



JUDICIARY OF
ENGLAND AND WALES

Sentencing remarks of Mr Justice Kerr

The Queen

v

Stephen Waterson

The Queen

v

Emilie Williams

Central Criminal Court

14 November 2019

Stephen Waterson

1. Stephen Waterson, please stay seated for the moment. I am sentencing you for three crimes: manslaughter by gross negligence, conspiring to pervert the course of justice and intimidation of a witness.
2. I will start with the manslaughter of Alfie Lamb, who died aged 3, on 4 February 2018, as a result of injuries caused by you three days earlier. Alfie died of asphyxia as a result of you moving your front car seat back into Alfie, stopping him from breathing.
3. You pleaded guilty to the charge of gross negligence manslaughter on 2 September 2019. You were previously charged with manslaughter of Alfie by unlawful act. The jury could not agree about that count at your trial.
4. In your defence statement in November 2018, you denied any responsibility for Alfie's death, including denying being responsible for him travelling in the footwell of the car where he suffered his fatal injuries.
5. You now accept that you owed Alfie a duty of care; that you caused him to travel in the footwell of the car on 1 February 2018 instead of in a car

seat; that you moved your car seat back onto Alfie, directly causing his fatal injuries; and that this was gross negligence.

6. I have carefully considered the arguments of counsel. I sentence you on the basis that you did not intend to harm Alfie. I do not find that you were annoyed with Alfie and moved your car seat back because of that annoyance. That could indicate unlawful act manslaughter, which was not proved at the first trial.
7. Nevertheless, I am satisfied so that I am sure, on the evidence I heard at the trial, that albeit not in anger but for your own comfort, you moved the car seat back twice and not only once. To that extent, I do not accept your basis of plea. I accept the evidence of Ms Williams on that point.
8. In my judgment, the case falls at the borderline of category B and C in the sentencing guideline. The risk to Alfie was considerable but not as high as the “very high risk of death” suggested by the Crown. You did play a leading role in the offending.
9. I would take an initial starting point of 6 years and 6 months after a trial, which is within the range for both categories, B and C.
10. There are some aggravating features. I disregard those which involve double counting features of the case which go to determine the category of the offence. I also disregard factors that will influence your sentence for the other two offences.
11. Your victim, Alfie, was particularly vulnerable because of his young age. He was tired and moaning when he got in the footwell of the car. That is an aggravating feature.
12. You are now 26. You have seven convictions for 13 offences, including three convictions for assault. I am not satisfied of the facts of the alleged incident in June 2017 in which the Crown submitted that you drove dangerously and threatened to drive into a wall. I find that incident not proved.
13. I do not accept the suggestion that the evidence demonstrates a history of violence or abuse towards Alfie by you on other occasions. That is based on the evidence of Samantha Dawson given from prison at the trial. I do not find her a reliable witness.
14. I am, however, sure that you had previously required both Alfie and the daughter of Emilie Williams, whom I will call E, to travel by car in the footwell and not in a car seat, including on long journeys such as from Blackpool to London. That was not disputed at the trial.
15. There is some mitigation, but not much. You are, I accept, now genuinely remorseful. I have read your letter to the court. But your remorse comes late and follows a denial of any responsibility for Alfie’s death in your defence statement.

16. I accept that you have had a difficult upbringing. I also accept that you have made genuine attempts to use your time in prison constructively, completing several courses. I have read the character references put forward on your behalf, from your parents and others.
17. You plan to make something of your life once this is over. I hope you succeed. You are not all bad. I have seen the different sides of your character: devoted, loving, hard working, intelligent and efficient, yes; but also cunning, manipulative, dishonest, disloyal, deceitful, threatening, controlling and sometimes violent.
18. Weighing the various factors, I stay with my initial starting point of 6 years 6 months' imprisonment after a trial.
19. I do not accept that you are entitled to full credit for your guilty plea. I think the right amount of credit is 15 per cent.
20. I accept that you cannot be faulted for contesting the unlawful act manslaughter charge. But you only offered a plea to gross negligence manslaughter a matter of days before the retrial was due to start.
21. You owned up to a limited measure of blame for Alfie's death at the first trial, falling well short of gross negligence. Your defence statement in November 2018 denied any responsibility for his death and any responsibility for his dangerous position in the footwell of the car. You now admit these things but you did not then.
22. I reduce the period of 6 years 6 months' imprisonment by 15 per cent and impose a sentence of **5 years and 6 months' imprisonment** for the manslaughter of Alfie.
23. I turn next to your crime of conspiring to pervert the course of justice. You pleaded guilty to that offence at a pre-trial preparation hearing on 13 November 2018.
24. This was a very serious offence. You began a campaign of lies to keep yourself out of trouble from the moment you realised Alfie was badly injured. You directed the conspiracy, corrupting two women of good character and persuading them to lie to protect you.
25. You orchestrated the campaign of lies, assisted by Ms Hoare who had the misfortune to fall in love with you and was willing to lie to protect you and herself. You exploited the vulnerability of Ms Williams, who was frightened of you.
26. When the conspiracy began to falter in the second half of February 2018 under pressure from a very brave young woman, Ms Ashleigh Jeffrey, you resorted to threats of violence, saying you could make people disappear and that Ms Williams' daughter, E, might not have a mother.
27. I have to consider the seriousness of the substantive offence which the lies were told in order to cover up; and the degree of persistence in the

misleading conduct. The substantive offence, manslaughter, was very serious. You persisted in misleading the police yourself and suborning the two women for several weeks in February 2018.

28. I have to consider also what effect your conduct had on the course of justice. You would have concealed the truth for ever if you could. Fortunately, you failed and the truth came out. I accept that no innocent person was incriminated. But the time and resources of the police were wasted and their investigations delayed by several weeks.
29. You drove the conspiracy because you wanted to throw the police off your scent. You got rid of the Audi car in which Alfie suffered his fatal injuries. You tried to get the buyer, Mr Jules, to say he had bought the car from Marcus Richardson, in the hope that the police would not trace the car back to you.
30. For the second offence, conspiring to pervert the course of justice, I take a starting point of 2 years' imprisonment. I give you 25 per cent credit for your plea of guilty and I reduce the sentence to one of **18 months' imprisonment**.
31. When you got wind that the police had seized the car and traced it back to you, you decided that Marcus Lamb had grassed you up and would pay for it. That was the third crime for which I am sentencing you: intimidation of a witness.
32. You helped a friend of yours to threaten and beat up Marcus Lamb in Crystal Palace Park on 18 February 2018. You pleaded not guilty but the jury convicted you. At the trial, you accepted taking part. You could hardly have done otherwise, since the attack was filmed.
33. You denied knowing or believing that Mr Lamb was assisting in the investigation into Alfie's death and you denied any intention to cause the investigation into Alfie's death or the course of justice to be obstructed, perverted or interfered with. Not surprisingly, the jury did not believe you.
34. It was obvious you wanted to make sure Mr Lamb was persuaded not to tell the truth about what happened to Alfie in the car. You got your friend Gary to do most of the beating and threatening but you also took part yourself in the violence against Mr Lamb.
35. It is very sad that Marcus Lamb was your friend and kin. The incident was planned. There was actual violence as well as threats. The filming of the incident was gratuitously degrading to Mr Lamb. He was left traumatised though, I accept, not badly injured.
36. Your previous convictions for violence are relevant here. You punched man in the eye in August 2014 and you kicked and beat a former girlfriend in October 2014. Your counsel points out that your childhood was very difficult and I accept that.

37. You now apologise to Mr Lamb, publicly, through counsel in her written mitigation statement. I note that too. But your letter to the court does not mention him.
38. In my judgment, this crime should be met with a sentence of **2 years' imprisonment**.
39. I must have regard to what is called the principle of totality. That means I must not pass a sentence which, overall, is out of proportion to the offending.
40. With that point in mind, I have decided to treat the conspiracy to pervert the course of justice and the intimidation of Mr Lamb as part of the same course of conduct, intended to conceal your part in Alfie's death.
41. The sentence of 18 months' imprisonment for conspiring to pervert the course of justice will therefore run concurrently with the sentence of 2 years for intimidation. Those two concurrent sentences will run consecutively to the sentence of 5½ years for the manslaughter of Alfie.
42. Stand up please, Mr Waterson. The sentence of the court for these three offences is therefore, as follows: 5 years and 6 months' imprisonment for the manslaughter of Alfie Lamb; 18 months' imprisonment for conspiring to pervert the course of justice; and (concurrent to that sentence but consecutive to the sentence of 5½ years for manslaughter) 2 years for intimidation of Marcus Lamb.
43. The total sentence is therefore one of **7 years and 6 months' imprisonment**. Please go with the officer.

Emilie Williams

44. Emilie Williams, please stay seated for now. You have just turned 20. You are of good character, with no previous convictions. You are being being sentenced for one offence of conspiracy to pervert the course of justice. You pleaded guilty to that offence on 20 September 2018.
45. You were 18 when you committed the offence in February 2018. You gave three false accounts to police of what had happened in the car the day Alfie sustained his fatal injuries. Eventually, in mid-February 2018 you volunteered that Mr Lamb had been driving the car.
46. You told the full truth in an interview on 28 February 2018 when you had a solicitor with you. You then agreed to give evidence for the Crown at the trial. I saw and heard you give evidence, with the assistance of your intermediary, Ms O'Neill.
47. You gave substantial assistance to the police and prosecution. You gave the police your phone to be analysed. You helped the prosecution make its case against Mr Waterson and Ms Hoare at the first trial. I have read the helpful note of DS Cutler, the officer in the case, explaining the help

you gave the police.

48. You are easily influenced, passive and with low self-esteem. I have read the psychologist's report, from Dr MacLennan. I have read your basis of plea, which I largely accept, though I do not make any finding that you were assaulted by Mr Waterson. I cannot be sure of that.
49. I do accept that his influence on you was significant and that you were scared of him and, to a lesser extent, of Ms Hoare who also encouraged you to lie and later assaulted you. I accept, also, that you had reason to be frightened of Mr Waterson.
50. He made threats to you in mid-February 2018, saying he could make people disappear and that your daughter, E, may not have a mother. He got access to your Facebook account. He had control of E in early February 2018. He expected you to do his bidding, even putting your own daughter in danger, for example by allowing E to travel in the footwell of cars as she did on 1 February 2018.
51. A person who lies to the police and obstructs a criminal investigation must go to prison in all but the most exceptional cases. Conduct intended to pervert the course of justice strikes at the heart of the administration of justice. Deterrent sentences must be imposed to ensure the justice system can function properly.
52. You were helping to cover up a very serious offence, manslaughter. Your lies went on over three interviews, during a period of about two weeks. They did not incriminate an innocent person and they were not believed by police, but they delayed the investigation by several weeks and wasted police time and public money.
53. I take into account that you pleaded guilty at the pre-trial preparation hearing and that you were willing to give evidence at the first trial and would have been willing to do so again at the retrial, had it taken place.
54. I take into account that you have no previous convictions, are inclined to bow to the will of others and were frightened and intimidated. I have read your letter to the court today. I bear in mind that you are due to give birth to your second child, in about nine weeks.
55. I have seen the emails written to the court by your mother and your partner. I understand that, if at liberty, you are due to start one year's maternity leave next week and your job is to be held open for a year.
56. I do not accept that you are entitled to full credit for your guilty plea. I think the credit should be 25 per cent. The sentence of imprisonment after a trial would be one of 7 months' imprisonment. I reduce that by (approximately) 25 per cent to a period of 5 months' imprisonment.
57. I have thought long and hard about whether I can and should suspend that sentence, as I am urged to do by your counsel and as suggested in the two helpful probation service reports. The case would have to be

truly exceptional to justify that course.

58. In this case I am persuaded, by a narrow margin, that this is such a case. The combination of factors which I have mentioned and your very young age, just persuade me that I can properly suspend your sentence.
59. Stand up please, Ms Williams. The sentence of the court is one of **5 months' imprisonment suspended for 18 months.**
60. I have considered also the conditions that should be attached to the suspension. There must be an element of punishment to mark the fact that you sought to deceive the police and cover up the truth.
61. It is important that no one should think that they can lie to the police and not suffer significant punishment, even in an exceptional case such as this where I have been persuaded against a sentence of immediate custody.
62. There will be a requirement to do **100 hours' unpaid work**, to be arranged with the probation service. This will no doubt not start until next year, after the birth of your child. It must be completed within one year from today. That year coincides with your maternity leave.
63. In the case of both defendants, any statutory charges that apply will be dealt with administratively.