



R v CEON BROUGHTON

SENTENCING REMARKS

Mr Justice Goose in the Crown Court at Winchester, 1 March 2019

1. Ceon Broughton, you are aged 30 and have been convicted by the Jury of Manslaughter by Gross Negligence and the Supplying a Controlled Drug of a Class A, after a trial lasting four weeks. Before this trial, on the 16th November 2108 you pleaded guilty to two further offences of Supplying a Controlled Drug of Class A. It is now my task to sentence you.
2. The background to these offences lies in your relationship with Louella Fletcher-Michie, who was aged 25 when she was declared as having died, killed by you by your gross, that is to say criminal, negligence on the 11th September 2017. She was a young, free spirited woman, with everything to live for. She loved you, as she told her family, and you were welcomed into their home because they thought that you loved her. The relationship came to a sudden end after Christmas 2016 but was being re-kindled in the summer of 2017.
3. In June of that year you went with Louella and another friend to The Glastonbury Festival. You took controlled drugs with you and, at that Festival supplied Louella and the friend with a Class A drug, 2C-P, a stimulant drug, similar to MDMA. She took it and so did you; but your supply to each of them, even if they wanted it, were criminal offences, to which you pleaded guilty before this trial started.
4. In September 2017 you agreed to attend with Louella the Bestival music Festival, at Lulworth Hall, Dorset. It was a well known and organised event. There were security

and medical personnel on site at all times. There was even a hospital tent, with trained and experienced medical practitioners present to help anyone who needed medical help. You were well aware of those facilities.

5. Louella drove her car from London and arrived at the Festival ahead of you. You didn't arrive until late on Saturday the 9th September and you met up with Louella and stayed in her tent. It is clear that you both took some drugs before the events the following evening. In your body, you were later to found to have traces of MDMA, Ketamine, Diazepam and Cocaine. Louella's body had MDMA, Diazepam and Ketamine. Those traces in both of you were in small quantities, consistent, as the toxicologists confirmed, with recreational use.

6. The following day, on the 10th September you gave some more of that Class A drug 2C-P to Louella. It was at some time after 4pm. Again, she wanted some of that drug, but she didn't know what you had done. I am satisfied on the evidence I have heard that you either increased the dosage or mixed it with something else. Later you admitted to Louella's brother, Sam, in a phone call that you had "bumped it up a bit," when he asked you what you had given to her.

7. You and Louella decided to leave the Festival site, climbing over a fence and into woodland. It was just outside the perimeter of the Festival, by only 30 meters. Over the course of 6 or 7 hours you watched Louella under the influence of the drugs you had given her, as she became agitated, irrational and gradually aggressive. She appeared not to listen to you, became unresponsive and increasingly began to self-harm, hitting herself. In the later stages she was scratching her hands and face with bramble thorns. At the same time, you filmed her on your mobile phone, in series of long and then short recordings and live images. The longest recording was for just over 50 minutes from 5.53pm; the last were short, moving images of 2 or 3 seconds each, at 11.24pm. From those images, which were only brief in the later stages, it was beyond obvious that she was deteriorating and that she was suffering a

dangerously adverse reaction. It began to affect her speech and her breathing. By the end she was lying down and unresponsive.

8. What did you do? You made a call to the family of the deceased at 6.47pm They could hear how distressed Louella was, but they were in London, over 3 hours' drive away. They recognised instantly that she needed help and they told you to help her to receive assistance, by going to security personnel or the medical facilities. You called a friend who was at the Festival, and asked him to tell the medical practitioners, but he didn't know where you were. Over the next 4 hours, until about 11pm, you did nothing except ask your friend again to obtain help and you tried to send a GPRS location indication. You didn't go for help whilst it was still daylight, nor did you do the most obvious: pick her up and take her to the hospital tent. When no one arrived, you remained with Louella and made no further effort until just after 11pm. By that time, she was in a very weakened state and her breathing was not normal.

9. The distance you were from the Festival site was 30 meters. It would have taken no great effort to take Louella back onto the Festival site just after that phone call to her family at 6.47pm. But you didn't do that. I have come to the clear conclusion that throughout this time, over 4.5 hours, you were only concerned for yourself. You owed her a duty of care, to do all that was obviously reasonable to obtain help, because you had created an obviously dangerous situation. You had given her the higher dosed or mixed drug and saw that she was deteriorating, but you were not concerned until it was too late, at some time after 11pm. The video recordings you took, show you without any concern at all. By midnight, after you had finally left to try to obtain some help, but too late, security personnel found Louella. She had died where you had been with her.

10. Louella's death was caused following the use of 2C-P, Ketamine and MDMA (Ecstasy), with a subsequent prolonged episode of altered behaviour, including agitation, physical exertion, restraint and possible positional airway compromise. The evidence proves that had you taken Louella, at a time when it was reasonably obvious that she was seriously unwell, for medical attention, her life would have been saved. It was your breach of a duty of care to her that was a substantial contribution to her cause of death. The Jury have correctly convicted you of her Manslaughter by Gross Negligence.

11. In my judgement there was a number of seriously aggravating features of this offence:-

- a. Firstly, that whilst you were doing very little to help Louella, you were sending messages to a friend, asking him to tell others that Louella had obtained the drug from an unknown person. You were more concerned to create a defence because you didn't want it to be known that you had supplied the drugs to her.
- b. Secondly, you were the subject of a suspended sentence of imprisonment, imposed on you on the 14th August 2107 for 24 weeks. You sent a message to a friend, whilst in those woods with Louella, that you didn't want to be arrested. You were more in fear of that, than obtaining help.
- c. Thirdly, you failed to do what Louella's parents, her brother and sister were repeatedly telling you to do. Each of them either called or sent you messages to take Louella to the medical tent. You ignored them, until it was too late.
- d. Fourthly, you continued your grossly negligent conduct when it was more than obvious that Louella needed to be taken to the hospital tent on the Festival site, and it was in the face of her very obvious suffering.

12. No-one observing this trial or hearing the evidence of Louella's family, could fail to see that they are a close family and Louella was at the centre of it. Their Victim Personal Statements bring home the loss that you have caused and from which they will probably never recover. Without seeking to choose between the statements of the family, it was Mr Michie who said "I wake up every morning to face life starting again without Louella, our daughter, our sister, our friend, our family – now broken".

13. I must sentence you for Manslaughter, but it must be recognised that this offence is by Gross Negligence; you did not intend to cause her harm. The sentence that I am required to impose will never bring back the life of Louella and cannot match the grief of her family. It must comply with the sentence guideline for this offence. Also, I must sentence you for the drugs offences to which you have pleaded or been found guilty.

14. Apart from your conviction for two offences before the East London Magistrates' Court on the 14th August 2017, for which you were given a suspended 24 weeks' sentence of imprisonment for offences of possession of two knives, you have no other convictions. However, you were Cautioned in 2012, when you were aged 23, for Possession of Medicinal Product without Authorisation.

15. In mitigation I accept that you are remorseful. Although you did not give evidence in the trial, when you might have expressed your remorse more clearly, I accept that you do have some remorse. It is also some mitigation that you did make some attempts to help Louella, but it was obviously too little and far too late. It is also right to say that you are lightly convicted, that is to say that apart from the single previous conviction and Caution, you have no other antecedent history of offending.

16. The Sentencing Council Guideline for sentencing an offence of Manslaughter by Gross Negligence, requires me to assess both your culpability and the harm caused. To some, this assessment will seem to produce a sentence that will not meet their hope or expectation. However, I must apply the Guideline.
17. Whilst I am satisfied that you continued your grossly negligent conduct when it was more than obvious that Louella needed to be taken to the hospital tent on the Festival site, and it was in the face of her very obvious suffering, I do not conclude that your culpability falls within category B. The remaining characteristics of category B do not match or equate with the circumstances of this offence. I am satisfied, however, that this offence of Manslaughter falls within culpability category C.
18. In relation to harm, the Guideline emphasises that all cases of Manslaughter cause harm of the utmost seriousness because there is the loss of a life. Whilst accepting that observation, the Guideline dictates a sentence range of 3 – 7 years for a category C case. However, after taking into account the aggravating factors which increase the seriousness of this offence and the mitigating factors which do not, I am clear that this offence falls at the top of the range, that is to say 7 years imprisonment.
19. I turn to the drugs offences. Each of them comprised supplying to friends on a non-commercial basis, such that you performed a lesser role and the quantities of Class A drugs were in category 4, under the Drugs Offences Guideline. This provides a Starting Point for sentence of 18 months, with a range up to 3 years. On the drugs supply offence to Louella, being Count 2 on the trial Indictment, I impose a concurrent sentence of 18 months imprisonment. For the two drugs supply offences in June 2017, to which you pleaded guilty on the 16.11.18, I impose a sentence of 13 months imprisonment. Those two offences will be concurrent with each other, but consecutive to your Manslaughter sentence. You must also serve your Suspended

Sentence, because you committed the offences on the trial Indictment during its course. I shall reduce that slightly to a term of 5 months.

20. I must take into account the principle of Totality and in doing so, I reduce the total sentence of 8 years and 8 months, to 8.5 years.

21. Please stand up; the sentence I impose on you Ceon Broughton is 8.5 years imprisonment. You will serve half of that in custody and when released you will serve the balance on licence. If you breach your licence you may be recalled to prison until the sentence is completed. You will pay the Statutory Charge in the appropriate amount within 12 months.