

IN THE CROWN COURT AT AYLESBURY**Between:****R****v.****PETER KINDELL**

SENTENCING REMARKS

Introduction

1. You may remain seated.
2. *This case will attract the VS. No costs or compensation are appropriate in the circumstances. I order forfeiture and destruction of the two weapons you used in the attack.*
3. Peter Kindell, this case involves your cold-blooded murder of a gentleman called John Jones on January 3rd 2025 at about 4.30pm.
4. John Jones was your downstairs neighbour in elderly persons' housing in central Aylesbury. On the day of his murder John Jones went to the pub and chatted with friends about football. He went shopping to Sainsburys. As he returned home with his shopping he bumped into two other Silverdale residents, witnesses Yvonne Ryan and Denise Heskey. He stopped and had a cigarette and a chat with them. They live in a neighbouring block. They all knew each other and often had a chat. They found John Jones to be a friendly, funny and charming man.
5. Your day took a similar course, at least superficially. You also had gone to a pub. You completed the daily crossword and you drank 3 pints of beer. You went coincidentally to the

same shop arriving home a little before Mr Jones. But there were two differences: before you went to the pub you did some internet research on sentences for murder; and on returning from the pub you armed yourself with a modified claw hammer, and you went to the downstairs hallway and lay in wait for your downstairs neighbour Mr Jones.

6. This was a two stage assault. When Mr Jones had been smoking outside and when he came back into the common hallway you attacked him. This was in a private hallway area between his flat and yours. You hit him at least eight times over the head with the hammer you had brought to the scene. However as luck would have it, your two horrified neighbours Ms Ryan and Ms Heskey were still nearby and had key fobs to get into the hallway. They were able to enter, intervene and pull you off your victim and get the hammer out of your hand. You were chased away, up the stairs towards your own flat, leaving your victim reeling from this serious assault. Police and ambulance were called, and the two neighbours attended to Mr Jones, giving him first aid. As the 999 call continued Mr Jones was well enough at that stage to speak to the ambulance call operator. He told them that the man who assaulted him had said something about Mr Jones attacking him over the last two years, but as Mr Jones said to the operator, he had hardly spoken to the man and had not attacked him. I am quite satisfied that was the truth.
7. It was at this point, with Mr Jones trying to take stock of your attack, still lying on the floor and being attended to by fellow neighbours that you returned from your upstairs flat to the top of the stairs and you asked if your victim was dead. You were told to go away. A short time later you came back with a large kitchen knife, hidden behind a large coat you wore, and reached past the two women caring for the stricken Mr Jones and you stabbed him in the chest, killing him.
8. Those who saw this happen described the speed and savagery of the attack. You had two attempts before you were successful and on each of those appalling acts also put two other innocent members of the public at risk, brave people who had stepped in to danger, to protect their friend from you. This was a vicious and cowardly attack. Your 76 year old victim was lying on the floor trying to come to terms with your hammer attack. He was in no position to defend himself from your attack with the knife.
9. A postmortem on John Jones, was undertaken by Home Office pathologist Dr Brett Lockyer on January 6th 2025. He found evidence of eight impact blows to the head and face, consistent with hammer blows. These caused bleeding and bruising but no deep fractures or injuries, and

alone would not have been fatal. Death was due to the single stab wound which penetrated the chest cavity, lungs and heart.

Background – Mental Health

10. I will consider in turn two relevant contexts, to an extent interlinked. Firstly the context of your mental health and secondly the context of your simmering but rather low level neighbour dispute.
11. You clearly had pre-existing mental health issues. Your medical records show a history of depression and some paranoid thinking over many years. In 2023 you were briefly hospitalised when you were low and saying you were contemplating suicide. You swiftly discharged yourself, later saying that you had exaggerated your symptoms for effect. In recent months you had become convinced that after a lifetime of drinking, you had liver damage. Indeed you were so convinced of this that your doctor could not reassure you and told you that your obsession with the issue was almost becoming delusional. Your most recent appointments with your GP at the end of 2024 related to you not sleeping and wanting to move nearer your son. However when you were visited at home on December 30th over housing concerns, you were found to be in low mood, lonely, preoccupied with your fears about hepatitis, but during an hour long conversation you did not mention any issue with your neighbour at all.
12. It would appear that at some point you became convinced that your downstairs neighbour had been working with police, perhaps to get access to your flat for some reason. In the weeks before Christmas 2024 you say you came across an incident in your housing block where a service user had fallen over. You helped him get up, but felt that you had been scratched during the process and later became genuinely convinced that someone – perhaps on behalf of Mr Jones - had stabbed you with a syringe and tried to infect you with hepatitis.
13. Your internet searches over New Year's Eve and New Year's Day showed you were concerned about hepatitis symptoms, about whether the pubs would be open, and about sentences for murder.
14. This was not a case where your responsibility for the killing was substantially diminished by any mental health condition, giving you a partial defence to murder. The jury rejected your defence that this amounted only to the offence of manslaughter. You were convicted unanimously of murder.

Background – Your ongoing neighbour dispute

15. The second context was a long running but rather low-level neighbour dispute with your downstairs neighbour. You are a musician, with your own sound studio directly above Mr Jones' flat. You suffered from tinnitus and hearing loss. You played your music and had your television loud – in part, you said, so you didn't hear the occasional complaints from below. Having said all that, the heat had gone out of the complaints, at least on Mr Jones' side. He had reported you to the landlord, and the noise issues abated. If the dispute rumbled on, it was more in your head than in reality.
16. Over time, your anger and frustration built up so that you came to hate the very idea of Mr Jones living in the flat below you, smoking outside your window and intermittently complaining about the noise coming from your flat. At a time when you did not hold your own life in very high regard, you allowed yourself to contemplate a plan to take his life away completely.
17. The jury heard that there were references to your anger towards Mr Jones in your daily diary going back two years. You reported that Mr Jones had banged on your door one evening because of the noise of your music. You informed the landlord and the police. You wrote in your diary "I'll fix this piece of shit". When the police asked you back then if there was an issue, you said that the housing people were dealing with it. You did not follow this up with police. No more recent entries were found in your diary. Those words, and other abusive descriptions recorded in your diary from 2022 might well have been idle threats and bravado at the time they were written, but by the time of the incident you clearly had the intention to conduct a fatal attack because during the course of the morning of 3rd January you made your internet research on sentences for murder. You regarded Mr Jones as worthless.

The victim in life

18. I will pause just to consider the life of John Jones so that you can be reminded of how wrong you were in your assessment of the value of his life.
19. To many in Aylesbury he was simply JJ. A funny, outgoing, gregarious, outspoken man. He liked to talk, to chat, whether it was with fellow Silverdale residents, or friends in the pub. He would chat endlessly about the fortunes of Arsenal or the England Football Team. He was a devoted father and grandfather – and he would combine his love of family and football when

he would turn up at his son Oliver's house for everyone to watch a televised game – JJ with his replica shirt and filling the room with the smell of his aftershave.

20. I have read in private the victim personal statement of Mr Jones' son Oliver, written on behalf of his devastated family. Lengthy, moving, profound statement. I recommend you read it in full. The family feel his loss heavily. There are memories all round Aylesbury of happier times together. Oliver also spoke about how appalled the family were, to find Mr Jones' memory being dragged through the circus of a trial in which you scarcely offered any kind of explanation for your crime, nor any remorse for the waste of a life. Oliver and other family members were at court every day and endured the anguish of hearing at first hand of the suffering of their father in his last moments.
21. Denise Heskey spoke movingly of the impact on other residents at Silverdale of the untimely loss of a valued friend. She talks of how this was such a needless waste.
22. I remind myself, and those who feel the loss of Mr Jones that no sentence can ever balance the harm of a loss of life. Nothing a court can say can turn back the clock.

After the killing

23. I return to consider your actions after the killing.
24. Having committed the killing you remained entirely lucid in the police station. According to one witness you were "sharp for your age". You were fully on the ball and you were perfectly calm. You corrected the officer about what he thought you had said on arrest. You told police you understood you had killed someone and knew it was murder. The sole issue you raised as you were being booked in was that you were concerned about recordings you had made during a lifetime of composing and performing music. You were also concerned about sleep apnoea, and you were provided with your machine that would help you deal with this. You were focused entirely on yourself. You denied having any mental health issues. That is not determinative, of course, because you did not necessarily have insight into any mental health condition.
25. As you were booked in, you engaged with police very rationally and at that stage appeared willing to explain precisely why you had acted. Police very properly stopped you speaking about the incident, and insisted you wait for interview. You were examined for fitness and the opinion was that you were indeed fit and well enough to be interviewed.

26. Turning to the interviews, you were seen first by the duty solicitor. You were interviewed several times and gave no effective reply to any questions about your actions. I note that in your final interview you appeared to be genuinely conflicted as to whether to take the advice of your solicitor to remain silent. You were holding out then for a private unsupervised call to a family member – something the police were unlikely ever to grant.
27. It is perhaps unfortunate that you continued to maintain effective silence in interview, because it deprived you of an opportunity to put on record exactly what motivated you to act in the way you had. Since you did not give evidence at your trial, and you gave no information about the incident when speaking with the prosecution psychiatrist, your reasons for acting as you did remain largely a mystery. You gave an account to the psychiatrist instructed by the defence, and although that sketched out some elements it was not subject to any detailed exploration or challenge.
28. One of the features of this case that made assessment of your mental state significantly more complicated was the fact that sadly you became ill during the stay in the police station – you contracted pneumonia and had a fall. You were given antibiotics and you became medically delirious. This was a worrying and unsettling time for you because you lost all sense of reality. Your beliefs now about what the incident was all about may well be mixed up in your head with the wholly bizarre and delusional beliefs that came to dominate your thinking after this episode in the police station, in prison and in due course in hospital.
29. At your trial you admitted the killing but your defence team claimed you were suffering from an abnormality of mental functioning such that your responsibility for that killing was diminished and thus you should only be convicted of manslaughter not murder. The court took care to accommodate your health and welfare needs during the trial, and there was a space in the trial for you to give evidence if you had wanted to. You chose not to give evidence at your trial, and this left the jury somewhat in the dark about why you had acted, why you used a knife, what you were trying to achieve and whether you knew it was wrong. You did not volunteer any information about whether you were sorry about what happened, or indeed whether you had a moment's regret about the consequences. The jury unanimously rejected the partial defence of diminished responsibility, convicting you instead of murder.

Sentence factors

30. The sentence for murder is life imprisonment. That is what I will pass on you - a life sentence. It is a sad fact for you that at your age, even with a sentence which is mindful of the burden

you will experience in managing such a sentence at your advanced age, you are likely to spend the rest of your life in prison.

31. I must by law set a minimum term that you must serve of that life sentence before you could even be considered for release. Pursuant to Schedule 21 of The Sentencing Act 2020 section 4 (2) where a knife (or other weapon) was taken to a scene to be used or have available as a weapon, and if that knife was used in committing the murder, then – for an offender aged 18 or over – the starting point in fixing the minimum term will normally be 25 years. So this figure takes into account the gravely significant harm of a waste of life, and one element only of culpability, namely the taking of the murder weapon to the scene.
32. I then have to make appropriate adjustments for a number of aggravating features, as well as significant deductions for mitigating features.
33. First, as to starting point, I have considered the cases of *Dillon*¹ and *Fletcher*² – as referred to by counsel as to the correct interpretation of the phrase “taken to the scene”. In this case you first took a weapon to the common hallway down the stairs outside your flat, a modified club hammer, and attempted to murder John Jones. When you failed you took another weapon, a knife and came back to the scene fully intending to use it to cause death. On its face this clearly falls into the relevant section with a presumptive 25 year starting point. However the cases I have mentioned still require the sentencing judge to think carefully about any adjustments to the starting point to reflect more limited culpability, especially if the taking of the weapon was spontaneous and not taken far within or just outside a place of residence. It is relevant to recall that even though you took weapons out of your flat each time – the key weapon being the knife of course – you did not have to take either of them far, you did not take them into a fully public area, and it may well have been the case that you only had them with you in that private common hallway for a short time. This has to be balanced of course by what I regard as a settled intention to kill, so that it is beyond doubt that in the moment you chose to pick up each of your weapons from inside your flat – and in particular the knife – you had the express aim of taking it with you outside your flat to attack your victim in a place of your choosing. Accordingly I do not consider there to be scope to reduce the starting point

¹ *R v Dillon* [2015] EWCA Crim 3

² *R v Fletcher* [2023] EWCA Crim 910

to reflect the fact that the knife was taken out of your flat only to a private hallway and never out into a genuinely public space.

34. The starting point reflects the fact you brought the knife to the scene and used it to kill but other elements I have not yet considered include - your plan to kill (not just harm), attacking a person you knew to be vulnerable by age, and doubly vulnerable whilst lying on the floor of the hallway, and the fact that your attack endangered and terrified good people who were trying to save his life.
35. From the starting point of 25 years I consider there to be the following five aggravating features:
- a. a significant degree of planning or premeditation;
 - b. the fact that this was a sustained assault giving at least some time for second thoughts
 - c. the fact that the victim was particularly vulnerable because of age;
 - d. the fact that the victim, at the point he was attacked the second time, was already stricken and lying on the floor and being treated for serious head wounds;
 - e. the fact you put others in danger – the two brave women who were trying to protect John Jones even as you returned to push past to inflict the fatal stab wound.
36. It is suggested that I note your apparent total lack of remorse. I do exactly that. Indeed I find it particularly striking. However I do not consider this formally as an aggravating factor, more as an absence of something that could have been a significant mitigating factor had you ever acknowledged your responsibility. Nor do I find that the fact that prior to the killing you had a settled intention to kill, not merely to cause serious harm, is an aggravating factor. The lack of such an intent would have been a mitigating factor
37. Those first five elements alone would draw the sentence to a level significantly above that starting point. As I have indicated. with a proper starting point for murder of 25 years, the aggravating factors I have mentioned would take the sentence towards 30 years.
38. From the resultant sentence I consider there to be the following four mitigating features:
- a. Your relative good character bearing in mind your limited criminal history.
 - b. the fact that you suffered from a mental disorder which lowered your degree of culpability at least to some extent.

- c. any relevant medical condition that will impact upon your experience in custody.
- d. Your age, 80 years old

Mitigating factors

39. Turning to the medical aspects of your mitigation, I have looked again at every word written by the psychiatrists in this case, and I have reviewed their evidence. I note that you had depression – and at times severe depression - over several months before this incident. The previous year in 2023 you were very briefly hospitalised as a voluntary patient and you discharged yourself straight away because you did not like it in hospital.
40. I have looked carefully at the mental health guideline to consider whether there is anything in your medical history that limits or diminishes your culpability for this murder. This was extensively explored at your trial. Both psychiatrists, Dr Al-Taïar and Dr Lally believed that at the time of the incident you were suffering from severe depression with psychotic symptoms, a view echoed by Dr Muthukrishnan. Although no-one suggested you did not understand the nature and quality of your actions, this condition is likely to have impacted to some extent on your ability to form fully rational judgements. The jury had to consider whether there was anything in the extensive psychiatric evidence that suggested that there was a *substantial* impairment of your ability to form rational judgements or to exercise self control in a way that could explain your conduct. By their verdict they indicated that they were not persuaded of this at all.
41. I sentence you on the basis that you had at the time of the killing, as the psychiatrists agree, severe depression that impacted badly on your mood and outlook, together with some delusional beliefs – incorrect but entrenched views about your health and the behaviour of Mr Jones. Delusions may take many forms. I agree with Dr Al-Taïar that any delusions you had were relatively encapsulated or ring-fenced. They did not take over your entire life. On the day of the killing you were not acting oddly as you went to the pub, drank a few pints, and completed the crossword, nor as you walked steadily home from Sainsburys with your normal bag of shopping. Your delusions, whatever they were, did not upset you or impact on your self-control as you went about your daily business. Your mood was not elevated or manic or outwardly angry. You were able to operate well within yourself.
42. My conclusion is that you got your irritations with Mr Jones wholly out of proportion, and wound yourself up to entertain, perhaps even to believe, some rather unlikely scenarios. However you had not taken leave of your senses, or of your common sense. If you genuinely

thought there was any realistic truth in any of these thoughts you would have raised them again with your landlord, or with the police. You did neither. Instead I consider that the key context for this offending was that you were low in mood, seeing little purpose or value in your life. That context – with little respect for the value of your own life – led you to do an unspeakable act of evil, and take away altogether the life of another human being. You felt life had little value for you. You cared little about your own life, and not at all for the life of John Jones.

43. Whilst I acknowledge the presence of some delusional beliefs at the time of the killing you were perfectly lucid in the period immediately before the killing. I am sure that you were quite capable of finding alternative ways to address what for you seemed to be very real concerns, but you chose not to do so. You decided to take matters into your own hands. You acted in a way that you knew to be illegal, and quite wrong, and out of all proportion to any threat you felt from the gentleman living below you.
44. I consider that you acted purposefully, and knowing full well that your actions were wholly disproportionate to any harm or threat of harm you perceived (no matter how wrong you were about that perception). I consider that you were capable of making judgements about which actions were appropriate, on your beliefs, and those that were inappropriate. Out of frustration and selfishness, you chose to end Mr Jones' life. At the time you did this you knew exactly what you were doing in fact, and you knew that what you were doing was against the law and was quite wrong.
45. In particular I reject the suggestion you had any genuine paranoia about the police. One simply has to look at the BWV of your interactions with them on the day of the incident to be reassured that you clearly did not feel at risk from them at all.
46. I accept that there should still be a reduction in the sentence on account of your mental ill health at the time of the killing.
47. Turning to your present situation, I have seen the reports of Dr Muthukrishnan and most recently Dr Nimmagadda confirming that you are currently suffering from moderate to severe depression with suicidal intent. The latter doctor indicates that your mental state is likely to deteriorate if you are to go to prison. Although there is reference to a Hospital Order, this is not a disposal that is open to the court.
48. I turn now to the one remaining mitigating factor, your age.

- a. Age is a statutory mitigating factor. This will of course cover young age, but in the case of *Clarke*³ it was said that extreme old age is a material mitigating consideration. In that case the Court of Appeal specifically rejected any general discount based on assumptions about extreme old age. It was said that the offender's age, health, and prospect of dying in prison should be balanced against the public interest in passing an appropriate punishment for crimes committed and the gravity of the offending. Thus, allowance for extreme old age would be limited.
- b. You were and are aged 80. You were born in 1944. On any view you are likely to be approaching the final period of your life, and the scope for 'light at the end of the tunnel' is plainly limited by your already advanced age.
- c. You are subject to a number of health conditions that necessitate your secure detention in Thornford Park Hospital at present, although in due course you may be returned to the prison estate. Wherever you remain, your health conditions may make incarceration more difficult for you – something I have already considered and must not double count. Equally, if your health conditions endure, such that you have to remain long-term in the medical estate, I am mindful of the fact that your conditions in practice will not be very different from how they would have been if you had been in the community and subject to long-term chronic ill health that required hospitalisation.

Standing back and considering a sentence that is just and proportionate.

49. If I intended specifically to require you to be in prison until your death I would impose a whole life order and that is not appropriate here. However the reality has to be that if you choose to commit a murder at the age of 80 the strong likelihood is that you will die in custody before you have served the punitive element that is inherent in any sentence. Indeed if there were to be a failure by the court to impose appropriate punishment it would devalue the life of the deceased and the suffering of his family. That suffering felt by Mr Jones' family will long outlive your death – Mr Kindell - I am certain of it. An inappropriately short sentence would amount to a miscarriage of the justice to which the victim, the victim's family, and the public are entitled.

³ *R v Ralph Clarke and Peter Cooper*[2017] EWCA 393

50. With a proper starting point for murder of 25 years, with the aggravating factors I have mentioned the minimum term would have been around 30 years. There must be a substantial reduction of eight years, however, to recognise the specific mitigating elements of your previous relatively good character, your mental ill health at the time of the killing insofar as it affects culpability, the impact of your current mental health conditions on your experience of your sentence, and also to a limited extent your advanced age.

Passing sentence

51. Stay seated please

52. On Count 1 you will go to prison for life. You will not be eligible for release for 22 years. You have spent 240 days on remand. These days on remand must count by law. Therefore the minimum term is 21 years and 125 days before you first become eligible for release.

53. Mr Kindell, no court will take lightly the prospect of sending a man of such advanced years into a lengthy custodial term. But the reality is this. At the age of 80 you committed a proper murder. This is the proper sentence.

54. You may go downstairs.

Concluding remarks

[Judge expressed condolences to Mr Jones' family and remarked on their dignity and restraint throughout a challenging trial, expressed admiration for the brave actions of Yvonne Ryan and Denise Heskey, commended DI Nick Hind and DS David Percival, and thanked counsel].

4th September 2025

HHJ Jonathan Cooper

ENDS