



JUDICIARY OF
ENGLAND AND WALES

Leeds Crown Court

Sentencing remarks of Mr Justice Spencer

The Queen

-v-

Dawn Cranston, Denise Cranston and Abigail Burling

12th July 2018

1. Dawn Cranston and Denise Cranston, I have to sentence each of you for the manslaughter of Jordan Burling. Through your gross negligence he died on 30th June 2016 a few days before his 19th birthday. He was your son, Dawn Cranston, and your grandson, Denise Cranston. You were both convicted by the jury after a five week trial.
2. Abigail Burling, I have to sentence you for allowing the death of your brother Jordan Burling in circumstances when you must have been aware of the risk of serious harm to him through the gross criminal neglect of your mother and your grandmother. You failed to take reasonable steps to protect Jordan from that risk.
3. In addition I have to sentence you, Dawn Cranston, for the offence of endeavouring to conceal the birth of a child, contrary to section 60 of the

Offences Against the Person Act 1861. You pleaded guilty to that offence at the first opportunity last year. The offence was committed a very long time ago, probably in 2002 or 2003. It came to light only when your home was searched following your arrest for the manslaughter of your son.

4. It is profoundly disturbing and almost beyond belief that Jordan Burling, a young man of 18, should have been allowed to die in his own home here in Leeds in 2016, in the bosom of his family, through the failure of all three of you to take the elementary humane step of summoning medical assistance for him when it was obvious that for many days, if not weeks, he was quite literally at death's door. Whatever view he may have expressed himself about not wanting to see a doctor, each of you independently could and should have summoned that help. With proper medical care in hospital his life could undoubtedly have been saved. Instead he was condemned to a lingering death, lying for three months on an airbed and mattress in the living room of the family home, emaciated, immobile and doubly incontinent.
5. The immediate cause of death was bronchopneumonia but that was caused by three factors: malnutrition, immobility, and infected pressure sores. His malnutrition was so extreme that he weighed only 5 stone 11 lbs when he died. That was not much more than twice the weight he had been at the age of 4. No-one who has seen the photographs of his emaciated body lying in the room where he died, or even more so the photographs taken at post mortem, will ever be able to forget those images. They are too horrific to be published. They are hauntingly reminiscent of starving victims in the extermination camps of the Second World War. His pitiful state made a deep and lasting impression on experienced paramedics and police officers who attended the scene.
6. On the expert evidence the jury heard, Jordan had been severely malnourished for many months if not years. Professor Mangham, a very distinguished and experienced bone pathologist, had seen nothing like it in this country, although he had been made aware of similar cases at international conferences. The malnutrition was so severe that the body had drawn on the fat in the marrow of his bones as an energy source as a last resort to supply the heart and brain. Jordan's body mass index of 15.3 was well below the threshold of severe

thinness on one recognised scale, and well below the level of severe anorexia on another.

7. Because Jordan was completely immobile throughout the last three months of his life he had inevitably developed severe pressure ulcers, exacerbated by his double incontinence. You, Dawn and Denise Cranston, were well aware of the seriousness of those infected wounds and attempted to treat them yourselves. You changed his adult nappy twice a day. Over both hips, over the sacrum bone at the bottom of the back and the seat bones of his buttocks there were full thickness infected pressure ulcers sloughed green with infected dead tissue, and so deep that the bone beneath was exposed. Helen Hill, a nursing expert specialising in tissue viability, told the jury that she had never seen ulcers as bad as this in 30 years of practice. She thought most of the ulcers would have taken weeks if not months to develop.
8. Anyone could see that such horrible wounds required immediate medical attention in hospital. Instead you attempted to treat those wounds yourselves, bathing them with salt water, applying nappy rash cream and covering them over with sanitary pads taped on to afford some supposed comfort. I cannot accept that Jordan never complained of being in pain, or showed particular signs of pain. Salt in the wounds and the movement of any of the affected limbs must have caused him excruciating pain. If it is true that he did not complain of pain it could only be because he was so weak and debilitated that he was unable to express it.
9. Although Jordan was no longer a child, you, Dawn and Denise Cranston, had assumed responsibility for his care when he became emaciated and immobile from April 2016 onwards until his death three months later. The sole breach of your duty of care relied upon by the prosecution to establish the offence of manslaughter was your failure to summon medical assistance much sooner than you did. In the event it was not until he was within minutes of death on the morning of 30th June that you finally made a 999 call and summoned an ambulance. By then it was too late to save him. He went into cardiac arrest within 5 minutes of the arrival of the paramedics and was pronounced dead within the hour despite their prolonged efforts to revive him.

10. Your breach of duty by failing to summon medical assistance much sooner made a significant contribution to his death. By their verdict of manslaughter the jury were sure that a reasonably prudent person would have foreseen that in failing to summon medical assistance much sooner Jordan was exposed to a serious and obvious risk not merely of serious illness or injury, but of death. The jury were sure that your conduct in failing to summon medical assistance for him much sooner fell so far below what was reasonably to be expected of you in all the circumstances that it was so exceptionally bad as to be criminal.
11. You, Abigail Burling, were acquitted of manslaughter. Even if the jury were satisfied that you, like your mother and grandmother, had assumed responsibility for Jordan's care in those last three months, the jury were not satisfied that your conduct in failing to summon medical assistance for Jordan much sooner was so exceptionally bad as to be criminal. However, by convicting you on the alternative count of allowing Jordan's death the jury were sure that you were or ought to have been aware of the significant risk of serious physical harm being caused to Jordan by the gross criminal neglect of your mother and grandmother in failing to summon medical assistance for Jordan much sooner, and sure that you failed to take reasonable steps yourself to protect Jordan from that risk. The obvious step you should have taken was to summon that medical assistance yourself. It only required a phone call.
12. It is clear from what you told the jury in evidence, Dawn and Denise Cranston, and from what you told the police in your interviews, Abigail Burling, that each of you realised that Jordan needed urgent medical assistance. The only reason advanced for the otherwise inexplicable decision not to call that assistance is Jordan's own rooted objection to seeing or having anything to do with doctors after an experience he is said to have had two or more years earlier.
13. It is said that on that occasion he went to the doctor's surgery with you, Dawn Cranston, for a scheduled appointment, complaining of a problem in his ear, but because he was a minute late the doctor refused to see him. There is no independent evidence to confirm that any such thing ever took place. For example, there is nothing in his medical records to indicate a missed

appointment. It is inherently improbable that a doctor would have refused to see a patient in such circumstances. No letter of complaint was ever written. However, you Dawn Cranston, gave evidence that this happened and that Jordan was so angry and upset by the rebuff that he vowed never to see a doctor again. You, Denise Cranston, gave evidence that Jordan had told you himself about the episode. It seems to have acquired the status almost of a folk legend within the family.

14. It cannot, however, be dismissed as a dishonest invention by the three of you to provide an explanation for the otherwise inexplicable decision not to call medical help for Jordan much sooner. The jury heard evidence that you, Dawn Cranston, told a work colleague Janet Dunwell soon after Christmas 2015, when Jordan was becoming ill, that he would not see a doctor. In the 999 call you made on the morning he died you told the operator he would not go to the doctor's and he was very stubborn. You, Denise Cranston, told your next-door neighbour Sandra Detchon a day or two after Jordan's death that he would not allow you to get a doctor for him, saying that he was an adult and did not want one.
15. Although Jordan was over 18 and entitled to make up his own mind about such matters, it was your plain duty to override any such wishes when his condition deteriorated to the terminal state I have described. There is no suggestion that he ever expressed a wish to die. It was your overriding duty to save his life by the simple step of summoning medical help. Nothing could have been more obvious.
16. In your case, Dawn Cranston, there is the clearest evidence that you knew full well that you should be seeking medical help for Jordan, whatever his reservations. Indeed, you were telling colleagues at work that you had in fact taken him to the doctor's or to hospital. As early as 25th November 2015 you texted your former work colleague, Laura Thomas, that Jordan was really poorly, had lost nearly 2 stone in weight, and that he wanted you to go to the doctor's with him. In February 2016 you told your supervisor at work, Abdul Baksh, that you had taken Jordan to the doctor's, that the doctor had diagnosed that he was malnourished and given him vitamins, and that you had taken

pictures of Jordan to show the doctor. In April 2016 you told Abdul Baksh that Jordan remained ill and was unable to walk. He told you that you should go back to the doctor. At the end of April or beginning of May 2016 you told your store manager, James Williams, that Jordan was struggling to walk and would not eat. You told him you had taken Jordan either to the doctor's or to hospital, that he had been for tests, and that he had something wrong with his bones, a calcium deficiency. On 3rd June 2016 you told your friend, Laura Thomas, that Jordan was bedridden, and that he had been seen by various doctors but they could not figure out what was wrong with him.

17. When you spoke to Sharon Sheard, your daughter's family outreach worker, on 5th July 2016, a few days after Jordan's death, you made out that you would have been willing for a doctor to call to see Jordan provided you were there at the time, but you had been so busy at work that you had not had time to plan for the doctor to visit. That was blatantly untrue. You took holiday leave for two weeks in the second half of May 2016, just at the time Jordan's health was deteriorating still further, as the photographs you took on 19th and 20th May so clearly show.
18. All this evidence flies in the face of your assertion that you felt you could not go against Jordan's wishes by seeking medical assistance for him. When you were seen by Dr Van Velsen, a consultant psychiatrist specialising in forensic psychotherapy, on 18th June 2018 you told her that you had on one occasion called the doctor, notwithstanding Jordan's objection but you did not pursue it when "they did not reply". You had told a consultant clinical psychologist, Dr Vesey, the same thing a month earlier.
19. It is important to emphasise that this was not a deprived household in material terms nor were any of you inadequate to the point that you were unable to live a reasonably normal life outside the home. Although the house was full of clutter you all had mobile phones, laptop or tablet computers and a great deal of other equipment. The house was well stocked with food. There were three refrigerators or freezers. You, Dawn Cranston, were the breadwinner, holding

down a job at Poundland in Leeds City Centre which involved working long hours. You, Denise Cranston, spent most of your time at home but you were a spritely 68 year old when Jordan died, well in tune with events in the outside world and very much the mistress of the household. You Abigail Burling had a tenancy of a house of your own but you and your 2 year old daughter were at the family home every day and frequently stayed overnight. Aside from looking after your daughter you led a seemingly aimless life, but you were well informed in the matters which interested you, principally sport and cars, interests which you shared with Jordan.

20. In your case, Dawn Cranston, I bear in mind the evidence the jury heard from Dr Van Velsen, that in her opinion you were suffering from a dissociative disorder, characterised by depersonalisation and derealisation, so that you became mentally detached from the reality of events around you, cut off from an unwanted reality. Dr Van Velsen saw longstanding evidence of this disorder in the circumstances of the concealment of the birth of your child all those years ago, to which I shall return. The disorder is likely to have been triggered by traumatic experiences in your early life: by a sexual assault upon you at the age of 14 which you told no-one else about when the school failed to look into your complaint; by your being bullied at school; by the prolonged abuse and harassment your family endured for several years when your home was targeted by local youths and pelted with eggs and stones, harassment which contributed to your father's suicide in 2006 when he hanged himself at home in the bedroom next to yours. These experiences, in Dr Van Velsen's opinion, caused you to retreat within the family home, not interacting normally with the outside world, "shutting down" (as you described it) in the face of any stress.

21. You took photographs of Jordan in April and May 2016, to show him how emaciated he was with a view to persuading him to see a doctor. Dr Van Velsen suggested that your belief that you were a good mother taking good care of him by attending to his pressure sores overrode your capacity to acknowledge fully what you were seeing in the photographs, just as the classic victim of anorexia will look in the mirror and insist that he or she is still fat. Dr Van Velsen's hypothesis was that you felt you were taking care of Jordan as you had done

ever since he was a young child, and were doing so without seeing the reality of his plight.

22. Whilst I accept that this dissociative disorder provides some mitigation, it in no way excuses your failure to take the simple step of calling a doctor much sooner, as the jury's verdict demonstrates.

23. I also bear in mind the whole background of your care for Jordan in difficult circumstances over the whole of his young life. Until you went into labour shortly before he was born you did not even realise you were pregnant. Dr Van Velsen gave evidence that such denial of pregnancy is further evidence of a dissociative disorder. You and Jordan's father Steven struggled to meet Jordan's physical needs as a young child. But in time, with healthcare, educational and social services support, he eventually made progress. He was bullied at school to the point that you decided to educate him at home from the age of 12. There is no criticism of the home education you did your best to provide for him. The jury heard detailed evidence of one home visit inspection in 2012 when he was nearly 15. It is plain that Jordan could read and write. He was interested in the outside world, especially sport and media. He never aspired to employment or further education, but he got out and about on his own, and with his sister. The suggestion, however, that when he became 18 he was able to look after himself properly and led a fully independent life is far from the reality. He may have been 18, but for practical purposes you and your mother continued to care for him as before. When he became emaciated and immobile he was wholly dependent on you for everything.

24. Dealing with count 7, endeavouring to conceal the birth of a child, during the trial you gave evidence about the birth of that child all those years ago. Steven Burling was the father, though he never knew of the pregnancy still less of the child's birth and death. There is no sure evidence to contradict your account of the circumstances, and that is the basis on which you must be sentenced. All the prosecution can say is that in the wardrobe of the bedroom at the house you have lived in since 2002, concealed on the top shelf, the police recovered a rucksack within several other plastic bags. In the rucksack were the remains of a full-term baby. You say it was a boy. It was not possible to say whether the

child had been born dead or alive. Only the bones and teeth remained intact, from which experts were able to confirm that the child was aged 38-40 weeks.

25. In your evidence before the jury you described the circumstances in which you gave birth to the child in that bedroom, alone and without any assistance. As with your son Jordan, you had not realised you were pregnant until you went into labour. You delivered the baby yourself, including the placenta. The baby was not breathing. You panicked. Your parents and your two children, then aged 5 and 8 or thereabouts, were downstairs in the house. You did not shout for help. You did not want to worry your parents. After a few minutes you decided to put the baby into a rucksack, together with the sheet on which you had been lying on the floor when you gave birth. The rucksack was wrapped within another bag and hidden on the top shelf of the wardrobe. At that stage you did not intend that it should stay there. You had some intention of burying the body, but you never got around to doing so.

26. All this would be totally inexplicable callous behaviour were it not for the fact that, on the evidence of Dr Van Velsen, you were suffering even then from this same dissociative disorder, which caused you to be detached mentally from the reality of your behaviour and the events I have described. That reduces somewhat your culpability for what would otherwise be a very serious offence of its kind. The strangeness of your behaviour is further demonstrated by the fact that the bag containing your dead child remained in that wardrobe for the next 14 years, throughout much of which period your two children slept in the room only feet away from the decaying body of their dead brother.

27. The particulars of the offence to which you pleaded guilty are that you endeavoured to conceal the birth of a child of which you had been delivered by the secret disposition of the child's dead body. The offence carries a maximum sentence of 2 years imprisonment. I emphasise that the offence requires no proof whether the child was alive or dead at birth. The seriousness of the offence lies in the failure to make known to the appropriate authorities the fact of the child's birth, so that all necessary investigations can be made. It also reflects society's abhorrence that any precious child, even if stillborn, should be treated in such a disrespectful and uncaring manner.

28. You, Denise Cranston, stubbornly refused to accept that medical assistance should be called for Jordan even when it was blindingly obvious that without it his life was in danger. Although it was Dawn, as Jordan's mother, who had the most obvious responsibility to care for him and see that medical assistance was called, you were the dominant presence in the family home. It was your house. Dawn respected you and had always turned to you for advice. You spent more time in Jordan's company than anyone in those last three months. You were well able to see the daily deterioration in his condition. You knew exactly how serious the pressure sores had become. You described them in interview in graphic terms, telling the police that sometimes they had green in them, sometimes pink or red, sometimes all three. You knew how deep they were, with the bones exposed, or as you put it in your evidence, "I called it gristle".
29. You insisted in your police interviews, and in your evidence, that the question of calling a doctor would only be discussed by you and Dawn in Jordan's presence. You would not do anything behind his back. You seemed to regard that as an excuse for not being able to go into another room to discuss it and take the necessary action by overriding his supposed wishes and calling a doctor anyway. The suggestion that Jordan would not let a doctor into the house if one was called was nonsense. It was your house. Once any doctor or paramedic saw Jordan's condition, he would inevitably have been taken immediately to hospital whatever faint protest he might have been able to make in his feeble state. The extraordinary notion that he was ever improving, despite these dreadful pressure ulcers, and that with the assistance of a zimmer frame he would be able to walk again, was fanciful in the extreme. You claimed never to have thought of seeking medical advice at a pharmacy or a chemist's if you could not bring yourself to ask a doctor.
30. I bear in mind the evidence of Dr Wood, consultant clinical and forensic psychologist, that you were demonstrated, on testing, to be highly compliant, compliance meaning the tendency to make a conscious decision to carry out behaviour requested regardless of whether the individual privately agrees with the proposition. It was suggested on your behalf to the jury that just as you felt compelled to obey the instructions of your controlling husband years earlier,

you somehow felt obliged to obey your grandson Jordan in refusing to summon medical assistance. I reject that suggestion. I bear in mind that your full-scale IQ score indicated low average intelligence. However, having seen you in the witness box for two days, I am quite satisfied that you were well able to understand the need to get Jordan urgent medical help whatever contrary view he was expressing. Dr Wood also identified in you aspects of a paranoid personality in which individuals are often blind to their own unattractive behaviour and characteristics yet accomplished at spotting other people's deficiencies. Being charitable this may explain your assertion in interview, repeated in evidence, that it was all the fault of the doctor who refused to see Jordan in the past. It may also explain your comment in interview that in hindsight you thought Jordan was stupid and an idiot in being so stubborn in refusing to let anyone through the door if medical help had been summoned.

31. It is instructive that your next-door neighbour, Sandra Detchon, had from time to time asked over the fence whether everything was all right in those last few months when she saw your back door open, only to find the door firmly shut in response. It is significant that no-one outside the immediate family of the three of you, save for your son Karl, ever saw or was allowed to see Jordan in those last three months of his life. Had you heard the knock on the door on 23rd June, just a week before he died, when an officer from the housing department of Leeds City Council called to carry out the annual tenancy inspection, the ultimate tragedy of Jordan's death might have been averted. As it was, you told the jury you were upstairs in the toilet at the time and did not hear the knock.
32. You, Abigail Burling, do not bear the same degree of responsibility for Jordan's death as your mother and your grandmother, as the jury's verdicts make clear. Nevertheless, you knew perfectly well how seriously ill your brother was. You were not involved in his daily care to the same extent and may never have seen with your own eyes the infected pressure sores, but you knew they were there and that they presented a source of serious danger. Your father had told you as far back as December 2015 when Jordan had lost so much weight and looked poorly, to make sure Jordan saw a doctor. You had told your family outreach worker, Sharon Sheard, as long ago as 27th April 2016 that you were worried

about your brother, that he did not want to go to the doctor's but your mother was arranging for the doctor to see him. You said in interview that your mother had told you she would call the doctor but it would have to wait until she had a day off work. That was several months before he died. You knew perfectly well that your mother had not called the doctor. You were a mother yourself. You knew that it was essential Jordan received proper medical attention. When his condition became so obviously dangerous, there was nothing at all to stop you making the phone call for an ambulance. You were Jordan's sister, close to him in age and close to him emotionally and in your shared interests. If your mother and grandmother were not taking the necessary steps, you knew perfectly well it was your responsibility to do so. You lied shamelessly and pathetically to the police in an attempt to minimise your responsibility.

33. I accept that your own upbringing was poor and deprived and that you found yourself, through no fault of your own, growing up in an eccentric and dysfunctional close-knit family. I have read the psychiatric and psychological reports prepared in your case but not put before the jury. Your intellectual ability is in the average range. Although you were emotionally dependent on your mother, and living in the shadow of your mother and your grandmother, there is nothing to indicate that you would have been unable to appreciate the risk of serious further harm to Jordan if medical help was not called urgently before it was too late. The jury's verdict confirms that.

34. The court has heard read the moving victim personal statement of Jordan's father, Steven Burling, who gave evidence early on in the trial. For several years when he and you, Dawn Cranston, separated he played little part in Jordan's life but in Jordan's teenage years their relationship was renewed. He last recalled seeing Jordan in December 2015 when he was concerned about his health. On the evidence he probably saw Jordan again in January 2016 when he remained concerned and urged you, Dawn Cranston, to take him to the doctor's. He assumed that Jordan was better. Whenever he asked you, Abigail Burling, you assured your father that Jordan was fine. There is no evidence that Steven Burling was ever informed just how seriously ill his son Jordan really was. Nor was he aware that you had given birth to his child all those years ago,

a birth you concealed from everyone. He cannot understand why all these awful things have happened to him and to his family. He does not know how he is supposed to deal with all this trauma. Every day is a struggle. It is only the love and support of his family which has enabled him to cope at all.

35. I have considered carefully all the eloquent submissions of counsel on behalf of each of you, written and oral. I deal first with you, Dawn and Denise Cranston. There is no Sentencing Council guideline for manslaughter. There is, however, some guidance to be found, for a case of gross negligence manslaughter such as this, in reported decisions of the Court of Appeal. Those authorities are helpfully summarised in *R v Barrass* [2011] EWCA Crim 2629. That case established that the general increase in sentence for cases of homicide in order properly to reflect the fatal outcome, applies as much to gross negligence manslaughter of this kind as any other form of manslaughter. Whilst the case of *Barrass* is not to be regarded as a guideline case, it provides a helpful indication of the appropriate level of sentence in a case such as this. There are similarities in that in *Barrass* the defendant failed to summon medical help for his sister for over two weeks after she had a fall in the house they shared, although he allowed her to lie untreated and uncared for on the floor. In *Barrass* there was psychiatric evidence that the defendant was unable to comprehend the abnormal state of his own home which impaired his ability to respond to his sister's obvious needs as a normal person would have done, making a significant impact on his culpability.
36. In the present case there are several aggravating factors to be taken into account in assessing the culpability of each of you. First, Jordan was entirely dependent upon you for all his needs during that last three months of his life when he was emaciated and immobile. Second, your gross neglect in failing to summon medical assistance much sooner persisted over a long period, measured in weeks rather than days, if not for the whole of the three months. Third, that delay in summoning vital medical assistance must have caused Jordan very significant physical suffering.

37. In your case, Dawn Cranston there are further aggravating factors which increase your culpability. First, you failed to heed the warnings and the advice of others that you should seek medical attention for Jordan. Second you pretended falsely that you had sought such medical assistance for him. Third, as Jordan's mother, yours was the primary responsibility for looking after him.
38. I turn to mitigating features. First and foremost, both of you were attempting, in your own way, to care for Jordan's needs by changing him twice daily and bathing his pressure sores. I do not underestimate the physical and emotional effort that must have gone into those relentless and unpleasant tasks. You performed them out of love for Jordan. Second, for both of you the loss of Jordan, and the knowledge that you caused his death, is the greatest punishment which you have to bear.
39. In your case, Dawn Cranston, there are the following further mitigating factors. First, at the age of 45, you have no previous convictions save for your plea to count 7 on this indictment. Second, you cared for Jordan as best you could once his early difficulties were overcome. You always did your best to be a good mother to him. Third, I accept that, to a limited degree, your culpability is reduced by the dissociative disorder Dr Van Velsen describes. It provides some explanation for your inexcusable failure to call help for Jordan much sooner. I take into account the opinion of Dr Vesey, consultant clinical psychologist, that you are a somewhat vulnerable woman yourself, of low average intellectual ability. I also bear in mind that you have a history of depression and poor mental health which has made it difficult for you to process emotionally the demands of stressful or challenging circumstances. You have had to cope with those problems while providing for your children and contributing to the family home. Fourth, you have lost your job and your home.
40. In your case Denise Cranston there are the following mitigating features. First, you have no convictions of any kind. You are now 70 years of age with some limited health difficulties. Second, you have lived for many years with the emotional consequences of your troubled relationship with your husband. Third, you have devoted yourself to the care of your son Karl with his particular difficulties. Although happily you will now be relieved of those responsibilities,

it is to your credit that you have cared for him over all these years. Your enforced separation from Karl will hit you hard. Fourth, you too have lost your home.

41. Despite the mitigation each of you can rely upon, this remains a very serious offence. Through your gross negligence a precious human life was lost needlessly. That must be reflected in the length of your sentences.
42. **Dawn Cranston**, for the reasons I have explained, I am satisfied that your culpability is greater than your mother's. The least sentence I can pass in your case for the offence of manslaughter, count 1, is 4 years' imprisonment. For the offence of concealing the birth of a child, count 7, even with the mitigation of your mental disorder, a custodial sentence of 12 months is called for to mark society's disapproval of your conduct. However, having regard to the principle of totality, and as an act of mercy, that sentence will be concurrent not consecutive, so your total sentence is **4 years' imprisonment**.
43. **Denise Cranston**, for the reasons I have explained, your culpability is somewhat less. Your sentence for manslaughter, count 2, is **3 years' imprisonment**.
44. I turn to you, **Abigail Burling**. This is an unusual example of a case under the 2004 Act. There is no Sentencing Council guideline, and no real guidance in the decided cases for a case such as this save the general principles that culpability must be assessed carefully in the light of all the circumstances, including the nature of the relationship between the defendant and the deceased, and the nature of the breach of the duty imposed by the statute: see *R v Mills* [2017] 2 Cr App R (S) 7.
45. For the reasons already explained your culpability overall is less than that of your mother and your grandmother. Nevertheless, you independently could and should have made that phone call to summon an ambulance days if not weeks sooner. That failure of yours, as much as theirs, cost Jordan his life. I am satisfied that your culpability therefore remains high.
46. As to mitigating factors, you are still only 25 years old. You have no convictions of any kind. One of the consequences of the police investigation and these

criminal proceedings is that your daughter has been removed permanently from your care. By the sentences I have already passed, the close-knit family unit in which you were living will now be shattered, possibly for ever. You have lost your home. Above all, you have lost your brother and you have to live with the knowledge that you could so easily have saved his life.

47. In my judgment a sentence of immediate imprisonment is called for in your case as well, but it can be significantly shorter. Mr Wright has urged me to say that the inevitable prison sentence can be suspended. I am afraid I cannot accede to that submission. I have weighed the factors in the Sentencing Council guideline. I accept that you present no risk or danger to the public and you have no history of non-compliance with court orders. There is doubtless a realistic prospect of rehabilitation, and you have some strong personal mitigation. However, this case is so serious, given the loss of a life, that appropriate punishment can only be achieved by immediate custody. In your case the sentence on count 6 is **18 months' imprisonment.**

48. You will each serve one half of the sentence I have imposed upon you, at which point you will be released on licence. Should you breach the terms of your licence or commit any further offence you will be liable to be returned to prison to serve the remainder of your sentence.

ENDS