



JUDICIARY OF
ENGLAND AND WALES

R v Tony McLernon

Chelmsford Crown Court

6 March 2013

Sentencing remarks of Mr Justice Fulford

This incident, brutal and terrible in itself, must be put in its true context, and that is that you have an undoubted capacity to act violently and dangerously towards others and particularly young women with whom you have a sexual relationship, whether or not under the influence of alcohol. The evidence from Kimberly Mitchell and Jessica Matthews, together with the history of your relationship with the deceased, has vividly demonstrated the troubling way in which you control, dominate, degrade, bully and finally attack women in these circumstances. I found the evidence called by the prosecution on this issue compelling, and your behaviour has demonstrated a consistent pattern over many years, but it is not limited to women as the attack on James Abinger last year vividly revealed.

As long ago as 2004 you attacked Kimberly Mitchell when you were 15 and 14 respectively. Over the 2 years of your relationship with her you prevented her from seeing her friends and she practically ceased going to school, you undermined her self-confidence and self esteem, you assaulted her violently and you threatened her with knives. The assaults included punching her, stamping or treading on her head and holding knives against her body in a terrifying way. In 2006 your violence resulted in a hairline fracture to her jaw and bad bruising to her face. You even hit her inside a police station, causing her head to bounce off a glass partition. You threatened Jessica Matthews, another of your girlfriends, with a knife in Oct 2007, when you ordered her to kneel and told her that you would stab her if she moved, having placed the knife, more than once, against her stomach. The police who arrested you witnessed this incident. You repeatedly punched James Abinger's head, whilst holding him down, because he contradicted you. You repeatedly and brutally assaulted Eystna Blunnie during the course of your relationship and her friends and family frequently saw very bad bruising to her upper body, of which she was ashamed and tried to hide and about which you persuaded her lie, particularly by suggesting it was the result of play fighting. It would seem that Dr Locke and Dr Abou-El-Fadl are undoubtedly correct when they describe you as having an emotionally unstable personality disorder which is characterised, amongst other things, by displays of extreme anger and rage. However, the medical profession has evaluated you over the years on the basis of only a partial history, because the doctors have been unaware of the extent of the violence I have just described and you lied significantly to Dr Abou-El-Fadl about the course of your relationship with Eystna Blunnie, to say nothing of the circumstances of her death. You falsely blamed her for everything and you failed to reveal the repeated violence you visited on her, together with way you controlled and bullied her.

You repeatedly indicated that you wanted Eystna Blunnie significantly harmed or killed. In April you strangled her with such force she thought you were going to kill her and her baby started reacting in distress. It is likely she only survived because your parents intervened. On 3 May 2012 you sent a text

message to Jo Bishop stating "I want someone just kick the shit out of her 'n leave me alone". On 23 June you sent two particular text messages, the first stated "I swear I'm going prison Monday ... My ex is proper trying to ruin my relationship with my girl" and the second "I Fucking swear bro I'm gonna knife Eystna soon ... She's proper ruining my relationship !!" When E was 7 months pregnant Natasha Turner heard you tell the deceased that she and her child would not make it full term and in June 2012 you sent Eystna a text telling her she would not make it through her pregnancy.

This was not, therefore, a spontaneous offence which was the result of an unthinking moment of anger but instead you had contemplated her death and the destruction of your child over a long period of time. The text messages reveal the unrelenting emotional pressure which you brought to bear on her to meet you in the early hours of the morning in a relatively deserted place, notwithstanding the fact that she felt ill and was about to give birth. They also demonstrate that notwithstanding the alcohol you had consumed, you knew exactly what you were doing, no doubt because you have become accustomed to dealing with the effects of very heavy drinking. Whether you had finally decided to kill her before she set out or only formed that intention during the argument that ensued is of secondary importance. The critical factor in my view is that for a significant period of time you had given serious consideration to ending her life and destroying your child, and having met her you did the very thing that you had long contemplated and threatened.

The circumstances of the killing were terrible. The prolonged and agonised screams heard by those living nearby reveal beyond doubt the pain you inflicted and the length of time you took to kill her. For a significant period that young woman would have known exactly what was happening to her and the fatal consequences for her child, and she would have been in agony. In your evidence you described two men jumping up and down on Eystna and kicking her to death. I have no doubt that all you did in this case was to attribute your own actions to these fictional individuals as part of your defence which the jury has rejected. I am sure that you jumped up and down on, and delivered heavy kicks to, the upper body and particularly the head of that young woman.

It follows this was in a real sense a planned, deliberate, cruel and prolonged attack on someone who had been close to you for a considerable period of time and who was about to give birth to your daughter. Your history reveals how dangerous you are, particularly as regards those with whom you are having a sexual relationship, and you have not shown the smallest indication of remorse. Instead, you have sought to traduce the name and the memory of the deceased.

This was, in essence, a double murder. Whatever the formal position, the child was so close to being born that to treat this case in any other way would be a travesty.

I have borne in mind your relative youth, alcoholism, personality disorder and lack of significant criminal convictions. But those factors offer only slight mitigation when set beside the terrible crimes you committed in June of last year.

The sentence for the murder of Eystna Blunnie which I am about to pass is, in a real sense, partially dependent on the offence of child destruction, because the starting point for the minimum term is founded on the seriousness of count 1 and the combination of the homicide offence and the offence of child destruction with which it is inextricably linked. Given count 2 has been a critical consideration in reaching the sentence on count 1, it would be wholly artificial to impose a separate notional sentence on count 2. Indeed, the sentence on count 2 could only be reached by reference back to the murder of Eystna Blunnie. For that reason there will be no separate penalty for count 2 because that offence and its seriousness have been entirely incorporated into the sentence on count 1.

The sentence on count 1 is a mandatory life sentence and the defendant will serve a minimum of 27 years before consideration can be given to his release on licence.