



Judiciary of England and Wales

REX

v

CARTEL BUSHNELL

SHANE CUNNINGHAM

LEO KNIGHT

Sentencing remarks of the Honourable Mr Justice Saini

At Bristol Crown Court

On Friday 3 May 2024

1. Cartel Bushnell, Shane Cunningham and Leo Knight the time has come in this case for me to tell you the sentences I am going to give each of you. Before I do that I will explain to you my reasons for selecting those sentences. That will take a while. I will do my best to explain things in a way which I hope you can each understand. But at some stages I will have to talk about things which are about the law and which may seem complicated, and which you may not understand. Once I have finished, I will give you my reasons in writing so that your intermediaries and your lawyers can discuss them with you. I am very grateful for all the assistance provided by the intermediaries throughout this long trial. As we did during the trial, I will use your first names, Cartel, Shane and Leo. I will also refer to the victim Mikey Roynon by his first name.
2. Mikey was murdered at a house party at Eastfield Avenue in Weston Bath on the evening of 10 June 2023.
3. On 1 March 2024 a jury here at Bristol Crown Court, found you, Shane, guilty of Mikey's murder. Shane, you had already admitted having a knife with you that evening. Cartel, you were found guilty of manslaughter and you had also earlier admitted taking a knife with you that evening. Leo, you were found guilty of manslaughter, but you did

not accept you had a knife that evening. The jury rejected that and found you had a knife with you at the party.

4. I have this morning heard the moving victim personal statements from Mikey's mother Hayley, his father Michael, and his grandmother, Teresa. On the day Mikey was killed he was only 16. He was still a child. His family have suffered a loss which is unimaginable. They have conducted themselves with real dignity throughout this trial, during which they have had to live through Mikey's last tragic minutes of life on repeated occasions. Mikey had a bright musical career ahead of him and although he had faced a number of challenges in his short life, his future looked promising. His relationship and bond with his mother Hayley was a special one. As she said in her statement, describing her life after Mikey's death:

“I worry about what will happen after. Will I be expected to be me again and just get on with life? Will people stop talking about Mikey and will I start forgetting the memories? I hate the unknown... I don't know and I'm not even sure I want to know because life will never be normal again”.

5. As I said at the trial, Bristol and its surrounding areas are in the middle of a plague of knife crime. The plague has continued since this trial finished. The lives of young boys who carry knives continue to be taken at the hands of other boys who carry knives. Those who carry knives are themselves the most likely to be killed with a knife. I should make it clear to you Shane, Cartel and Leo that I do not sentence you on the basis that you have any responsibility for that appalling situation. The sentences that I will decide on are based solely on what you each did that evening and on your personal circumstances.
6. You have heard the lawyers today describing to me things which may mean nothing to you, such as sentencing guidelines. These are documents that I have to take into account and which guide me in deciding on the right sentence for each of you. As you know, the Youth Justice Services in Dorset and Wiltshire have sent me detailed reports about each of you. The reports tell me in some detail things about your lives and personal backgrounds, following discussions that probation officers have had with you. The reports contain many personal things and upsetting matters which I will not refer to in court but please be assured I have taken into account what is in these important reports.
7. Cartel you are now 16 and were 15 when Mikey was killed. Shane you are now 16 and were that age when Mikey was killed. In a few days you will be 17. Leo, you are now 16 and were 15 when Mikey was killed. In the law you are children.
8. When a judge decides on sentences or punishments for children there are special rules which are different to those that apply to people over 18. These rules mean that when I am deciding on your sentences I have to have very much in my mind that the main aim of justice system for young people is to prevent offending and to focus on their welfare. Although I must take the seriousness of your offences as the starting point, I will focus on you as individuals, as opposed to upon your offences. That means I will consider your potential rehabilitation and the effect my sentences are likely to have on each of you, as well as the things in your lives which may explain your behaviour. A major matter I have taken into account is what is called your “developmental maturity” as described in the YJS pre-sentence reports. This means how mature or grown up you

actually are rather than just focussing on your age in years. In each of your cases the reports about you show that your actual maturity is not reflected in your ages.

9. I will now describe what happened the night Mikey died. I am sure of those facts based on the evidence at trial and the verdicts given by the jury.
10. On the early evening of 10 June 2023 you each travelled by bus from Devizes to Bath. There was another set of your friends from Devizes with you. After a quick visit to McDonald's in Bath your group took another bus to Weston. You were going to an open invitation birthday party. The party was being held by a young woman who was a former girlfriend of you, Cartel. You were not expecting any trouble.
11. Although you did not go to the party expecting trouble, you each went to the party armed with big knives which were hidden within your clothing. In addition to each of you, Shane, Cartel and Leo, carrying knives that evening, a fourth member of your group also had a knife in a rucksack taken to the party. So, your Devizes group took a total of 4 very big knives to what was meant to be a fun occasion where a young woman was turning 16. How you each got hold of these horrendous and unlawful weapons and why you took them to the party will never be known. As I have said, I do not think that you went to the party to fight with anyone. But it is clear that you took the weapons with you for fighting with and for injuring people, if any violence took place. Your knife Cartel was not found but it is likely to have been like the so-called *Zombie* knives which Shane and Leo took to the party and which we saw during the trial.
12. You, Shane, Cartel and Leo, did not know Mikey. Mikey arrived at the party after you with his friends from Bristol. There is no evidence that Mikey went to the party to have anything but fun. Mikey had developed a reputation as a rapper with a number of YouTube videos. His appearance at the party was popular and some of his songs were played.
13. There were a large number of young people at the party, about 70. I am satisfied that many of the other boys, including some boys from Bristol, went to the party armed with substantial knives. I am also sure that Mikey had a knife. Whether he took it with him to the party, or whether someone gave it to him, cannot be known.
14. As the party progressed some people were in the house and others were on the decking in the garden. The actions or comments of the Bristol boys towards you and your Devizes group were clearly causing some of you, particularly Cartel, to become angry. You Cartel said "*I'm going to go mad in a minute*" but you Shane were relaxed. Something then happened in the garden which led to the violence. A number of the Bristol boys began drawing knives. One of those in your Devizes Group shouted "*Mandem Come!*" This was a call to join your group to join in whatever was breaking out on the decking. The call led to another of your group taking a knife from a rucksack which had been left in the garden room of the house. This is the fourth knife which I referred to earlier.
15. You, Cartel and you, Leo had your knives out. I accept that this may in part have been a reaction to the Bristol boys taking out their knives but it was also an offensive act - you were ready to fight and use your knives. Mikey drew a knife and struck towards you, Cartel. It was at around this time that Shane stabbed Mikey in the neck. These

were fast moving events but the jury on their verdicts rejected your cases that there was any element of self-defence in what each of you did.

16. Mikey's injury was severe. The knife passed through his neck, grazing bone and entering the back of his mouth. In stabbing him, you, Shane severed a major artery in Mikey's neck. Your knife entered so far that you had to twist it get it out. This left a large, angled wound in Mikey's neck. Mikey suffered substantial blood loss. He staggered around the house. He died outside the front garden of the house despite the rapid arrival of medical assistance. As explained by the Pathologist at trial the arterial injury was such that Mikey would have died even if operated upon immediately in hospital.
17. As I have said, based on the jury's verdicts I am satisfied that you, Shane, did not stab Mikey in self-defence or defence of your friends. Cartel and Leo, I am also satisfied that you did not draw your knives in a purely defensive way. I am satisfied that you used those knives to assist Shane in his confrontation with, and stabbing of, Mikey. That is why the law makes you responsible in addition to Shane, for Mikey's death.
18. Following the stabbing there was mayhem. You each then left the house. Shane and Cartel and others apart from Leo were together. You, Shane, believed you had stabbed someone called *Deano*. You were recorded on Ring Doorbell footage saying to your friends "...and it just got stuck in his neck G".
19. Shane and Cartel, you disposed of clothing and tried to hide your knives so they would not be found. Shane, your knife was found in a drain – it was the murder weapon. Cartel, your knife was not recovered.
20. You, Leo, did not go with Shane and Cartel but hid your knife in a nearby garden, and disposed of your clothing. You then went home, being picked up by your mother. Your knife was recovered from the garden later, with your DNA and Mikey's airborne blood on it. It was not used to stab Mikey but the scientific evidence satisfies me that you were holding the knife very near Mikey at around the time he suffered the fatal wounds. You gave a false account to the police of your actions that night, and were not arrested and charged until some months later.
21. I will now deal with each of your individual cases.

Shane

22. I will start with your sentence, Shane. As I told you at the last hearing, your sentence for Mikey's murder will be a life sentence. Because you were 16 when the murder was committed, the sentence is called Detention for Life at His Majesty's Pleasure. That is the sentence which the law says I must pass. It means that unless you are released by the Parole Board you will remain detained for the rest of your life. The Parole Board are a group of independent people and experts who decide when it will be safe for you to be released.

23. When will the Parole Board consider your case? That will be after you have served a fixed period of years in detention. That time is called the *minimum term* and it is my job, based on everything in this case and what your lawyers have said to me, to decide what the minimum term will be.
24. There is a law which tells me where I should start - called the *starting point* - when deciding on the minimum term for a person like you, Shane, who was 16 at the time of the murder and who took a knife to the scene. That starting point for you is 17 years of detention. I have asked myself whether your maturity and age suggests the starting point should be lower. I do not think the starting point should be lower but I will come back to consider your maturity a bit later as part of the overall circumstances of the case.
25. Once I have picked the starting point, I then have to decide whether there are things about this case or your life which make it more or less serious when deciding if I should move up or go down from the starting point.
26. I will start with the things that make the case more serious. Taking steps to conceal your crime makes it more serious. You tried to get rid of the *Zombie* knife and your clothes. It is also more serious because this was a group attack and it took place at a big party. Real distress was caused to a number of people including a childhood friend who saw Mikey bleed to death on the road. You have no previous convictions or cautions but I note that two other relatively minor matters have been drawn to my attention.
27. What about things which are called mitigating factors? These are things which it is said should persuade me to make the minimum term shorter. The first thing I am asked to take into account is that you did not have an intention to kill Mikey. I accept this. I think you over-reacted and had no intention to kill Mikey, or the person Deano who you thought you had stabbed. In your favour I take also into account that this was not a planned attack. It is also relevant that although the jury rejected self-defence, the origins of the violence were actions of the Bristol boys and some form of provocation. As I have already said, you and your friends did not go to the party expecting a fight.
28. I turn to the very detailed pre-sentence report prepared by Wiltshire Youth Justice Service. It is clear that you have suffered many negative life experiences including significant childhood trauma, which will have had effects on your development, your emotional regulation, and self-image. Your level of maturity and development, make you less mature than your actual age. Given the personal nature of the matters discussed in the report I will not set them out further in open court but I have taken those matters, particularly maturity, into account. I also accept that you have shown real remorse for Mikey's death.
29. I have considered which minimum term is consistent with your rehabilitation and welfare. The minimum term I have decided on is 16 years with a deduction for time already spent in detention.

30. So, Shane, your sentence will be one of Detention for Life at His Majesty's Pleasure with a minimum term of 16 years custody, minus the 323 days you have already spent in custody on remand. I need to make it clear to you and others in court that there is no guarantee that you will be released once you have served the minimum term. Once you have served this period, the Parole Board will review the risk that you then present and will consider whether you can properly be released from custody subject to licence at that stage, and if so on what terms. If and when you are released you will be subject to licence; and this will remain the case for the rest of your life. If for any reason your licence is revoked, you will be recalled to prison to continue to serve your life sentence in custody.
31. I will impose no separate penalty for the possession of a bladed article which I have already taken into account in fixing the minimum term. The surcharge will apply.

Cartel

32. I turn to you, Cartel. The first matter I have to decide is where your role falls within the guideline for the type of manslaughter which the jury found you guilty of. I consider this to be what is called a *high culpability* case because Mikey's death was caused in the course of an unlawful act which carried a high risk of death or grievous bodily harm, which I consider was or ought to have been obvious to you. You were part of the unlawful killing of Mikey by Shane with a knife, while you and Leo were also armed with knives yourselves.
33. If you were an adult, the guideline says that the starting point in this type of manslaughter would be 12 years custody with a range of 8-16 years.
34. I must then consider the aggravating and mitigating factors. These are the things that make your offence more or less serious and matters concerning your background. These things can make the sentence go up or go down from the starting point.
35. The matters that make this a serious offence are the fact that this was a group attack, the fact that the offence was in a public place, and your hiding of evidence. I have not taken into account your use of a knife because I have already factored that into my decision as to your culpability. You also have several previous convictions which include offences of dishonesty, criminal damage, and battery. You were conditionally discharged for six months by Bristol Magistrates' Court for an offence of resisting or obstructing a constable committed on 15 April 2023. You were then aged 15 years. Your convictions for the offences I am dealing with put you in breach of that conditional discharge. I have looked at the sort of offences you have committed in the past. I accept that they were not that serious, and they are overall of limited relevance when deciding on your sentence.
36. As to mitigation, before dealing with your personal circumstances, I consider there are a number of points in your favour. You and your friends did not plan this attack. I also take into account the fact that although the jury rejected self-defence, the origins of the violence were actions of the Bristol boys and some form of provocation, including a blow being aimed at you by Mikey. I also accept you are genuinely sorry that Mikey died.

37. I turn to the report on you, Cartel, from the Dorset Youth Justice Service. That report has provided me with an insight into the substantial challenges you have faced in your life. For a 16 year old you have already suffered a lifetime of distressing experiences. As I have said I do not consider it appropriate for me to describe those personal and private matters in any detail. I have also taken into account the impressive character references provided for you by a number of people who have been involved in your care. These professionals have performed for many years what should have been parental responsibilities. That speaks for itself in terms of how you have not had your own family support.
38. In deciding on your sentence for manslaughter I have taken into account your admitted possession of a knife and will impose no separate penalty for that. I have also taken into account your breach of the conditional discharge order of the Magistrates and will impose no separate penalty for that.
39. I have taken into account what is said in the relevant guideline for children concerning the reduction of sentences for children. Were you an adult my sentence would be in the region of 14 years. When I decide on the reduction this is not a mathematical exercise. I have to decide what is right in all the circumstances.
40. Cartel, I will now tell you my sentence for manslaughter. I consider that given the seriousness of that offence, only a sentence of custody can be justified. The lowest sentence that can I pass taking into account the seriousness of the offence and all the other information I have before me is 9 years in custody. The period of time you have spent on remand of 323 days will be deducted from this sentence.
41. You will be released from custody no later than two-thirds of the way through the sentence, and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, or you will be at risk of recall to prison to serve the rest of the term in custody. The surcharge will apply. I am not satisfied that on the facts this is a case where an extended sentence based on dangerousness should be passed.

Leo

42. I turn to you, Leo. Unlike the other Defendants, you, Leo did not plead guilty to possession of a knife. The jury convicted you on that count. I will impose no separate penalty for that but will take it into account in my sentence for manslaughter.
43. As I have explained in Cartel's case, I consider that the type of manslaughter in this case is one which has a starting point of 12 years custody for an adult. I do not consider there to be any real difference in terms of the roles you played. Both of you used knives when assisting Shane.
44. I then need to consider what makes the offence more serious. The matters that make it more serious are the fact that this was a group attack, the fact that the offence was in public place, and your concealing of evidence. You also have relevant previous convictions. You were convicted of battery and possession of an offensive weapon in a

public place which occurred on 13 February 2021. That matter concerns me. This was an incident in which you and 2 other males were seen hitting a male with baseball bats or bars on the street in Devizes. You committed another battery by punching a male who was walking home from school. You have been given Youth Referral Orders on three occasions. I accept some of your previous convictions are less serious than the current offences, and I bear in mind your age at the time of these offences.

45. What are the matters which are said to make your offences less serious or which should persuade me to come down from the starting point? Before dealing with your personal circumstances, I consider there are a number of points in your favour. You and your friends did not plan this attack. I also take into account the fact that although the jury rejected self-defence, the origins of the violence were actions of the Bristol boys. I am not satisfied that your behaviour and thinking may have been affected by your autism and diagnosis of ADHD.
46. I turn to the report from Wiltshire Youth Justice Service about you, Leo. Without going into the private matters they discuss, I accept that you have faced serious family challenges in your early years. I have taken those points into account. The writers of the report express some doubt as to whether you have real remorse for Mikey's death. I do not hold that against you because I consider that this is likely to be a result of your developmental age. I have read the letter you wrote to me this morning, and I accept that you are genuinely sorry. It is however of some concern to me that the Youth Justice Service report states that your current offences are part of a pattern of violent and aggressive offending behaviour which shows an escalation in seriousness.
47. I have taken into account what is said in the relevant guideline for children concerning the reduction of sentences for children. Were you an adult my sentence would be in the region of 14 years. As I have already explained, when I decide on the reduction this is not a mathematical exercise. I have to decide what is right in all the circumstances.
48. I will now tell you my sentence. I consider that given the seriousness of your offences, only a sentence of custody can be justified. The lowest sentence that can I pass taking into account the seriousness of the offence and all the other information I have is 9 years and 6 months. The period of time you have spent on remand of 192 days will be deducted from this sentence. You will be released from custody no later than two-thirds of the way through the sentence and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, or you will be at risk of recall to prison to serve the rest of the term in custody. The surcharge will apply.
49. In your case, Leo, I am not satisfied that on the facts this is a case where an extended sentence based on dangerousness should be passed.
50. That concludes my sentencing.
51. Finally, it became clear to me during this lengthy trial that this was a very challenging investigation and prosecution case. I would like to commend the following people for their exceptional and outstanding work:

DI 3823 Mark Newbury (SIO)
DS 3313 Lucy Forde
DC 4430 Lucy Staniland (OIC)
Visual Investigation Technician 9676 Daniel Crook
MCIO 6032 Edward Trussell

Mr Justice Saini
3 May 2024