

IN THE CENTRAL CRIMINAL COURT

THE KING v. PETER AUGUSTINE

SENTENCING REMARKS

1. The defendant falls to be sentenced today but he has refused to attend. He has given as his excuse that he suffers from back pain, which is exacerbated by travelling in the secure van. He gave that same excuse on various days during the trial, but repeated enquiries with the health care unit at HMP Belmarsh confirm that the defendant's back pain is controlled by painkillers and he is fit to attend court. I have no hesitation in finding that his non-attendance is voluntary and it is appropriate to sentence him in his absence.
2. The defendant's decision not to attend may in fact be some relief to the family of, John Mackey, the victim in this case, because the defendant's disruptive conduct during the trial was, I know, a source of great distress to them.
3. The defendant falls to be sentenced today for murder and for robbery. He has also been committed to this court for sentence for a separate offence of theft, having been convicted in his absence in the Magistrates' Court. The simple facts of that matter are that, on 3rd May 2025, the defendant stole a backpack containing a mobile telephone while its owner was playing baseball a short distance away.

John Mackey

4. John Mackey was 87 years old when he was killed. He had no children of his own, but he had 22 nieces and nephews who plainly adored him. His niece, Patricia, spoke on behalf of all of them in court this morning.

She said: "Uncle John was the perfect uncle: funny, charming, mysterious and very definitely mischievous. He always had a twinkle in his eye, dressed immaculately and was never seen without one of his many trilby hats.

“He was always interested in our lives, taking us to see his beloved Arsenal or introducing us to the pubs of his home patch, Manor House and Finsbury Park. Family was everything to John. He was never happier than when he was with his brothers and sisters as he was one of 11. There was always so much laughter and storytelling when they were together.

“He had lived a happy and fulfilled life unhindered and without incident until that fateful day. For him to be taken from us in such a way is difficult for us to comprehend. He was a well-known, popular and respected member of the community but was still remembered in his home town in Callan as demonstrated by the number of people at his funeral all with a story to tell about the lovely kind generous gentleman that was John Mackey. He was a one off and we will remember him always with a love and a smile.”

5. Peter Augustine killed this gentle, innocent man. He attacked Mr Mackey for a box of cornflakes, a pint of milk and a Saveloy sausage. I have no doubt that, if the defendant was genuinely starving and had asked Mr Mackey for help, this kind, generous gentleman would have shared what he had with him.

The facts

6. On 6th May 2025, at about 5.00pm, John Mackey left his flat and made his way to the Co-Op in Seven Sisters Road. He bought a box of cornflakes, a pint of milk and a copy of the Daily Mirror. Then he made his way to a takeaway shop and bought a saveloy sausage and some chips. He packed everything away carefully in his black holdall bag before making his way slowly back towards his flat.
7. The defendant watched Mr Mackey all the time he was in the takeaway shop. The defendant told the jury that he was hungry and wanted a kebab. He thought of going in and grabbing one and running away but there were police cars about so he decided not to do that.
8. Instead, he followed John Mackey for some distance as he made his way home. He waited until Mr Mackey entered a secluded space in the park that was ringed with hedges and then the defendant attacked this frail gentleman. There were no

witnesses to the start of the attack, but there were witnesses who saw the later part of it: they describe seeing the defendant punching Mr Mackey repeatedly with considerable force, and one of them heard the defendant shouting “give me the bag, give me the bag”. Another also saw what he described as a ‘stomping’ movement by the defendant as he stood over Mr Mackey.

9. Mr Mackey had suffered multiple areas of impact trauma to the head, neck and body: he had external bruising and abrasions, deep muscle bruising, two rib fractures and a bleed on the brain. He died from his injuries on 8th May.
10. I am sure that what happened was that the defendant tried to grab Mr Mackey’s bag. He hung onto it and the defendant lost his temper, punching Mr Mackey in the head and body with severe force, far in excess of what was necessary to steal the bag.
11. The defendant’s conduct during the trial demonstrated that he is a man incapable of controlling his temper. He refused to attend the trial for much of the time but, when he was in the court room, he was disruptive, shouting angrily from the dock on a regular basis. He was insulting, abusive and aggressive when prosecution counsel attempted to challenge his account of events. His behaviour was so extreme that, after repeated warnings, I had to take the rare step of excluding him from the court, despite the fact that he was in the middle of giving evidence. His behaviour increased the distress and anguish of Mr Mackey’s family as they sat with quiet dignity throughout the trial.
12. The defendant’s legal team, quite rightly, arranged for him to be assessed by a psychiatrist but the defendant refused to attend the appointment. There is nothing in his medical records to show that he has ever been engaged with any form of mental health services.
13. Peter Augustine was born on 25th October 1966 and is now 59 years old. When he was much younger, he was convicted of offences involving serious violence, including robbery and causing grievous bodily harm with intent. He was not convicted of any further offences for more than two decades but, since 2016, he has been convicted of racially aggravated public order offences, assault, criminal damage and theft.

Starting point

14. The only sentence that the law allows for an offence of murder is one of life imprisonment. I must set a minimum term, in accordance with paragraph 3 of Schedule 21 to the Sentencing Act 2020. That is the term that the defendant must serve before he can be considered for release. It should be clear to everyone that this figure is just the minimum and it will only be when the Parole Board considers the defendant is no longer a risk that he could be released.
15. I must first identify a starting point by reference to the seriousness of the offence of murder and the offence of robbery which is associated with it. If I were to conclude that the seriousness was particularly high, the starting point would be one of 30 years. The prosecution submit that this is such an offence, since this was a murder carried out in the course of a robbery and the statute suggests that a murder done in the course of a robbery is one example of a case which would normally attract a starting point of 30 years.
16. Ms Dempster KC, on behalf of the defendant, accepts that this case carries a great many aggravating factors but submits that these features do not in themselves justify a finding of particularly high seriousness.
17. My attention has been drawn to the decisions of the Court of Appeal (Criminal Division) in *R v. Healy* [2008] EWCA Crim 2583 and *R v. Walton* [2022] EWCA Crim 4312. Neither of those cases directly addressed the specific point that arises here, but the Court in both observed that some murders, such as those committed in the course of planned or professional robberies, or committed for high financial stakes, are of a much greater gravity than others and that room has to be made in the sentencing process for every type of case. Often, whichever starting point is chosen, the eventual minimum term might lie between two starting points.
18. In this case, the defendant followed John Mackey for some minutes with the intention of stealing his food. I am satisfied that the defendant did not, at that stage, intend to use any violence to do so. I am also sure that the defendant could have achieved his objective without the need for such a ferocious attack on a frail elderly man: the attack was carried out to steal the bag but the extreme violence that was

used was because the defendant lost his temper when the bag was not readily handed over. In other words, I cannot be sure that the killing of Mr Mackey was done for gain, although the attack may have begun for that purpose. Furthermore, the case does not carry features of very high gravity, such as the use of weapons, planning and high rewards that are seen in the most serious of cases.

19. In those circumstances, I take 15 years as the starting point. However, that is not the end point. Every case turns on its own facts and detailed consideration of aggravating or mitigating factors may, in all cases, result in a minimum term of any length, whatever the starting point.

Aggravating factors

20. There are very significant aggravating factors present here:
- (i) The robbery is an aggravating feature of the murder.
 - (ii) John Mackey was particularly and obviously vulnerable because of his age and limited mobility; he was also in the early stages of Alzheimer's disease. I have no doubt that the defendant targeted him specifically because he was frail. It was a cowardly attack. The defendant has shown no remorse.
 - (iii) Excessive violence was used against John Mackey: he must have suffered pain and fear during an attack that lasted for several seconds, and which was accompanied by loud shouting on the part of the defendant such as he displayed in court in the course of the trial.
 - (iv) The defendant's previous convictions for offences involving violence are an aggravating factor, although I bear in mind that some of them were committed many years ago and none of them is as grave as this attack.

Mitigating factors

21. There is little in the way of mitigation. I cannot be sure that the defendant intended to kill John Mackey but punching a frail, elderly man, especially to the head, is inherently very dangerous and so there is little mitigation in that.

22. I do not accept the submissions made on behalf of the defendant that he must be suffering from an undiagnosed mental illness. He has been offered a psychiatric assessment but declined to attend. There is no evidence either in his medical history or in the observations of the medical professionals at HMP Belmarsh supporting that assessment.

Robbery

23. The robbery falls into the highest level of culpability because very significant force was used by the defendant. The harm caused is also, plainly, at the highest level. The starting point, if the robbery stood alone, is accordingly 8 years with a range of 7 – 12 years' imprisonment.

Sentences

24. The sentence I pass for the theft committed on 3rd May 2025 is one of 4 weeks' imprisonment.
25. The sentence I pass for the robbery of John Mackey is one of 8 years' imprisonment. Those two sentences have been taken into account in setting the minimum term for the offence of murder. They will be served concurrently with that minimum term.
26. The sentence I pass for the murder of John Mackey is one of life imprisonment. The minimum term that he must serve before he will be considered by the parole board will be one of 23 years. The defendant has spent 203 days on remand which will count towards his sentence and so the minimum term is 23 years less 203 days. Accordingly, he will serve a minimum term of 22 years and 162 days. The defendant will not be released at the end of that term unless the parole board conclude that he no longer poses a risk of harm to the public. That day may never come.
27. If the information with which I have been provided as to the days on remand proves to be inaccurate, then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days.
28. The victim surcharge applies and will be calculated and collected administratively.

29. I would like to thank all counsel for their calm professionalism throughout the trial. Finally, I pay tribute to, and thank, the family of John Mackey, for the dignified patience they have shown throughout what was, and continues to be, an especially painful and distressing time. I am very grateful to you all.

HHJ Sarah Whitehouse KC

28th November 2025