



JUDICIARY OF
ENGLAND AND WALES

R v Natasha Gordon

19 January 2018

Leicester Crown Court

Sentencing Remarks of Mrs Justice Cheema-Grubb

1. Natasha Gordon on 1 December 2017 the jury convicted you of intentionally encouraging a man called Matthew Burkinshaw to commit suicide by telling him that you were prepared to commit suicide with him, contrary to s.2 Suicide Act 1961. As you know Matthew Burkinshaw did take his own life on 17 December 2015. The court recognises the impact of the death of that bright, funny and articulate man on those who knew and loved him. People who speak about suicide say that it will end the pain they feel. The truth in this case is that the torment Matthew Burkinshaw must have felt has been passed on to those who loved him well. Of course, nothing anyone can do can turn the clock back and return him to his family and friends, all of whom miss him deeply. I have to deal with you now for the offence you have committed.
2. The law requires me to sentence you after I have evaluated the seriousness of this offence by deciding the degree of your culpability (or blameworthiness) in committing it and the harm your conduct caused, was intended to cause, or might foreseeably have caused. This is a particularly fact specific endeavour in this case and certain significant matters have not been resolved by the jury's verdict. I have been assisted by the submissions of counsel and their well-reasoned Sentencing Notes and although I will not repeat the contents, I have read helpful reports prepared for this hearing by the probation service, a psychologist Dr Arsuffi and a psychiatrist Dr Davies who gave evidence at the trial and an addendum psychiatric report after your conviction.
3. Having concluded that the custody threshold has been passed and that no other form of sentence can properly be passed, as is conceded on your behalf, I have to consider what is the shortest term of imprisonment commensurate with the seriousness of the offence. That is what I will impose.
4. Matthew Burkinshaw died of carbon monoxide poisoning near Rutland Water. He placed a lit disposable barbecue in the back of his car in the afternoon of 17th December 2015 and then sat in the front seat until he was overcome by the fumes and eventually died. For a day or so beforehand you had been in contact

with him agreeing to commit suicide together. Your agreement was capable of encouraging that man and it did encourage him, to kill himself. You were present when he got into the car, indeed it was your suggestion that the “charcoal method” be employed however you told the jury that when the time came for you to get into the car you changed your mind because it did not seem to be the calm peaceful suicide you had hoped for. Matthew placed a warning notice in the windscreen and locked the doors. Before that he gave you some money to get a taxi home and you walked away down the road. Your partner had been contacting you that afternoon, anxious that you may be suicidal, and you eventually sent him a message indicating that you were. He called the police and they picked you up about a mile away from the location where you had left Matthew Burkinshaw. You did not tell the police there and then to try to save him although you had told your partner on the telephone that you had been with someone else. When the alarm was eventually raised, Matthew was found too late.

5. There are two important questions that I must resolve in order to assess your culpability. I have to apply the criminal standard of proof and resolve any doubt in your favour.
6. Firstly, did you have a genuine settled intention to take your own life at the time that you told Matthew Burkinshaw you would accompany him and did the acts of encouragement. Secondly, what impact did your encouragement have on Matthew? In other words, did he have a settled intention to take his own life irrespective of your encouragement and subsequent actions in accompanying him to the suicide site?
7. As to the first matter I bear fully in mind your own personal circumstances. You have had a traumatic life with a number of incidents of harm caused to you in the past and unhappy family circumstances. It is not necessary to embarrass you by rehearsing all those matters which are set out in full in the reports and about which I heard evidence during the trial. Please be assured I have your difficult personal history both physical and mental, very much in mind. You made a real attempt to kill yourself in January 2015 and it is clear that over that year you indulged, without the knowledge of your partner, in communicating with other people who were discussing the prospect of suicide in chat rooms which were described during the trial as “suicide chat-rooms” or “suicide forums”. Dr Davies says that by December 2015 you had symptoms of PTSD and a borderline personality disorder. Your physical symptoms of gall bladder and bowel problems had caused long-standing symptoms of anxiety and depression.
8. I have concluded however, that you did not have a settled intention to commit suicide yourself when you were in communication with Matthew Burkinshaw on 16th and 17th December. Your intention was, at best, equivocal. You were gripped by a self-centredness in which you were prepared to give the impression of joining a genuine agreement to kill yourself while you were also exploring the viability of the “charcoal method” as part of the discussions you had been having with other people on the internet for months. I make it clear

that this finding is not based on the simple fact that you did not get into the car when Matthew did. Amongst the evidence that drives me to my conclusion is the fact that during 17th December your telephone activity indicates that you were making plans and arrangements for the future, I reject your account that this was a façade Matthew Burkinshaw persuaded you to employ. Soon after you had left Matthew, knowing that he was killing himself, you were in contact with another young man discussing suicide methods. I am also sure that you lied to the jury about having written a suicide note for your partner to find.

9. Turning to Matthew Burkinshaw himself the jury heard that as a teenager he had been referred to the mental health team after two incidents indicating suicidal ideas. The first was a plan he expressed to commit suicide by throwing himself off a building at the college he was attending. The second was an occasion when he was disturbed by a fellow worker in a locker room where he had fashioned a noose ready to hang himself. The records also indicate that he had previously attempted to overdose.
10. Moving forward by December 2015 Mr Burkinshaw was in his 30's, working as a postman, with an extended family, a large circle of friends and a girlfriend. He lived with her in the West Midlands. Outwardly, life was going well for him but it is clear that the inner vulnerabilities exposed during his teenage years had not left him. The police investigation discovered that he had communicated with other suicidal people over the Internet. In November, he posted six messages on the internet saying that he intended to commit suicide in mid-January, probably by jumping off Beachy Head and he was looking for someone to join him.
11. On 16 December 2015 he posted a message at 7.51am which read, "I'm jumping Beachy Head in 24hrs. I want to be there for the sunrise on Thursday morning. If anyone wants to come they are welcome." He gave his telephone number and asked only genuine people to contact him and for no one to try to convince him against it.
12. You exchanged texts with him and spoke with him that same morning. The plan was made for Matthew to travel to Peterborough where you lived, the next morning. You suggested inhalation of fumes from burning charcoal. He purchased charcoal on his journey from his home in Walsall to near your home in Peterborough and while waiting to pick you up he wrote a series of poignant suicide notes to his friends, family, parents and girlfriend. There is no indication that he had written any such notes before your contact with him and the fact that you said you were willing to take your own life with him was a key factor in his progressing his plans so swiftly after his early morning post on 16th December 2015. It is clear therefore that your encouragement did influence his actions and although he was contemplating committing suicide towards the end of 2015 he may not have gone through with it as he did on 17th December if you had not agreed to accompany him in what he believed to be a genuine suicide pact. However, on this important second question I resolve the issue more favourably to you and conclude that given his clear indication on

the posts he would have committed suicide at some time approximate to 17th December.

13. There is no Sentencing Council guideline for this offence but the Court of Appeal has provided guidance to judges in the case of R v Howe [2014] EWCA Crim 114; [2014] 2 Cr App R (S) 38 (Lord Thomas CJ, Treacy and Macur LJJ) which both counsel have addressed in their notes on sentence. In that case the Court identified a non-exhaustive list of factors with possible significance to sentence. In relation to harm; a distinction was to be drawn between cases leading to death and cases not leading to death. In relation to culpability; a sentencing court should consider such factors as whether the assistance was premeditated or planned, the degree of persistence of the conduct in question, the extent of the defendant's engage with the deceased, whether there is evidence of settled voluntary and informed intention on the part of the deceased to die, whether the deceased solicited support and assistance and whether the defendant sought to resist those requests for help and any evidence of vulnerability on the part of the deceased and exploitation of that vulnerability.
14. This was a serious case because Matthew Burkinshaw actually took his life after your encouragement and I have found that you misled him into believing that you were genuinely and firmly intent on committing suicide with him on 17th December although you were in fact not fully committed. This distinguishes your case from a true suicide pact.
15. Aggravating features are:
 - a. He was a stranger to you.
 - b. You took no trouble to find out anything about him eg you did not attempt to establish whether he was particularly vulnerable although he was not, beyond the suicidal ideation that he had.
 - c. You introduced him to the method he used and advised him on how it was to be deployed.
 - d. Your contact with him was both on-line and face to face.
 - e. You did not make the police aware, in clear terms, as soon as you could, that another person's life was in danger, when you were picked up by them near Rutland Water.
 - f. The history of your internet activity provided to the jury at trial demonstrated that over the previous twelve months you had engaged in on-line discussions with people you knew to be particularly vulnerable and who were expressing suicidal ideas. On a number of occasions, you expressed an intention to commit suicide and to be a partner to others.
16. By way of mitigation of the offence:
 - a. You were only in contact with Matthew Burkinshaw for about 24 hours before he died and during that time although I have concluded that you

deceived him about your own mind, you did not exert any pressure on him.

- b. Matthew Burkinshaw had expressed a settled intention to commit suicide on-line before he met you and it is likely that he would have committed suicide at some other time approximate to 17th December, particularly if he had found another suicide partner.
- c. You did make efforts to contact Matthew after you had been taken home by the police and by that time you expressed concern for his welfare.

17. Personal mitigation is also present in your case:

- a. Although you are not of good character, you have no relevant previous convictions.
- b. You have a history of physical ill-health as a result of acute bowel problems. This has interfered with your well-being and led you to attempt to commit suicide in January 2015. You threw yourself from a third floor and broke your ankle.
- c. The psychological toll of the years of physical pain have, as the experts say, had a negative impact on your ability to cope with life.
- d. The treatment you require, while it can be delivered in prison, will make the serving of a prison sentence more difficult for you than for someone without those particular needs.
- e. Since conviction you have expressed remorse about your part in Matthew Burkinshaw's suicide and shown some insight into the trauma caused to others by his death.

18. The victim surcharge applies and £120 must be paid.

19. I have considered anxiously whether the sentence can be so short as to be capable of being suspended. I bear in mind the fact that two years have now passed and you have not returned to suicide chat rooms and you have shown considerable insight into the dangers of that type of discussion where necessarily, vulnerable, and sometime very vulnerable people express their deepest fears and concerns. However, it is not possible for me to pass a sentence capable of being suspended. Principally because I have concluded that this is not a genuine suicide pact case and you were at best equivocal about going through with suicide though you let Matthew Burkinshaw to believe that you were genuinely committed. The lowest possible sentence is one of 4 years imprisonment. You will serve half that period in custody. Then you will remain on licence until the end of the four years.

Mrs Justice Cheema-Grubb

