



R v MARK CLOWES

Sentencing Remarks of the Honourable Mr Justice Calver

Stafford Crown Court

2 February 2024

Mark Clowes, stay seated until I tell you to stand.

1. It falls to me now to sentence you in the light of the jury's unanimous verdict at the conclusion of this trial that you are guilty of the manslaughter by gross negligence of Clare Bell on 9 August 2020.

Circumstances of the offence

2. This is a very sad case, and as I shall explain, Clare's death has had and continues to have a traumatic effect on the members of her family. It is clear that Clare Bell was an alcoholic and that you too are an alcoholic. Whereas you are what might be termed a functioning alcoholic, Clare was not only an alcoholic but her alcoholism was such that she was, at the time of her death, suffering from a potentially fatal condition known as alcoholic ketoacidosis. She was a frequent binge drinker and had been binge drinking ten days before the day of her death. When she was binge drinking she would frequently soil herself and be sick and I accept that it frequently fell to you to then wash Clare, as she could not wash herself. I have no doubt that you were a kind and attentive partner of Clare and that you both loved each other. I also have no doubt that it was extremely frustrating for you, as Clare's partner, that she stubbornly refused to help herself when she got into this state.

3. But the fact that Clare Bell was at times an impossibly difficult alcoholic suffering from a potentially fatal alcoholic condition does not make her life worth any less than anyone else and does not remotely justify what happened to her on 9 August 2020. Her death is as tragic and unnecessary as that of anybody who is killed. I make that abundantly clear. Indeed, the court heard evidence from Clare's father, Peter Bell. This remarkably dignified and forgiving man explained how when Clare was not in the grip of alcoholism, he got on brilliantly with his daughter who was a "lovely lass" whom he was proud to take anywhere. The court has also received a victim impact statement of Daniel Bell, Clare's son. He says in particular that:
"Nothing will ever be the same again. I will never get to share with her all that I have achieved in my education and work.
While the effects of this will remain with me for the rest of my life, I vow to become someone that Clare would be proud of, for the sake of my grandparents."
4. The court received two further victim impact statements from Valerie Broad, Clare's mother and Liam Broad, Clare's brother. They make for difficult reading and it is obvious that Clare's death has had and will continue to have a profoundly upsetting impact on those members of Clare's family. Valerie Broad tells of the pain, emptiness and sorrow that the family feels in losing her daughter, Clare too soon; she says that losing Clare has unsurprisingly had an enormous impact on her mental health such that she was unable to attend court for the trial. Liam Broad tells of the effect that Clare's death has had on him, causing him anxiety and depression.
5. The circumstances of Clare's death need not be rehearsed in any particular detail. It suffices to say that, and consistently with what the jury must plainly have concluded given the verdict which they reached, you knew that Clare was seriously intoxicated, only semi-conscious and therefore vulnerable when you negligently placed her in the bath, the water of which at some point reached a scalding hot temperature, and failed to help her out when she asked you to do so. Your conduct gave rise to a serious risk of death for Clare, and indeed it duly caused or substantially contributed to her death.

6. I consider it likely that what happened is that on the morning of 9 August 2020 you returned home shortly after 10.30am after having bought wine from a local shop, and you found Clare extremely drunk and having soiled herself in the living room. You quarrelled with her about this, such that your shouting was overheard by your neighbour, Julie Twigg. Consistently with the care that you showed to Clare throughout your relationship, you decided to help Clare up the stairs to the bathroom. She was so drunk that she fell and smashed her head against the bathroom toilet. You ran the bath. The hot water ran from the hot bath tap at a scalding 82 degrees centigrade. The two possibilities are that either you briefly helped Clare into the bath at that scalding temperature or else she lay in the bath at a temperature of at least 50 degrees for around 10 minutes. You then left her upstairs, alone. Either way, she suffered appalling 3rd degree burns over 30% of her total body surface area. Clare was overheard by your neighbour, Mr. Glover, calling out for you to help her out of the bath. Mr. Glover heard you say that you would not help her, shouting back at Clare “No, I don’t want you going anywhere look at the fucking state of you”. When you finally did take her out of the bath at around 11am and put her on the bed, she was, to use your words, shedding her skin like a snake. You said she told you that she was going to die and kept saying she was on the way out. However, you did not call the emergency services until 5.10pm and during that time, whilst you say that you checked on Clare from time to time, you went back downstairs to watch the snooker and paid two visits to your local shops to buy more bottles of wine which you consumed becoming progressively more drunk. Had you called the emergency services earlier it is possible, depending upon her physical state and assuming she was not already dead (as you said was the case), that Clare’s life could have been saved, as the expert evidence was to the effect that the burns were not necessarily fatal and an individual with alcoholic ketoacidosis usually has a favourable outcome with immediate treatment. I have no doubt that you will carry that thought with you for the rest of your life, as no doubt, will Clare’s family.
7. By the time the emergency services arrived, just 12 minutes after you called them, Clare was already dead. You gave the two paramedics differing accounts as to what happened to Clare and what role you played in events. You gave a further, different account to this court. I consider it likely however that by the time the paramedics arrived you were extremely drunk and I am prepared to give you the benefit of the doubt that you may

have found it difficult to remember the precise sequence of events. That conclusion is reinforced by the fact that just 1-2 hours after you put Clare in the bath at 11am you were seen by your neighbours stumbling as you walked along Church Street where you live, and even staggering into a wall.

Sentence

8. It is against this background that I come on now to address the matter of sentence in your case.
9. In sentencing, I must keep in mind that the Jury acquitted you of unlawful act manslaughter. It is clear that they considered that you behaved negligently rather than intentionally or recklessly in placing Clare into what was a scalding hot bath and in failing to help her out.
10. I turn, therefore, to the Sentencing Council's Definitive Guideline for gross negligence manslaughter. The Guideline provides for four levels of culpability, namely very high, high, medium and lower. For the Prosecution, Mr. Barraclough KC rightly observes that in order for this to be a high culpability case the court would have to be satisfied that the offence was particularly serious because you showed a blatant disregard for a very high risk of death resulting from the negligent conduct. That must mean something more than what is required for the ingredients of the offence. I am satisfied that this is not a high culpability case and Mr. Barraclough KC made clear that he does not suggest that it is.
11. It follows that, as Mr. Barraclough KC submits, the case must fall within either medium or low culpability, with a balance needing to be struck between the extent of the disregard for the risk to life and whether this was a one-off lapse in your otherwise satisfactory standard of care, as witnessed by those who spoke of how you dealt with Clare Bell generally when she was incapacitated.
12. Mr. Ryder KC for the Defence rightly accepts that because death occurred, harm is inevitably of the utmost seriousness and the custody threshold is passed. But, he

submits, the circumstances and history here, however, establish culpability in the lower category and that neither the principles of sentencing nor the public interest require the imposition of an immediate custodial sentence.

13. In order to determine the correct category, I have to determine the factual basis for sentence, and I have to be sure of that basis. If there is any doubt about it, then that doubt must be resolved in your favour.
14. I have set out above what I consider happened in this case. I accept that there is a doubt as to whether Clare was immersed into scalding hot water at a temperature of 82 degrees by you or whether she was left in water of at least 50 degrees for a longer period of time in order to suffer the pattern of 3rd degree burns seen on her body. Whilst I consider it implausible that an intoxicated and semi-conscious Clare herself topped up the bath with the scalding hot water, I am willing to give you the benefit of the doubt, which I consider to be consistent with the jury's verdict, that you left her in water of 50 degrees for a period of time whilst you went downstairs, and it was that which caused her burns, rather than your immersing her in water with a temperature of 82 degrees.
15. In light of the evidence of many different witnesses, including that of Peter Bell, Clare's father, and George Clowes, your son, to the same effect namely that you constantly cared for Clare whenever she was intoxicated and sick and that you were utterly devoted to her, I am also willing to give you the benefit of the doubt that you did not appreciate, particularly in your intoxicated state, the danger of her lying in a bath at a temperature of 50 degrees for some 10 minutes or more and the importance of removing her from the bath urgently when she asked you to help her out, albeit that that was grossly negligent with an obvious risk of death to a reasonably prudent person.
16. I accept that your grossly negligent conduct in this respect was a lapse in an otherwise loving, caring relationship that you had with Clare and which I have already referred to.
17. I consider this to be an exceptional case. Assessing the evidence in this exceptional case as a whole, I consider that your case falls within low culpability in the Sentencing

Guidelines, the negligent conduct consisting of a lapse in your otherwise satisfactory standard of care.

18. That means that the starting point is 2 years' custody with a category range of 1 to 4 years' custody.
19. So far as factors increasing the seriousness of your offence are concerned, Mr. Barraclough KC rightly points out two possible factors, namely (i) that you were under the influence of alcohol at the time of the offence and (ii) that significant physical suffering may have been caused to Clare. As to the first of these factors, Mr. Ryder KC submits, with the support of the Addendum Psychiatric Report of Dr Furtado dated 21 January 2024, that you satisfy the criteria for alcohol dependence syndrome which is a mental disorder, such that this is a mitigating feature of your offence rather than an aggravating feature. Whilst Dr Furtado's opinion has not been tested in cross-examination, it is at least *consistent with* the evidence which the court heard concerning the mutual long-term and heavy dependence on alcohol of both yourself and Clare at the time of the offence which neither of you could control, such that I am prepared to find that the fact that you, like Clare, were under the influence of alcohol at the time of the commission of the offence, whilst not a mitigating feature of your offence, does not aggravate it to any material extent, on the exceptional facts of this case. Mr. Barraclough KC made clear that the Prosecution considered that to be the appropriate approach to Dr Furtado's evidence.
20. So far as the second, possible aggravating feature of your offence is concerned, namely whether significant physical suffering was caused to Clare, I am willing to give you the benefit of the doubt in this respect as well and I find that this is not established on the facts of your case. As Mr. Barraclough KC points out, I must have in mind in this respect the evidence of Dr Elliott of the effects of alcohol:
"disorientation, decreased sense of pain....tolerance does play a big factor – if someone is put into a very hot bath with this level of alcohol it could impact on her ability to feel what is going on and react to it.
We can't dismiss the possibility that ethanol would have diminished her assessment of temperature and her sense of pain."

21. I do consider that there are other factors which increase the seriousness of your offence, however, those being first, that you twice ignored Clare's cries to help her out of the bath and second that you failed to call an ambulance for several hours after helping Clare out of the bath when she was shedding her skin. You gave evidence that you checked on Clare from time to time and believed that she was still alive until the last time that you checked on her, at which point you called for an ambulance. As to the first of these two factors, I accept that you may not at that stage have appreciated the seriousness of the situation in which Clare found herself. As to the second, this has troubled me the most and has weighed heavily on my mind as to whether a sentence of immediate custody is appropriate.
22. Those are the aggravating features. But there are also several important factors which reduce the seriousness of your offence. First, you have no recent convictions and your six previous convictions are in the main lesser alcohol related or driving offences. Second, I accept that, as the author of the PSR Report confirms, you have shown considerable remorse for Clare's death and that you are struggling with the loss of your partner. You have fully accepted responsibility for your role in Clare's death. Third, the letter from Emma Mason, the NHS Health and Justice Navigator attests to the fact that you have engaged positively with your course of rehabilitation and personal development since 2023. Indeed, you referred yourself to a drugs and alcohol rehabilitation service after the offence. Fourth, I accept that you were under great stress at the time with Clare's frequent binge drinking which caused you repeatedly to have to clean her up and it can have been no easy task to get Clare up the stairs and into the bath on the day of the incident. Indeed, Mr. Barraclough KC emphasises this feature of your case, namely the significant stress or pressure that you were under, in his Prosecution Sentencing Note. And fifth, your constant loving attention for Clare throughout your relationship is a notable feature of this case upon which many have remarked. I have read the character references of Peter Bell, Clare's father, Ruth Aitken your former wife, Christopher Burns, Julie Wood and Julie Twigg which all attest to this. Sixth, I accept that you are otherwise a person of good character who showed nothing but kindness towards Clare up until the events of 9 August 2020, which

occurred in the context of your mutual intoxication. As I have said, this makes this a very sad case indeed.

23. I add for completeness that this is plainly not a case where the court should impose a life sentence or an extended sentence on account of your dangerousness. You are not a dangerous offender.

Stand up, please, Mark Clowes

24. Having taken all these aggravating and mitigating factors into account, I have decided to impose on you a sentence of 2 years' imprisonment for gross negligence manslaughter.

25. However, because the term of imprisonment that I have imposed is 2 years, I have power to suspend this sentence. I have to consider whether I should do so on the facts of your case. By the Imposition of Community and Custodial Sentences Guideline, factors which indicate that it would *not* be appropriate to suspend a custodial sentence include:

- (1) Where the offender presents a risk/danger to the public;
- (2) Where appropriate punishment can only be achieved by immediate custody and
- (3) Where there is a history of poor compliance with court orders.

26. As I have made clear, I regard this as an exceptional case. You clearly present no risk or danger to the public generally; you have no recent convictions; you have no history of poor compliance with court orders; and you have fully and constructively cooperated with your Health and Justice Navigator since April 2023 and she has given you a glowing report. She says in particular *"It is important to note that Mr. Clowes has shown a remarkable ability to accept advice and guidance. He has consistently demonstrated a willingness to learn from his mistakes and take on board constructive feedback. This commitment to personal growth and self improvement is a testament to his character and desire to make amends for any harm caused."*

27. To similar effect, the author of your Pre-Sentence Report refers to the fact that you have no prior experience of custody and are already suffering emotionally because of the offence. He states “*whilst acknowledging the punitive merit of a custodial term such a sentence would have little rehabilitative impact; instead rendering the likelihood of relapse to increase upon [your] release due to the destabilisation it would cause.*”
28. On the exceptional facts of this case, I agree. Having considered the matter anxiously and carefully, I do not consider that immediate custody *would* be appropriate punishment on the facts of your case, nor do I consider that appropriate punishment can *only* be achieved by immediate custody. Indeed, I consider that immediate custody would be inappropriate on the exceptional facts of your case and that it would not be in the public interest, despite the seriousness of your offence. Whilst by no means decisive, it is noteworthy that none of the professional people who have considered your case, namely the author of the Pre-Sentence Report; Ms Mason; and Dr Furtado consider immediate custody to be the appropriate punishment on the facts of your case.
29. I consider that there are factors in your case which indicate that, exceptionally, suspending your sentence rather than imposing a sentence of immediate custody is the appropriate punishment for your offence. First, there is strong personal mitigation in your favour, to which I have already referred. Second, there is a realistic prospect of your rehabilitation which indeed is already well underway. This is clear from the wholly cooperative attitude which you have adopted with the Midlands Partnership Foundation Trust together with your abstinence from alcohol. I do, however, agree with the expert addendum report of Dr Furtado who is of the opinion that you would nonetheless benefit from an Alcohol Treatment Requirement. Whilst it is encouraging to read that you have greatly reduced your alcohol consumption, leaving behind a serious dependence on alcohol is a long-term project and I am satisfied that you still require more help in doing so, despite the great strides which you have taken since the date of your offence.
30. Accordingly, for your offence of gross negligence manslaughter I impose a suspended sentence order of two years’ duration. That means that there will be a custodial term of 2 years which will be suspended for two years. If in the next two years you commit any offence, whether or not it is of the same type for which I am sentencing you today, you

will be brought back to court and it is likely that this sentence will be brought into operation, either in full or in part.

31. You will also undertake 60 Rehabilitation Activity Requirement Days and you will be subject to a 3 month Alcohol Treatment Requirement. I consider that this is an appropriate way for your risk to be managed in the community. You must meet with the officer supervising these requirements as and when required and you must attend and co-operate fully with any activities that are arranged. If you fail to comply with these requirements you will be in breach of this order, which means that you will be brought back to court and you will be liable to serve the 2 year sentence, either in full or in part. Do you understand?
32. I should make it clear that the appropriate victim surcharge will also be payable by you.
33. Finally, I would like to extend the Court's condolences to Clare Bell's family for the loss of Clare who was clearly a very kind and loving person as a mother, daughter and sister, and for whom this trial must have been a very difficult ordeal indeed. I would also like to thank the Staffordshire Police for all of their excellent work on this case, as well as all of the court staff who have done an outstanding job of ensuring the smooth progress to its conclusion of this trial. And last but not least, I would like to record the fact that the court had the benefit of first class legal representation for the prosecution and defence from Richard Barraclough KC and John Ryder KC together with their respective juniors, Robert Price and Alex Du Sautoy.
34. You are now free to go Mr. Clowes.

Mr. Justice Calver

2 February 2024