



Judiciary of England and Wales

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-v-

Cameron Baker
Winchester Crown Court
Sentencing Remarks of Mrs Justice Cockerill
12 December 2023

The defendant is to remain seated until told to stand.

INTRODUCTION

1. On Saturday 28 May 2022 at 03:17 Police and Ambulance were called following a report of a stabbing in Park Road in Ryde, Isle of Wight. When they arrived, they found 30 year old Thomas Lee (“Tommy”) Barton fatally injured – stabbed to the heart. He was pronounced dead at 0359.
2. Cameron Baker, you have been found guilty following a trial, of the murder of Mr Barton. I must now sentence you for that offence.
3. I have had the benefit of arguments on sentence from Mr Hynes KC, ably supported by Ms O’Reilly, on your behalf and Mr Quinlan KC, ably supported by Mr Thomas, for the Crown. I take account of everything they have eloquently said.
4. I have heard and read the extremely moving victim personal statements from Tommy Barton’s family: his Mum Kate who bravely read her own statement to the court, his sister Alexandra, his close friend Elliott Ryan to whose child Tommy was a loved uncle, and - representing both herself and Tommy’s and her adored daughter, Georgia Turnbull. We heard at trial from Tommy’s father Peter.
5. It is clear that the person they knew and loved very dearly was a warm, loving, vibrant person. He was, in Georgia’s words: “kind generous, funny, loud and the life and soul of all occasions”. He loved to walk his dogs with his Mum, he loved sport. He cooked a great roast to eat with his beloved family. He lit up their lives.
6. The loss of each speaks vividly from their words; his mum has spoken of being destroyed by her loss. But most of all what conveys itself is the loss suffered by his little girl who was the absolute centre of his world; and for whom he was plainly the sun and the warmth and the joy of life. The account of the effect on her, the way it has taken her carefree joy, her love of her

friends and of learning and left her despairing of life, is one which will, I am sure, haunt all of us who have heard it. It as Tommy's sister said, beyond words.

7. It is plain to me from these statements that for all of Tommy's family their lives will never be the same again. I am sure that all of us hope that they can find strength to comfort and sustain each other, and particularly to support and love Tommy's daughter Bonnie.

THE FACTS

8. In deciding upon the sentence for this offence I must set out my conclusions upon the evidence that has been called in this trial. I must sentence you only upon the basis of the facts that I am sure about. If I am not certain about something I must give you the benefit of the doubt.
9. Tommy Barton was born on 9 June 1992 and was thirty years old when he died. He lived in Brading, just outside Ryde on the Isle of Wight. He worked in a restaurant in Ryde called "Catch". Until shortly before his death he had been dating a young woman called Samira Creed ("Sammi").
10. You, Cameron Baker, knew both of them. Tommy Barton you knew less well as he was a little older, but Sammi, closer in age, you knew better.
11. Both of you had criminal records. Tommy Barton's was considerably shorter, though it involved more aggressive behaviour, as a result of which I accept that you viewed him as a man who might well respond to a perceived slight with violence. Your criminal record was shamefully long. On any view it demonstrated a habit on your part to make impulsive poor decisions and to be confrontational when drunk. Most of this very unpleasant and anti-social criminal behaviour was verbal, but your most recent conviction for affray combined serious threats of violence with taking a dangerous weapon – a harpoon gun - with a view to intimidating another person.
12. On the evening of 27 May 2022 you were among the many people enjoying the weather and the bars of the Esplanade in Ryde. Earlier in the day you had been at the house of your friend Rio Scott and his girlfriend Tia Hall for a barbeque. In the evening you, Rio and Sammi went out for more drinks. First at the Pavilion, then at the Heron Lounge where Tia Hall joined you. You were quite drunk and Sammi was holding your hand. This small gesture would start a fatal train of events.
13. You were seen holding hands by one of Tommy's friends, who invited you to his house for a drink. He or someone else seems to have told Tommy that

you and Sammi were out together because Tommy turned up outside that location, berated you for your association with Sammi and, once inside the flat, hit you to the head. Tommy Barton was a lot bigger than you and you did not respond. Rio Scott and others stepped between you and ensured matters went no further. Shortly after this you and your group left and went back to Rio and Tia's house, 63A Park Road. You all tried to have a nice evening. More drinks were consumed; pool was played. It seemed that the unpleasantness was behind you.

14. Slightly later Tia's sister Thalia found herself in the same pub as Tommy Barton. She was chatting to him and getting on well. There was some suggestion made that he come back home with her to Park Road. When the sisters spoke, Tia and then Rio made it quite clear to Thalia that, in the light of earlier events, this was a terrible idea. They urged Thalia to come home alone. She did so.
15. Meanwhile Tommy Barton had been brooding on the turn events had taken. He had been drinking. He had taken cocaine. Someone had given him the idea not just that you and Sammi were an item but also that everyone else knew about it and was conspiring to keep the news from him. His father's evidence made clear how that upset him. Together intoxication and misinformation fused into terrible anger. He felt profoundly disrespected.
16. He decided that he must confront you and Sammi. He started calling Sammi, withholding his number. She tried to set his mind at rest, but he was not listening. In speaking to him and explaining what she was doing, highly unfortunately she told him where she was. Lacking a driving licence Tommy called his father, Peter. Peter, though in his eighties and in poor health, responded to the call. He was concerned that Tommy was heading into trouble, with a plan to confront more than one person, and wanted to have his back. He thought that taking him there and being with him was the least worst option.
17. Tommy told Sammi he was coming round. The tension in 63A began to mount. Tommy was big, he was angry, and he had been known to behave violently. He was speaking of wanting to see you outside.
18. On arrival Tommy took his Dad's NHS walking stick and set about the windows of 63A, obliterating the glass in the front door and smashing 2 other windows. All the while he was calling you to come out. Rio Scott, who had always got on well with Tommy Barton, called down to try to get him to stop, but he was not heeded.

19. You were drunk and not best placed to make sound decisions. I accept that you were also – understandably – terrified. Not only the noise of the assault on the windows, but also the screams of Tia, Thalia and Sammi and Rio’s shouts out of the window at Tommy combined to make you panic. This combined with your innate tendency, demonstrated by your previous convictions, to behave impulsively and confrontationally.
20. I am sure that you anticipated the possibility of a fight. In doing so you thought both about how to ward off Tommy and how to try to even the odds if it came to it. You decided on the largest knife in the knife block and a kettle full of boiling water as weapons albeit on an “in case” basis. You boiled the kettle, you took off the lid to make the contents easier to throw, you armed yourself with the knife, you paced about, psyching yourself up for what you feared was an imminent conflict. Thalia, seeing you, presumed that you were intending to throw the contents of the kettle over Tommy Barton.
21. Suddenly the noise stopped. Rio claimed to hear a car door slam, and said he thought that Tommy had gone. He decided to go out and check the damage from outside. You decided to follow - but you decided to take your chosen weapons with you.
22. I am sure that you did not go out with the intent of quietly leaving. You went out, not as you said in your evidence in court, in order to go home, but rather as you said to the police in your first interview, to check if Tommy Barton was still there. You took your weapons not knowing he was there, and so not with any firm intent at that time of using them; but you took them with you intending that if he was there, and if he insisted on a fight, you could even the odds. You went with an intent to use them responsively.
23. Barely had you both got out towards the level of the front of the house, when Tommy and his father returned. The car screamed to a stop opposite where you were in Park Close. Tommy launched himself out of the car towards you.
24. Within seconds you had used both weapons. You deposited the contents of the kettle on Tommy and stabbed at him a number of times, wounding him twice severely and at least once more. The fatal wound which tracked downwards and backwards from the entry point in the upper chest went 15 cm into his chest, through his lung, through the pericardium surrounding the heart, through one ventricle and into the other. You killed Tommy Barton; that wound was unsurvivable.
25. But in addition, he suffered a large block of scalding injury. It was not an injury consistent with your evidence that Tommy Barton ran into you and the

water went everywhere. You suffered no injury from it at all. That injury, and its position on his arm - exactly where it would land if he threw up an arm to protect himself - is consistent with you either throwing the entire kettle as Tommy Barton came towards you, or you throwing the contents at him as he closed on you.

26. You said that in stabbing Tommy Barton you acted in self defence, and that the killing of Tommy Barton was therefore not unlawful. By their verdict – guilty of murder - the jury has rejected your account of events and has concluded that they were sure that in that instant not only were you not acting in reasonable self defence but also that you intended to cause Tommy Barton at least really serious harm.
27. In so concluding they will have noted the respects in which your evidence did not align with the established facts – your lack of any real damage from the kettle or from what you called a frenzied attack to your head, the obvious inconsistency between your description of the infliction of the wounds and the path of those wounds and the picture painted by the forensic evidence.

SENTENCING PRINCIPLES

28. There is only one sentence that the law allows to be passed for the offence of murder: that is a mandatory life sentence. For an adult, it is called a sentence of imprisonment for life.
29. I am then required to specify the minimum term, pursuant to Section 322 and Schedule 21 of the Sentencing Act 2020.
30. It is important to explain to you, and to those listening in this Court, that a minimum term is not a sentence where the defendant is released after serving some but not all of it. A minimum term is exactly that: it is the shortest period that you will serve in prison before you may apply to the Parole Board.
31. Let me make this quite clear. You will not be released before that minimum term has expired. There is no guarantee that you will be released at that time, or at any particular time thereafter. After that period elapses the Parole Board will consider your case. It is then only if the Parole Board decides you are fit to be released that you will be released. If the Board concludes that it remains necessary for public protection, you will continue to be detained.
32. If the Parole Board decides to direct your release you will be under supervision and will remain on licence for the rest of your life, and may be

recalled to prison at any time if you re-offend. It is in these ways that a life sentence protects the public for the future.

33. In calculating the minimum term, I must have regard to principles laid down in the Sentencing Act. This gives guidance on the number of years to take as a starting point.
34. Having arrived at a starting point, I then have to consider the individual matters that should be taken into account in your case in aggravation and mitigation of sentence, and adjust the minimum term to reflect them.

THE PRINCIPLES APPLIED

35. There were essentially two points at issue between Prosecution and Defence as to the approach. The first relates to the starting point.
36. Paragraph 4 of Schedule 21 provides that if, as here, an offender was aged 18 or over when he committed the offence and if he took a knife or other weapon to the scene intending either to commit any offence, or have it available to use as a weapon, and he then used that knife or other weapon in committing the murder, the offence is normally to be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years.
37. It was argued for the defence that this should be seen as not falling within this provision on the basis that (i) you did not take the knife anywhere with the intention of committing any offence (ii) the second part of the provision (possession of a knife as a weapon) should only be read as applying where the knife is possessed unlawfully – a conclusion not supported to the criminal standard and (iii) the knife was not "taken to the scene" in that Mr Barton came to you and the scene was the environs or possibly even the private access road of 63A.
38. I accept the first limb of this argument but not the other two. I accept that you did not know Mr Barton was there and did not have a firm intent as a result. But attractively as the argument as to possession as a weapon was put, it finds no support in the authorities – in particular the argument as to unlawful possession finds no support in the very similar case of *Bowers* considered within *Kelly*. Despite Mr Hynes careful submissions it follows from that case that going outside with a knife, with it in mind to attack as a form of defence, is not permissible and results in the paragraph being triggered. That was

effectively the case in *Bowers*; it is the case here, albeit that you did not know Mr Barton was or would be there.

39. As for the meaning of scene, that was considered in *Dillon* [2015] EWCA Crim 3 and results in the conclusion that if the knife is taken out of a house or flat into the street, or into another part of the premises, or onto a landing outside a flat, it will normally be regarded as having been taken to the scene. I cannot see why this would not follow in this case.
40. There were then some differences between prosecution and defence as to which aggravating and mitigating factors were engaged and to what extent; in particular as to planning/premeditation, convictions, provocation and partial self-defence.
41. Having reflected carefully on those submissions, in the circumstances I consider that one statutory aggravating feature which is to some extent present in this case is that of mental or physical suffering inflicted before death: the scald caused by the boiling water would have caused very considerable pain. While it this is not a case where there was significant or long lasting suffering (suffering here would have been of short duration because it occurred so quickly before death) and one cannot properly count the suffering inherent in the fatal wounds, the factor cannot be entirely ignored.
42. I do not consider that this was a case where there was a significant degree of planning or premeditation. Although you planned to the extent of arming yourself with a knife and boiling the kettle you had no firm intent to use them when you went outside. I am sure that your plan was to respond to events. However that aspect of pre-meditation prevents the factor being significantly engaged as a mitigating factor.
43. It has been submitted that I should take into account your criminal record - which is not insignificant and includes one conviction for assault as well as the nasty affray. However the majority of these convictions are plainly not relevant, not being offences of violence. As for the assault conviction it is of an entirely different order and arose in entirely different circumstances. I accept the submission that your record is, in essence, one of anti-social behaviour, despite the one affray which shows you going out with a weapon. I do not consider that in the circumstances it would be fair to count your criminal record as giving rise to any significant aggravation.
44. So far as mitigation is concerned a number of the statutory mitigating factors can be argued to apply. I accept that you had no intention to kill, only an

intent to cause serious bodily harm. This elides on the facts of this case with the submission that I should allow considerable mitigation for provocation and/or that you acted to some extent in self-defence.

45. There is force in this, but only to some extent. I do not accept that this is properly to be regarded as a provocation case, either on the law or your own evidence. Self-defence is more apt; however regard must be had to the fact that the jury have by their verdict firmly rejected self-defence, and also the case in manslaughter which was open to them, in the event they concluded that this was a case of unreasonable force used in fear of violence with no intent involved.
46. On the jury's verdict you intended to act if necessary to so damage Tommy Barton that he would be unable to or would desist from attacking you. By your choice and use of the two weapons the jury concluded - and it is clear - that you intended (albeit responsively to a fight initiated by another) to cause serious bodily harm. Further the authorities establish that even without significant premeditation or any intent to kill, where conduct is likely to or may possibly cause death - even if that consequence is unintended - mitigation is likely to be minimal. Using so large a kitchen knife must engage this point.
47. Nor is this a case where the violence resulting in death can truly be said to have erupted suddenly and unexpectedly; the final events came on suddenly - but you went outside with this possibility very much in your mind and with careful preparations made. What is more this is not a "one punch" case - there are a series of acts of violence: the water, 2 major stabs (distinct and slightly differently oriented), at least one further apparent knife injury.
48. I therefore consider that while this case is one where more than minimal allowance should be made for the engagement of this combination of factors, this is not a case where all or any are fully engaged. It is therefore some way from the kind of case where a very significant discount for mitigation is appropriate.
49. It has been submitted that you have shown clear remorse. I do not accept this submission. You have, it is true, shown some remorse, particularly directed at Tommy Barton's daughter. That has been supplemented at a late stage by a letter directed to me which does squarely express remorse for your actions and remorse towards the whole of Tommy Barton's family. However, a good deal of your remorse seems to have been directed at yourself. You have been

unwilling to accept your culpability until now and sorry for yourself for the position in which you find yourself.

50. Taking all these matters together, I am therefore satisfied that the mitigating features of your case do outweigh the aggravating features of your case, but not by so much as to lead to any very significant reduction.
51. Finally, I note that the surcharge applies to this offence and will be added to the Court record in the appropriate amount.

THE SENTENCE OF THE COURT

The defendant is to stand up when addressed, and to remain standing until dismissed

52. Cameron Baker, for the murder of Thomas Lee Barton you are sentenced to life imprisonment. Taking account of all the factors I have set out, I set the minimum term at 21 years. You will be given credit for time spent on remand in custody, which has been calculated at 194 days.