



JUDICIARY OF  
ENGLAND AND WALES  
**THE HONOURABLE MR JUSTICE MURRAY**

**In the Crown Court at Cambridge**

***R v Shane Wright and Kieron Hennessy***

**22 December 2021**

1. Shane Wright and Kieron Hennessy, it falls to me to sentence you today for the murder on 6 August 2019 of Paul Machin, to which each of you have pleaded guilty.
2. At the time of your assault on Mr Machin on 6 September 2006, which led to his death 13 years later, you, Shane Wright, were just over 17 years old. You were 32 years old at the time of your conviction and now. At the time of the assault, you, Kieron Hennessy, were just over 18 years old. You were 33 at the time of your conviction and now.
3. On the evening of Thursday, 6 September 2006, Mr Paul Machin and his partner, Ms Jane Powell, were walking home after a night out. They were making their way along Cherry Orton Road in Peterborough.
4. Coming in the other direction were you, Shane Wright, and you, Kieron Hennessy, accompanied by a young woman named Kimberley Sneedon and an unknown male. You were both drunk.
5. Mr Machin and Ms Powell were complete strangers to you. Nonetheless, one of you decided to insult them. Unfortunately, Mr Machin chose to respond to this provocation. That, however, provides no excuse at all for the violence that followed. You both attacked Mr Machin, knocking him to the ground. You both used your feet to kick and stamp on his body and on his head as he lay defenceless to the point where he lost consciousness.
6. All of this was witnessed by Ms Powell, who saw you, Kieron Hennessy, stamp on Mr Machin's head about ten times in rapid succession and then walk away. Ms Powell then saw you, Shane Wright, kick Mr Machin a further two times as he lay unresponsive on the ground. You went through his pockets, helping yourself to whatever you could find, including a mobile phone, tobacco and rizla papers. You then turned your attention to Ms Powell, assaulting her by kicking her in the ribs and punching her twice in the face.
7. As a result of the assault, Mr Machin sustained catastrophic brain damage. Obvious clinical signs of it were noted at the scene by the paramedics, who conveyed him to hospital. He never again recovered consciousness.
8. For almost thirteen years, Mr Machin remained in a permanent vegetative state, until he succumbed to a respiratory infection, a complication that commonly arises in such cases, owing to the enforced inactivity caused by such a condition.

9. Paul Machin died on 6 August 2019, while a patient at the Barnston Court Care Home in Liverpool. He was forty-six when he was attacked. He was two weeks away from his fifty-ninth birthday when he died.
10. You were each swiftly identified as suspects for this attack and promptly arrested. You were brought before the Crown Court at Peterborough, where you were jointly charged with wounding with intent to cause grievous bodily harm (GBH) under section 18 of the Offences Against the Person Act 1861. In addition, you, Shane Wright, were charged with theft of the items stolen from Mr Machin and for assault causing actual bodily harm (ABH) on Ms Powell.
11. On 5 December 2006, you, Shane Wright, pleaded guilty to the GBH offence on Mr Machin, as well as the theft and the ABH on Ms Powell.
12. Your case, Kieron Hennessy, went to trial on the single charge of GBH, your defence being that Shane Wright had acted alone. The jury did not accept that defence, and you were convicted.
13. On 30 March 2007, you were each sentenced for the GBH conviction to an Indeterminate Sentence of Imprisonment for the Protection of the Public, with a minimum term fixed at 42 months.
14. In your case, Shane Wright, no separate penalty was imposed on you in relation to the theft and the ABH. Although I do not have the sentencing judge's sentencing remarks, it is a reasonable inference that he treated the theft and the ABH as factors aggravating your offence of GBH on Mr Machin, which is why you got the same sentence as Kieron Hennessy, despite having pleaded guilty and being a year younger.
15. Following the death of Mr Machin in 2019, the case was re-opened. On 8 April 2021, the Attorney General granted applications for leave to charge each of you with murder.
16. You, Shane Wright, were charged with murder on 4 May 2021 and pleaded guilty to that charge on 8 October 2021.
17. You, Kieron Hennessy, were charged with murder on 26 April 2021 and pleaded guilty to that charge on 29 October 2021.
18. I have read the victim personal statement prepared by Ms Powell, who had been in a relationship with Mr Machin for just over three years at the time of the assault. Her statement was prepared in 2006 and speaks of the impact of the assault on Mr Machin on her mental health and her grief at his condition.
19. We have all heard this morning in this court the moving victim personal statement of Mr Machin's only daughter, which she made in November of this year. She speaks of the profound impact of her father's long period in coma and his death on her and her children.
20. In relation to you, Shane Wright, I have read the response to supervision report dated 21 December 2021 prepared by the probation service. In relation to you, Kieron Hennessy, I have the benefit of a pre-sentence report. In each case, I have read the report carefully.

21. Parliament has said that the sentence for murder must be one of life imprisonment for those aged 21 or over at the date of conviction. You will each, therefore, receive a sentence of imprisonment for life. The issue for me is the minimum term that you must serve before you are first considered release.
22. I must do that bearing in mind that each of you has already served a lengthy custodial sentence for your convictions of wounding with intent to cause GBH for the attack on Mr Machin in September 2006 that ultimately resulted in his death in August 2019.
23. When it comes to the minimum term each of you must serve, it is important that you, and everyone else interested in this matter, that the minimum term is just that. You must serve every day of that minimum term in custody. Furthermore, you will not automatically be released at the end of it. Whether you will be released at that stage or at a later stage will be a matter for the Parole Board to consider. Only when you have served the minimum term and the Parole Board considers that it is safe to release you will you be released. Even then, you will remain on licence and liable to recall to prison for the rest of your life.
24. I have considered the provisions of Schedule 21 of the Sentencing Act 2020, which governs the determination of the minimum term in custody for the mandatory life sentence for murder.
25. In your case, Shane Wright, you were 17 years old at the time of your attack on Mr Machin. In my view, that is when the offence was “committed” for purposes of Schedule 21, even though the offence of murder was not complete until Mr Machin died in 2019, at which point you were 29 years old. Accordingly, under Schedule 21, the starting point for the minimum term is 12 years.
26. In your case, Shane Wright, aggravating factors include your theft of items from Mr Machin after the attack and your assault on Ms Powell. A significant further aggravating factor is the mental and physical suffering inflicted on Mr Machin before his death. In that regard, I note that he spent 13 years in hospital, and this will have added substantially to the burden and impact on and suffering of his family and partner. Additional aggravating factors are that you were drunk at the time of the attack, you kicked Mr Machin with a shod foot, and this was an attack by two of you against a single victim.
27. In relation to mitigating factors, I note first that pleaded guilty to the GBH offence in 2006 and, after Mr Machin’s death, you pleaded guilty to murder at the first reasonable opportunity. The maximum available discount for an early plea of guilty in a case of murder is one-sixth of the minimum term, and I apply that in your case. I bear in mind your age at the time of the attack, although that is largely taken into account already in Schedule 21 by virtue of the lower starting point that applies given that you were 17 when, in my view, the murder was committed for purposes of Schedule 21. But I also accept that even for the age you were then, you were immature. This was not a premeditated attack. It was spontaneous, but, of course, entirely gratuitous violence.
28. I sentence on the basis that you intended to cause serious bodily harm rather than to kill, but it was a sustained attack, deliberate and dangerous, to the extent of putting Mr Machin into a prolonged coma, and that therefore reduces the amount of mitigation offered by this factor.

29. Finally, I bear in mind the response to supervision report and your diagnosis of ADHD mentioned in the report, which is likely to have been a factor at the time of the attack. The report also speaks of your good progress and engagement with programmes in prison, mentioned on page 2 of the report. As I have already mentioned, I take the whole report into account.
30. In your case, Kieron Hennessy, you were 18 years old at the time of your attack on Mr Machin, and you were 30 years old when he died, and the offence of murder was complete. Under Schedule 21, the starting point for the minimum term in your case is 15 years.
31. In relation to aggravating factors, you have a prior conviction for violence, namely, battery committed when you were 13 years old. Given your age at that time, I do not take this into account as an aggravating factor. However, I do consider significant your conviction for violence, namely, an assault occasioning ABH, committed just three months prior to your attack on Mr Machin, for which you were given a custodial sentence of 9 weeks in a Young Offender Institution. Your offence against Mr Machin therefore represented an escalating pattern of violence.
32. As in the case of Shane Wright, a significant further aggravating factor is the mental and physical suffering inflicted on Mr Machin before his death and the 13 years he spent in hospital, which will have added substantially to the burden and impact on and suffering of his family and partner. Additional aggravating factors are that you were drunk at the time of the attack, you kicked Mr Machin with a shod foot, and this was an attack by two of you against a single victim.
33. In relation to mitigating factors, you did not plead guilty to murder at the first reasonable opportunity, but shortly thereafter. A modest reduction to the full discount of one-sixth is therefore appropriate. I bear in mind your age at the time of the offence, just over 18 years old, and I accept that you were immature, even for the age that you were.
34. I sentence on the basis that you intended to cause serious bodily harm rather than to kill, but it was a sustained attack, deliberate and dangerous, to the extent of putting Mr Machin into a prolonged coma, and that therefore reduces the amount of mitigation offered by this factor.
35. This was not a premeditated attack. It was spontaneous, but, of course, entirely gratuitous violence.
36. I note from the pre-sentence report that you were easily influenced at the time of the attack on Mr Machin. You were immature. You have since made progress. But in that regard the picture presented by the pre-sentence report is mixed. You have no offences of violence since 2006, which is encouraging, but you do have one conviction for shoplifting in 2019 and two convictions for driving while intoxicated with drugs and one conviction for driving without valid insurance in 2020. You have had periods of drug misuse during periods when you have been released from custody, which has led to your offending and your recall to prison on at least two occasions. When released, you were instructed to engage with the relevant authorities in relation to drugs and alcohol treatment but failed to do so. However, in prison you have engaged well with drug misuse programmes.

37. It is clear from the pre-sentence report that you have, belatedly, begun to develop awareness of the impact of your offending on your victim and his family and remorse for the attack.
38. You have written me a letter, which I accept shows real remorse, an acknowledgement of the impact of your offence on Mr Machin and his family, and a determination to be a good father to your two step-daughters and your son. I have been shown a copy of a letter that you wish to send to the family of Mr Machin. Whether they wish to receive it is a matter for them. I have also read the letter to me from your former partner. I take these into account.
39. I understand that you have spent 239 days on remand in custody in relation to the charge of murder since you were arrested at the prison gate on 26 April 2021 upon your release from a period of recall to prison. If I am wrong about the number of days, that can be corrected administratively to give effect to my intention that each day you have spent on remand in custody since, but not including, 26 April 2021 should count towards the minimum term.
40. At the time of the attack, you, Shane Wright, were just over 17 years old. You, Kieron Hennessy, were not much over 18 years old. Although the age of 18 is an important threshold in the statutory rules and guidance for sentencing, the Court of Appeal has emphasised time and again that it is not a cliff-edge. In truth, the gap in age between you is not that significant. You were both fully involved in the assault on Mr Machin that ultimately led to his death. The evidence indicates that you, Shane Wright, the younger man, took the leading role at the beginning of the incident, with Kieron Hennessy then joining in. Having considered all of the relevant facts and circumstances and having regard to relevant Court of Appeal authority, I do not think that it would be just in this case to make a distinction between you for sentencing purposes simply on the ground of age. Accordingly, I do not.
41. I do, however, as I have already indicated, take into account as mitigation for each of you that you were each, at the time of the attack in 2006, young and immature.
42. Given length of the mandatory minimum term that must be imposed, the conditions in prison caused by the current Covid-19 pandemic are not a factor to which I can give much weight in mitigation of the minimum term that each of you must serve, but I do bear those conditions in mind.
43. You have each served sentences for the assault during which you inflicted GBH on Mr Machin, ultimately causing his death 13 years later.
44. In your case, Shane Wright, you served 5 years, 11 months, 1 week, and 4 days in custody before you were released.
45. In your case, Kieron Hennessy, you served 5 years, 4 months, and 26 days in custody before you were released.
46. As a matter of justice, I should and will give each of you credit for that time served towards the minimum term that each of you must serve. It would not, in my view, be just and proportionate to do otherwise.
47. The statutory surcharge provisions apply to this sentence.

48. Shane Wright, for the murder of Paul Machin, I sentence you to imprisonment for life. I give you credit for the time you served in custody for your assault on Mr Machin. Accordingly, the minimum term that I impose is 9 years.
49. Kieron Hennessy, for the murder of Paul Machin, I sentence you to imprisonment for life. I give you credit for the time you served in custody for your assault on Mr Machin. Accordingly, the minimum term that I impose is 9 years, less the 239 days that you have spent on remand in custody for this offence.