



THE KING -v- LAWSON NATTY AND CARLOS NETO

SENTENCING REMARKS

Introduction

1. Carlos Neto and Lawson Natty, you fall to be sentenced for the manslaughter of Gordon Gault and the unlawful wounding of Jack Hardy on 9 November 2022 of which you were convicted by the jury. You are both now aged 18 and were aged 17 at the date of your offences.

The Victims: Gordon Gault and Jack Hardy

2. The statements of Gordon Gault's grandmother, mother and sister were read to the court. These expressed, so far as words are able to do so, the devastating effect which the death of Gordon, only 14 at the time, has had on the family. I quote just a part, of the statement of his mother:

“To those who knew Gordon he was a practical joker, always laughing and had a heart of gold. He cared for his family and friends so much and was always full of love and life. He was a big softy and loved his dog, Bruno.

Gordon had such a loving and caring nature; he always thought of others, he would think nothing of giving whatever he had to those less fortunate. He came home one day and told me he had given food, his new clothes and money from his jar to a local boy he had met who was in care.”

It is good to get this insight into Gordon's character, when this part of him did not emerge during the trial: it shows a very different Gordon to the one portrayed in the evidence. Gordon's family lost his father to a medical condition when Gordon was just 9. Tragedy has struck this family a second time in the cruellest of fashions. I note what his sister says about their dismay

at the verdicts which were returned and I hope they understand that the sentences which I impose must reflect those verdicts. I will address a few more words to the family after I have sentenced the Defendants.

The Circumstances of the Offences

3. These offences took place when you went with others to Elswick Park on 9 November 2022. You were both armed with machetes although I accept that you, Natty, never removed your machete from down your trousers. Given your conviction, but the acquittal of the other four Defendants, I interpret the verdict of the jury in your case as based upon your supply of the machete to Carlos Neto rather than by reason of your presence and encouragement of Neto at the time the injuries were inflicted. In your case, Neto, the jury rejected your defence of self-defence but, by their verdicts, they found that whilst you intended some harm, you did not intend to kill or cause really serious harm.

4. The background to the events with which this case is concerned had its foundation in a feud which developed between two groups of young people all either resident in or associated with the NE4 postcode of Newcastle upon Tyne. These groups were referred to as the Elswickers and the Benwellers, or as the north group and the south group. Your group was associated with the sub-district of Benwell whilst the north group was associated with Elswick, being the area immediately north of Elswick Park. Your group had a common interest in a genre of music known as “drill”. This is a pernicious genre in that it tends to glorify in violence, to present violent words and images, as well as being misogynistic. What is worse is that it appears to attract young men in particular, in their teens. Thus you, Natty, said that you first became interested in drill when you were only 13. You, Neto, said in your evidence that you got your influences from social media. You would watch rappers and

wanted their lifestyle. You saw how they lived with their money and fame, nice cars and nice watches. One of the features of what they did was violent things. You said that you felt inspired by these rappers. You said that drill rappers presented a masculine image, looked hard and would get respect that way. You said: "Those are the things I saw and was influenced by. Without those things, you said, my chances of success were zero."

5. You told the court that you had a music group called Brotherhood or BRH, a group which included Natty, amongst others. You agreed that prior to November 2022 there were issues or tensions between this group and the North Group. You said they began before the summer holidays that year. One of the north group had disrespected Lawson Natty in a music track, it was a "diss" track whereby he disrespected Natty's appearance, saying that he was fat. It carried on from there and you said that your group responded in lyrics and songs made towards that person. The diss tracks got more serious in terms of the content and included threats of violence.
6. Tragically, it did not just stay at name-calling, but escalated to physical violence. This emerged from your evidence, Lawson Natty and that of your co-Defendant, Daniel Mukendi. You, Lawson Natty, told the court how some kids came to the school, broke some windows and were looking for someone, they were armed with clubs and knives. You said that you knew who they were looking for, a close friend of yours. You agreed that a feud developed and from then on you had to be picked up from school by your mother on the advice of the teachers at your school. Daniel Mukendi told the court how he felt the need to leave Newcastle in July 2022, which he had not previously intended to do, because members of the North Group came to his house looking for him. He went to Manchester, somewhere he had never been before, to stay with a family friend to avoid the danger and violence.
7. The escalating situation is further illustrated by the fact that you, Natty, researched on the internet and attempted to order online a machete at the

beginning of September 2022. Although you did not succeed then, you did succeed in November when not one but two machetes were delivered to your house which you had deceitfully ordered in your father's name, using his identification. You said that the ordering of two machetes was an error but I do not accept this, as to have had two delivered meant that both you and your close friend, Neto were able both to be armed when you went to Elswick.

8. Both of you were also expressing significant intentions to use violence towards the north group on social media, and in particular through Snapchat. You may well have thought that those messages would be automatically deleted, as would normally have been the case, causing you to be less guarded than otherwise you would have been. Let me give examples for each of you:
 - (i) On 1 and 2 October, you, Neto, were stating that you hate "the 4" which is how you referred to the north group and you would exterminate them. You referred to resuming a fight with a member of the north group, having a knife with you and stating: "If he don't run, I hope he don't think I wouldn't use it";
 - (ii) And you, Natty, although only an occasional participant, stated that you were "down for whatever".
9. Instances of tit for tat violence continued. You, Neto, were yourself stabbed on 22 October 2022 as reflected in agreed fact 67 at the trial. You sustained 3 lacerations to the right hip and both buttocks. Those injuries were treated at the Royal Victoria Infirmary later that evening. The injuries were deemed not to be life-threatening and were all treated with stitches. The violence culminated in an assault on another member of your group, Benedict Mbala, at lunchtime on 9 November 2022. A video of this assault, which was humiliating for Mbala and your group in general, was soon circulated on social media. The two of you left school early and made your way to Natty's house from where you, Natty, picked up two machetes, one that had been delivered that morning and the other which had been delivered the previous day. You gave one of those to Carlos Neto. I have no doubt that you were planning to

join the others, and go to Elswick, intending to fight any members of the north group whom you encountered. I accept, as I must, that you did not intend to kill or to cause really serious harm, but you did intend to cause some harm. You will recall that when I directed the jury on the law, I gave them the following direction:

“Lawson Natty admits having supplied the machete used by Carlos Neto to stab Gordon Gault and Jack Hardy. There is therefore an additional basis upon which you could find him guilty: regardless of what he did or did not do at Elswick Park, Lawson Natty will be guilty of Counts 1 and 2 if, when he supplied the machete to Carlos Neto, he did so with the intention that Carlos Neto would use it to cause serious injury or death with intent to kill or at least to cause really serious harm.

If Lawson Natty did not intend for Carlos Neto to use the machete to commit offences of violence with intent to kill or cause really serious harm but did intend that Carlos Neto would use the machete to commit offences of violence with intent to cause some harm, he would be guilty of the lesser alternatives of manslaughter on Count 1 and unlawful wounding on Count 2.

It appears to me that this is the basis upon which the jury must have found you, Natty, guilty of manslaughter and unlawful wounding as it explains your convictions, but the acquittal of the others who went with you to Elswick Park and I will sentence you on that basis.

10. Shortly before 6pm, a group of six of you made your way to Elswick Park. I find that your intention in doing so was to confront any members of the north group, show them that you were not frightened of them or intimidated by the attack on Benedict Mbala, and fight them if necessary. However, within 10 minutes or so of entering the park, you found yourselves outnumbered by members of the north group gathered on Elswick Road in the vicinity of the more easterly of the entrances to Elswick Park, Your group retreated back through the park, past the swimming-pool to Westmorland Road which

borders the southern boundary of the park. The north group had divided into 3 sub-groups which included James Briggs and Gordon Gault who were on an electric bike. The speed of an electric bike is such that not only did they get ahead of the other members of the north group but caught up with your group when you were on Westmorland Road. Gordon Gault was on the back of the bike and he had a silver baseball bat in his hand. What exactly happened on Westmorland Road is somewhat obscure, but you, Neto, stabbed Gordon Gault in the right arm, the arm of the hand in which he was holding the baseball bat. On the finding of the jury, this was not in self-defence, nor was it an accident. However, it was a single blow not into Gordon's body but only his arm, a blow which, on the medical evidence, needed only a mild degree of force and it will have been on this basis that the jury found you intended only some harm, but not really serious harm. It nevertheless turned out to be a fatal blow and this is what is liable to happen when young people arm themselves with weapons of this nature. Being brand new, the machete will have been razor sharp. After your conviction on 15 January, the senior Investigating Officer, Detective Chief Inspector Matthew Steel, spoke to the press and warned of the dangers of carrying weapons of this nature and issued a plea to the community to think again before carrying such knives, and not to do it. I echo that plea: too many young lives have been lost as a result and too many other lives have been ruined in consequence. We are seeing these cases all too often in the courts. A particularly worrying aspect is the ease with which these lethal weapons appear to be available through the internet.

11. Returning to the events of 9 November 2022, after Gordon Gault was stabbed, James Briggs immediately transported him back to Elswick and Gordon collapsed onto the ground on Malvern Street. He had been bleeding heavily from the wound and the police found a trail of blood from the point at which the stabbing took place to the point where Gordon collapsed to the ground. Dr Mulcahey told the court that there was a single 'through and through' incised wound to the skin and underlying soft tissues of the right upper arm which passed through the muscle of the upper arm and transected the brachial artery and the basilic vein which are the main artery and vein that

pass through this region. This would, she said, have caused an immediate and prolonged loss of blood from the circulatory system leading to a decrease in circulating blood volume, thereby reducing Gordon's cardiac output and ultimately resulting in cardiac arrest. Gordon received resuscitation efforts and restoration of circulation was achieved but she said that the brain is the most sensitive organ to a reduction in available oxygen, called cerebral hypoxia, and stroke or a reduction in blood supply, called cerebral ischemia, can quickly result from the effects of hypoxic/ischemic damage as seen here. Gordon thus sustained an hypoxic-ischemic injury to his brain and the response of the brain to such an injury is to swell, which happened. Despite the efforts of the medical staff at the Royal Victoria Infirmary, a CT scan on 15 November showed herniation and lack of blood flow to the brain, and death was confirmed. Life support was withdrawn, and Gordon died that day.

12. Returning to the events of 9 November, after Gordon Gault was stabbed, your group turned from Westmorland Road onto Brunel Terrace where you were then confronted by three more members of the north group, Liam Thompson, Nicholas Harker and Jack Hardy. Jack Hardy was armed with a knife. Again, exactly what happened is obscure, but in the course of the altercation, you caused the injury to Jack Hardy's back, of which the jury saw a photograph. This appears to have been sustained as a result of a slash rather than a stab into Jack Hardy's body but again, as the jury found, this was not a wound committed in self-defence or by accident, which is hardly surprising given the location of the wound, to his back indicating he was running away at the time.

13. The confrontation was broken up by the arrival of Mrs Margaret Clough and your group decamped to some woodland near Amelia Walk where you attempted to dispose of clothing and weapons. You, Neto, prevailed upon another member of the group, Benedict Mbala, to return to this area and attempt to destroy evidence by setting fire to the clothes and by bleaching. You, Neto, then returned to the site with Mbala on a further occasion in order to destroy evidence, and this is a clear aggravating factor in your case.

Sentencing Guidelines

14. In reaching the appropriate sentence for each of you, I take into account the relevant sentencing guidelines. These are the overarching guideline for sentencing children and young persons, the guideline for unlawful act manslaughter and the guideline for unlawful wounding. I propose to focus on the offence of manslaughter as the primary offence and treat the s20 offence as an associated offence for the purposes of s231(2) when assessing seriousness.

15. The first issue within the manslaughter guideline surrounds culpability, It is the prosecution case that culpability is B on the basis that:

- Death was caused in the course of an unlawful act which involved an intention by the offender to cause harm falling just short of GBH; and/or
- Death was caused in the course of an unlawful act which carried a high risk of death or GBH which was or ought to have been obvious to the offender.

It is argued on behalf of you, Natty, that your culpability falls somewhere on the cusp of categories C and D and that an appropriate starting point should be chosen. Whilst the jury rejected Neto's defence of self-defence, they equally rejected the Prosecution notion that the south group laid in wait for the north group in Clumber Street North/ Brunel Terrace so as to ambush two by six. It is suggested that the evidence supports a conclusion that the north group was armed and in pursuit of the south group and justifies a finding that this was "death caused in defence of self or others where not amounting to a defence" and the categorisation is in D - lower culpability. Whilst I accept the prosecution assessment in your case, Neto, because I am sure that in stabbing Gordon Gault through the arm, you had an intention to cause harm falling just short of GBH and it carried a high risk of grievous bodily harm which was or ought to have been known to you, different considerations apply to you, Natty, on the basis of your conviction. I propose to adopt a starting point of 12 years for you, Neto, and a starting point of 4 years for you, Natty, being on the cusp of categories C and D.

Antecedents

16. So far as antecedents are concerned, you are both of previous good character, not having any previous convictions or cautions.

Aggravating factors

17. I take into account the following aggravating factors:

- The context of ongoing gang rivalry and tit for tat violence.
- The victim's vulnerability due to age: Gordon Gault was just 14 years of age.
- The use of a weapon.
- Leading role in a group – applicable only to you, Neto.
- An offence committed in the presence of children; and
- Actions taken after the event to conceal or dispose of evidence, again applicable only to you, Neto.

Mitigation

18. I turn to mitigating factors and deal with you first, Natty. I have read and taken into account the heart-rending character references from your parents, brother and sister and members of your community, particularly those associated with St Roberts Catholic Church, Fenham. These show a completely different side to your character, a kind-hearted boy who helps others and who has helped to care for his disabled father, including with bathing and dressing. There is an overwhelming sense of bewilderment on all their parts that you have become involved in these matters and find yourself in your present position. The explanation lies in what I am told by Rebecca Davison, for whose pre-sentence report I am extremely grateful. She refers to the fact that you were aged only 17 at the time and that your young age must be taken into consideration when making an analysis of your offending behaviours and when considering your thinking skills and the behaviours with which you present. She says, and I quote: "Immaturity is without doubt linked to the risk of serious harm and the risk of re-offending and this is evidenced via the wealth of research and information available to highlight that the human brain is not fully developed until the age of 25 years, with the frontal cortex being the final part to mature. This means that executive functioning and the cognitive abilities necessary for pro-social behaviour and impulse management do not fully develop until such an age is reached. This immaturity is thought to be the most likely underlying mechanism contributing

to the poor problem solving, poor information processing, poor decision making and risk-taking behaviours observed in young people. Whilst immaturity is by no means an excuse for Mr Natty's offending behaviours, it does offer an explanation in respect of the poor decisions made." I have no doubt that Ms Davison is right about that: it is the only explanation that I can see for how a kind-hearted, assiduous and intelligent boy, with A levels and the ambition to attend university, could have got involved in these matters and these offences. Your age and lack of maturity are the principal matters I take into account in mitigation. Although you are now 18, and were aged 18 at the date of your conviction, and therefore fall to be sentenced as an adult, you were only 17 at the time. The decisions which you made, and which have led you to where you are now were the decision to acquire those machetes, deceitfully using your father's identification which you must have known was wrong, and then arm yourself and, more importantly, Neto with those machetes knowing that they were liable to be used to cause injury.

19. I also take into account the reference from Sharon Daniel, the catholic chaplain at Wetherby YOI. She refers to you as a young man of tremendous faith, unique in her experience at Wetherby. I give credence to her when she says: "He has displayed genuine remorse and repentance for his involvement in the offence, genuinely grasping the gravity of the consequences of his actions. Often, he has prayed for the victim of his crime (it is a tradition in the Catholic church to pray for the dead) and for the victim's family, displaying heartfelt sorrow for his crime." I understand that you either have, or intend, to embark upon a course at the Open University and this, too, indicates a growing maturity on your part, for which I give you credit.

20. Finally, I take into account the fact that, given you are a foreign national so that, on the face of it, the provisions for automatic deportation apply and there is therefore a prospect that, upon your release, you will be deported to Belgium. If this does occur, it will arguably be a greater punishment than any sentence I can impose on you.

21. Turning to you, Neto, I have read your letter to the court and take into account the remorse which you now express in that letter. Given that you, too, were only 17 at the time and have aged and matured by 18 months since then, I am prepared to accept that your remorse is now genuine as you have come to realise the impact and seriousness of your actions, not just on others but also on yourself.

22. I am sorry to have read of your ongoing involvement in violent incidents whilst in custody, and whilst I can draw no conclusions as to your part in those incidents when that is in dispute, the fact of your involvement at all indicates that you remain immature and tends to gainsay your claim in your letter to the court that you want to prevent yourself from getting into violent situations.

23. All that I have said in relation to Lawson Natty about age and immaturity applies equally to you. Mr Pitter has appropriately quoted from the document Youth Defendants in the Crown Court the following passage:

““It is now well recognised that, although the availability of a particular type of sentencing outcome depends upon the chronological age of the offender (whether at the date of the commission of the offence or upon conviction as appropriate), levels of culpability may be affected as much by their emotional or developmental age and levels of maturity as by their chronological age. Levels of immaturity or vulnerability may continue to have an effect on culpability even after the offender has reached adulthood.”

I accept that the overarching guideline for sentencing children and young persons continues to apply and considerations not just of chronological age but also immaturity may apply as much to an 18 year old as to a 17 year old. Given your age at the date of this offence, I take into account for you as well as for Lawson Natty paragraph 1.5 of the Sentencing Council Guideline for Sentencing Children and Young Persons which states:

“... Children and young people are not fully developed and they

have not attained full maturity. As such, this can impact on their decision making and risk taking behaviour. It is important to consider the extent to which the child or young person has been acting impulsively and whether their conduct has been affected by inexperience, emotional volatility or negative influences. They may not fully appreciate the effect their actions can have on other people and may not be capable of fully understanding the distress and pain they cause to the victims of their crimes. Children and young people are also likely to be susceptible to peer pressure and other external influences and changes taking place during adolescence can lead to experimentation, resulting in criminal behaviour. When considering a child or young person's age their emotional and developmental age is of at least equal importance to their chronological age (if not greater)."

That appears to have particular relevance and pertinence in this case given the negative influences of the drill genre, the peer pressure to which you were subjected and the clear immaturity of your decision-making and risk-taking behaviour in going to Elswick Park armed with a machete when you would otherwise have foreseen the provocative effect that would have and the likely consequences.

24. I have read and taken into account all that is said about you in the pre-sentence report of Mr Ramshaw, for which, again, I am extremely grateful. I note what he says about drill music videos having been singled out by the Metropolitan Police Commissioner in 2018 as fuelling the surge of violence in the London Area. Mr Ramshaw, too, draws attention to your lack of maturity as having played an important role in your offending, and not only do I accept that, but make a significant reduction in the sentence to reflect this. You, like Lawson Natty, are an intelligent young man and when you said, referring to drill rappers, that without those things, your chances of success were zero, you could not have been more wrong. As you grow older and more mature, you will come to realise the truth of that. You still have a future: sadly, Gordon Gault does not.

Dangerousness

25. Given that manslaughter is a specified offence, I am duty-bound to consider whether to make a finding of dangerousness. In this regard, I accept the submissions of counsel for each of you. In your case, Natty, the sentence I intend to impose does not qualify within the dangerousness provisions. Given your previous good character, Neto, and your age and immaturity, I consider that the risk of future offending can be managed in the context of ordinary determinate sentences.

Manslaughter

26. In both your cases, I impose a single sentence attached to the offence of manslaughter which takes into account the conviction for count 2, for which there will accordingly be a concurrent sentence. The time you have served on remand shall be deducted which I understand is 254 days for you, Natty and 255 days for you, Neto. You must each pay the statutory surcharge of £120. I indicate, as I must, that the offences are so serious that only a custodial sentence can be justified.

27. Please stand up. I start with you, Neto. For the offence of manslaughter, I assess your offence as falling within category B and adopt a starting point of 12 years' Detention in a Young Offenders' Institution. I consider that the aggravating factors including your conviction on count 2 outweigh the mitigating factors such that, had you been a fully mature adult, the sentence would have been one of 14 years' Detention, but I apply a further discount of one-third to reflect your age and immaturity at the time of the offence resulting in a sentence of 9 years and 2 months' Detention. In relation to count 2, I assess the offence of unlawful wounding as category 3A giving a starting point of 2 years and a range of 1-3 years, and I impose a sentence of 2 years' Detention, to be served concurrently. This is the shortest possible sentence I can impose having regard to the seriousness of the offences. You will be released from custody no later than two-thirds of the way through the sentence, namely six years and 40 days less the time you have spent on remand, and the remainder of the sentence will be served on licence in the

community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

28. Turning to you, Natty, as I have indicated, I adopt a starting point of 4 years' detention for the offence of manslaughter which I notionally increase to 6 years to reflect the conviction for count 2 and the other aggravating factors. I reduce that figure back to 4 years to reflect the very significant mitigating factors in your case and apply a further discount of one-third to reflect your age and immaturity at the time of the offences, resulting in a sentence of 2 years and 8 months or 32 months' detention in a Young Offender Institution. This is the shortest possible sentence I can impose having regard to the seriousness of the offence. For count 2, there will be a sentence of 12 months Detention, to be served concurrently. Of the sentence of 32 months' detention that I have imposed you will serve no more than half, namely 16 months less the time spent on remand, in custody. Ordinarily you would then be released into the community on licence until the end of the sentence, but in your case, since you are a foreign national, and since I have imposed a qualifying sentence, you are liable in principle to automatic deportation to your country. The earliest point at which you may be deported will be on completion of the custodial part of this sentence and before you are released on licence. However, there may be a delay in your case in the operation of the automatic deportation provisions or there may be a particular reason in your case why the provisions do not apply to you at all, in which case you will be released into the community on licence. In that event you must comply with all conditions of your licence until the end of this sentence, or your deportation, whichever comes first, failing which you may be recalled to custody.

29. You may both go down.

30. If I may finally address a few words to the family of Gordon Gault. I cannot begin to imagine what you have been through from the moment you learned on 9 November 2022 what had happened to Gordon, and I know from your

statements that the trial process has been extremely difficult for you. I have no doubt that you will not feel that justice has been done. I understand that, but I hope you understand the constraints within which I was obliged to act arising out of the verdicts in this case. Despite everything, I hope that you will now be able to move on, not least for the sake of Jessica and Jack, and you certainly leave this court with our sympathy and very best wishes.