and fear. Your mother has described the effect this had on them, and her, as she tried to protect them from you. It caused her immeasurable strain and distress to watch her parents be so abused by her own son. She did everything she could to protect them and to discourage your behaviour, but she found herself in an invidious position as she held on to the hope that the relationship you had once enjoyed with your grandfather could be restored.

On 23rd November 2024 you had been drinking all day, largely if not exclusively funded by your grandparents. You repeatedly returned to their home when you had exhausted your funds. After 8 pm they were very reluctant to admit you. You could be heard shouting demands to be admitted and threats through the door. When inside you demanded money, your grandmother was so frightened by your behaviour that she reached for her purse but your grandfather refused to let her pay you. He left their home and tried to signal for help by waving at the camera your mother had installed to alert her to your presence there. Back inside, your grandfather stood up to you and your grandmother heard the ensuing argument from her bed, where she lay powerless to intervene. You struck your grandfather a blow to the head with a moderate degree of force, whether with an open or closed fist, a force equivalent to a punch and you caused very significant bruising and a bleed on his brain. His brain was irreparably damaged by that bleed and he died from that injury. Careful analysis, post mortem, showed that in addition to bleeding that may have been a response to raised blood pressure or hormonal changes due to stress there was traumatic head injury. That was caused by the force of the blow that you delivered and or the force of the accelerated fall that the blow led to.

By the time your mother and other members of your family arrived at the premises, you were gone. Police officers had attended and found John Brown dazed and extremely confused with severe bruising to his face. Police were anxious to locate you and so your mother called you and in conversation you admitted that you had "...hit (her) Papi punched (her) Papi".

Far from being concerned for the consequences of your actions you continued with your evening's drinking. You walked to the Bulkington Working Men's Club. You were conspicuously under the influence of alcohol and behaved in an aggressive and belligerent manner throughout your time there, repeatedly ignoring requests to moderate your language and behaviour. You continued to drink and were heard boasting to a group of men, all of whom were friends or associates of your grandfather, that you had given him '**a slap**' and that the '**Next time you see him he'll have a red face**'. You added a false account of your motivation to play the moral champion.

Dennis Hopson, 71, was one of those who asked you to moderate your language, but who you ignored. He had understandably had enough of you imposing yourself on his

evening and told you in no uncertain terms to leave him and his friends alone. Your response was to strike him to the side of the head with your pint glass. It shattered and sprayed him and his immediate neighbours with glass and beer. But for the constitution of that glass it would have caused much more serious injuries. In fact, the attack caused cuts to Dennis Hopson's ear, neck and head which are still raised and tender and the skin over them disturbed. That attack, in a place that was a frequent refuge to him, has undermined his sense of self confidence.

The bar manager, Michael Marston, witnessed your attack and, doing his duty, immediately grabbed you from behind and attempted to remove you from the premises. You were aggressive and threatening and one of the blows you struck him caught Mr Martson on his top lip causing a small cut and swelling. I have read his VPS he was very shaken up by the incident.

Once ejected you made your way back to the flat at School Road where you had installed yourself, a further imposition on your grandparents' generous nature and against your families wishes. Your presence on School Road was a breach of the restraining order that your mother had applied for to try and curb, or at least wrestle back some control over, your access to your grandparents. There you were arrested. You were characteristically insulting and obstructive throughout the process.

John Brown died in his hospital bed at 0530hrs on 29th November. His loss, and the manner in which he died, has caused profound grief to his, **your**, family, friends and neighbours. John Brown was a stalwart member of his community, a revered head of his family. Your mother has poured out her pain in the courtroom this morning; the unimaginable horror and heartbreak of having her son kill her father. And your reaction? to tell her to 'Shut up'.

Antecedents

You have a significant criminal background which includes offences of violence: -

- (a) Wounding in 2012
- (b) Harassment in 2020
- (c) Battery in 2020
- (d) Criminal damage x 2 (simpliciter and racially aggravated) in 2021

- (e) Harassment and breach of order in 2021
- (f) Assault by beating of an emergency worker in 2021
- (g) Stalking and harassment in 2021
- (h) Breach of a restraining order x 4 in 2022 and 2023
- (i) Criminal damage (to a window at 4 St James Gardens on 14th July) in August 2024

Sentencing Council Guidelines: Unlawful Act Manslaughter

The prosecution submit that the offence falls into:

Culp B – High culpability

- Death was caused in the course of an unlawful act which carried a high risk of death or GBH which was or ought to have been obvious to the offender

The defence submit that it properly falls into:

Culp C - Cases falling between high and lower culpability

- Death was caused in the course of an unlawful act which involved an intention by the offender to cause harm (or recklessness as to whether harm would be caused) that falls between high and lower culpability

I am satisfied, on the evidence that I heard at trial, so that I am sure, that you were familiar enough with the downtrend in your grandfather's physical and mental health in the months leading up to the offence to have known that a significant blow to the face carried a high risk of causing him really serious harm.

The Starting Point in that category is 12 years imprisonment within a range of 8-16 years. The first step is to make any upward or downward adjustment to meet the particular circumstances of the offence you committed. I would make a downward adjustment to reflect that this was, taking the most favourable view of the evidence, a single blow without a weapon. I do not make any upward adjustment to reflect the

particular vulnerability of your victim as this has already played a central role in my categorising this offence as 'High Culpability'.

On that assessment alone the sentence for this offence would be a little way below the Starting Point in Culpability Category B. Thereafter I have to consider any aggravating and mitigating factors.

The statutory aggravating factor in this case is your history of violent offending.

There are other aggravating features, the most significant of which is the history of aggressive and abusive behaviour towards your grandfather, his wife and their property. Additionally:

- (i) John Brown suffered significantly following the attack. He was very upset and disoriented by the way in which you had turned on him. He was in hospital for 5 ½ days prior to his death on 29th November 2024. Suffering is not simply a conscious appreciation of pain. Indignity and a protracted death are features of suffering.
- (ii) You committed the offences whilst under the influence of drink.

I do not consider the following to be aggravating features as they are reflected in other parts of the exercise:

- (iii) The offence was committed whilst you were subject to a court order.
- (iv) John Brown was particularly vulnerable due to age and disability.

There are no mitigating features. There is no Guilty Plea or demonstration of remorse to take into account. Any 'lack of premeditation' is undermined by the build up to this incident of your intimidating and abusive behaviour. You have no diagnosed mental health issues. Your irrational words and behaviour that night are adequately explained by heavy intoxication.

The sentence for Manslaughter will take account of later offences. They were part of a series of violent confrontations in the same drunken spree. They are all examples of how you react to being challenged about your behaviour. You have shown no insight into your self-centred and entitled nature, taken no responsibility for your abusive and aggressive behaviour and shown no remorse for the consequences for others of your actions. I have applied the Sentencing Council's guideline in relation to each.

You have been convicted of specified offences for which the court must consider passing a sentence that serves to protect the public on your release. Having considered everything I have heard about your conduct, before, during and after the attack upon your grandfather, taken together with your inability to admit, and apparent callous disregard, for the harm that you have caused, I consider that you present a significant risk of committing further specified offences, such as those for which I sentence you, and by doing so causing serious harm to the public.

I have first to consider whether a life sentence is appropriate. I do not find in the circumstances of your offence, or the other offending associated with it, is or are so grave as to necessitate the imposition of a life sentence. However, I have formed the view that an extended determinate sentence is necessary to protect the public from that risk you present.

The sentence of the court is:

Manslaughter: a sentence of 17 years with a custodial element 15 years and an extended licence 2 years.

Assault Occasioning Actual Bodily Harm: 2 year concurrent

Common Assault – 4 m concurrent

Breach Restraining Order – 6 m concurrent

The sentence is one of 17 years. As you are subject to an extended sentence will serve at least two-thirds of the custodial term of 15 years in custody before your case is referred to the Parole Board for them to consider your release. You will not serve more than the whole of the custodial term in prison.

On release, you will be on licence, which will last until the end of the custodial term (if any of this period remains), and you will then serve the extended period of licence: this begins when the custodial term expires and lasts until the end of the extended licence period.

your licence will be subject to conditions; and if any of the conditions are broken, you would be liable to have the licence revoked and be returned to custody to serve the rest of the total sentence in custody.