

Sentencing remarks

R v Hongchi XIAO

**Mr Justice Bright
Winchester Crown Court**

Current charge:

1. Hongchi Xiao, you have been convicted by the jury having been charged with gross negligence manslaughter. The maximum sentence is life.

Previous convictions:

2. You have no previous convictions in this country, but you were convicted of the same offence in Australia. The final conviction in Australia, on a re-trial, was on 3 May 2023.
3. Importantly, the offence in Australia had been committed much earlier than that. In fact, the offence in Australia was committed on 27 April 2015. This was about 16 months before the offence in this country, for which I have to sentence you now. There were some similarities between the two offences.

I now set out the facts of the case:

4. You were convicted in this court of manslaughter, in relation to the tragic death of Danielle Carr-Gomm, on 20 October 2016, at the age of 71. Danielle Carr-Gomm had Type 1 diabetes. She had been prescribed insulin to manage her condition. She had to take this insulin by subcutaneous injections, which she administered herself.
5. The jury received evidence about Mrs Carr-Gomm, including a recording of her speaking, as well as other written evidence and testimony from her son, Michael. It is clear that she was a youthful, vigorous 71 year-old, who should have had a lot of life still to live. Her untimely death was a tragedy for her, and for all those who loved her.
6. Mrs Carr-Gomm was diagnosed as a Type 1 diabetic relatively late in life. She was a committed vegetarian. She did not like taking insulin. She did not like the use of needles. She strongly wanted to find an alternative treatment that would enable her to end her use of insulin injections.

7. She attended a residential workshop in October 2016 led by you. The workshop was on the topic of Paida Lajin. You claimed that Paida Lajin was an ancient Chinese healing practice, which you had rediscovered, and which you had been practising and promoting for some years. Paida Lajin involves slapping (referred to as Paida) and stretching (referred to as Lajin). Under your regime, these techniques were undertaken in combination with fasting.
8. You claimed that your method would cure nearly all diseases, perhaps all of them. You specifically claimed that your method could treat and cure diabetes, including Type 1 diabetes. You said that diabetes and many other diseases were caused by toxins, and that your regime would expel these toxins from the body. By contrast, you claimed, conventional western medicines were poisonous and only increased the toxins in the body, making people worse not better. You discouraged your followers from using any conventional medication, even when it had been prescribed by a doctor.
9. You claimed that the severe bruising, that resulted from your followers being repeatedly slapped about their arms and legs, was a good thing, because it showed that toxins were being released from the body. When your followers suffered during fasting – with symptoms such as tiredness, nausea, confusion, even pain – these things, too, you said, were signs that toxins were being released from the body.
10. You said that this suffering was something that must be undergone, for your method to be successful. You described it as the darkness that precedes dawn. In other words, you told your followers that all the symptoms, that others might recognize as a medical emergency, were both welcome and necessary.
11. The workshop that Mrs Carr-Gomm attended, took place at Cleeve House, in Wiltshire. It was due to last 5 days in total, including a 3-day optional fast. The fasting days were Monday 17, Tuesday 18 and Wednesday 19 of October 2016.
12. Mrs Carr-Gomm took part in the fast. The jury heard evidence about a conversation that took place, towards the end of the workshop sessions on the first day of the fast (so, probably between about 5 pm and 7 pm on Monday 17 October 2016). Mrs Carr-Gomm told the group, including you, that she had stopped taking her insulin. The evidence was that you

congratulated her, saying something like “Well done”.

13. When you gave evidence, you denied this. You acknowledged that Danielle Carr-Gomm spoke to the group, including you, at about this time on the first day of the fast. However, your evidence was that all she said was that she had reduced her insulin by half. You said that you responded saying that this was good, as long as she was reducing her insulin gradually, testing her blood sugar and checking her health, and adjusting her insulin dosage accordingly.
14. In the light of the jury’s verdict, I am certain that they rejected your evidence and accepted the Prosecution case. The totality of the evidence to this effect was overwhelming. I therefore sentence you on the basis that you knew, from late in the afternoon of day 1 of the fast, that Danielle Carr-Gomm had stopped taking her insulin. Furthermore, you made it clear to her that you supported this.
15. On the second day of the fast, Mrs Carr-Gomm was weak. She was unable to take part in group activities. This was noted by others and there was evidence that it was widely discussed. You said that you had no idea about this. I am sure that this was not the case, and that you knew, on day 2 of the fast, that Mrs Carr-Gomm was too weak to take part in any group activities. She was the only participant who was affected in this way.
16. During that evening and into the early hours of the morning, she was obviously unwell. She was vomiting, agitated and in discomfort, to the extent that others were concerned. Her room-mates were certainly concerned, but so too were the resident chef (who heard her sounds of distress) and one of your assistants, who went by “Nancy” and who spent several hours in Danielle Carr-Gomm’s room trying to calm her.
17. On day 3 of the fast, Danielle Carr-Gomm was too unwell to leave her room, or even to get out of bed. You visited her for a while in the morning, I assume having been informed by someone that she had been unwell in the night. You returned at lunchtime, trying to persuade her to drink and eat. You may also have made a rather brief and half-hearted effort to get her to take insulin, but, you said in evidence, with no real conviction.
18. You then left to lead the afternoon Paidā Lajin sessions. It follows that, for most of the day, Danielle Carr-Gomm suffered, alone, in her bedroom, while

the Paida Lajin sessions went on downstairs, conducted by you.

19. In the evening, you again returned. This time, you persuaded her to drink some ginger tea and to eat a little couscous. You did not make any further attempt to get her to take insulin. You stayed on and off for several hours.
20. Her condition on day 3 of the fast was worse than it had been on day 2. She had to be helped to sit up to vomit. Her face was paler than on the previous day. She was drooling. Her agitation was undoubtedly more pronounced, and it was uncontrollable. In the course of that day, her room-mate was concerned that she would fall out of bed and moved a chair to try to prevent this. Later on, in the evening of day 3, you and others were so concerned about her falling out of bed that you moved her mattress to the floor.
21. It is not apparent how clearly she was thinking or speaking on Day 2 of the fast or in the morning of Day 3. However, over time – and especially during the evening of day 3 of the fast – it became obvious that she was incapable of either thinking or speaking. Eventually she became quiet and stopped moving. This was not because she had been soothed by you, or because toxins had left her body. It was because she was in a diabetic coma, caused by ketoacidosis. You departed, probably between 11:30 pm and midnight, leaving her in her room, in that condition.
22. Eventually, during the early hours of Thursday 20 October 2016, Danielle Carr-Gomm died.
23. Crucially, this was not an isolated incident. There were two important precursors.
24. The first was the death of Aiden Fenton in Australia. He was a boy of 6 years old, who was a Type 1 diabetic. His parents were persuaded to take him to a workshop led by you in New South Wales, in April 2015. The evidence in the prosecution that followed in Australia was, that you positively exhorted Aiden's parents, not to give him insulin, and not to test his blood sugar level. During the course of the workshop in New South Wales, and in particular during the fast, Aiden got progressively weaker. He could not walk or stand. He started vomiting. He was in obvious discomfort from an early point. Eventually, he was in extreme pain. Ultimately, he died. You were interviewed by the local police on the following day, but left Australia almost immediately after this.

25. The second important precursor involved Danielle Carr-Gomm herself. The workshop at Cleeve House was not the first Paida Lajin workshop that she attended. She had attended a similar workshop, in Bulgaria, in July 2016 – in other words, about 3 months before the workshop at Cleeve House. At the workshop in Bulgaria in July, just as at Cleeve House in October, she stopped taking her insulin. On that occasion, however, you actively intervened, spending several hours persuading her to take her insulin. She initially refused, but your efforts to persuade her, persisted over several hours, and ultimately succeeded. Taking insulin saved her life, and that must have been clear to you.
26. At the end of the workshop in Bulgaria, after she had recovered, Danielle Carr-Gomm made a testimonial in support of you and in support of Paida Lajin, in which she addressed you, directly and in person, as – I quote her exact words - “a messenger sent by God” UNQUOTE. This testimonial was later found, saved on your phone. You were clearly pleased with it. You were also clearly aware of the influence that you had over Mrs Carr-Gomm. You must have been aware of the responsibility that comes with such influence.
27. During the trial, the court heard evidence from Dr Tiejun Tang, the General Secretary and Professional Conduct Executive of the Association of Traditional Chinese Medicine and Acupuncture in the UK. He made it clear that Paida Lajin, as taught by you, was not recognized as a treatment by the Association or its members. He said that you had never been a member of the Association. He also said that, while traditional Chinese healing methods may differ from Western medicine, no accredited or conscientious practitioner of Chinese healing would ever recommend that a patient should stop taking medication prescribed by a conventional doctor.
28. The Prosecution case against you was that you owed a duty of care to Danielle Carr-Gomm, as the person leading the workshop at Cleeve House, and that you were in breach of that duty, in that you failed to make any reasonable effort either, first, to persuade her to take insulin or, second, to get emergency medical assistance.
29. The Prosecution said that you should have told her 17 and 18 October 2016, on day 1 and day 2 of the fast, to take insulin. You should have made the same persistent effort with this that you had in Bulgaria.

30. They said that, from then on, over the rest of day 2 and throughout day 3 of the fast, you should have taken steps to get an ambulance.
31. They said that your failure to do either or both these things caused Danielle Carr-Gomm's death, and that it amounted to gross negligence.
32. This is the case that the jury have accepted, in finding you guilty. I am certain that you were in breach of your duty to Danielle Carr-Gomm in both the respects asserted by the Prosecution.
33. In your evidence, you accepted that you knew that Danielle Carr-Gomm was a Type 1 diabetic, and that, if she did not take her prescribed insulin, she would die. As I have already said, it was clear from the totality of the evidence, and the jury undoubtedly decided, that you knew that Danielle Carr-Gomm had stopped taking her insulin. You knew this because she told you so, directly, face-to-face, late in the afternoon of day 1 of the fast. It follows that you knew that this would eventually be fatal.
34. No-one else at the Cleeve House workshop had the same knowledge of Danielle Carr-Gomm's condition or of the consequences of her stopping her insulin. No-one else was leading the Paida Lajin sessions or directing whether and how people should take part in the fast. No-one else claimed (in effect) to be the world's leading expert in Paida Lajin. No-one else was regarded by Danielle Carr-Gomm as QUOTE a "messenger sent by God" UNQUOTE.
35. In your defence, you relied on a document headed "Disclaimer", signed by Danielle Carr-Gomm, in which she confirmed that she discharged you (and the others involved) from any liability, duty or responsibility.
36. However, the same document also purported to confirm that she was aware that Paida Lajin was not meant for medical treatment nor could it be used to diagnose or treat any illness or health problems - but you repeatedly claimed that it was effective for all these purposes.
37. The Disclaimer document also purported to confirm that Mrs Carr-Gomm was free from any illness that could aggravate or endanger her life. However, you knew from the experience in Bulgaria not only that she was a Type 1 diabetic but also that she wanted to use Paida Lajin to help her stop taking insulin. And then, from late afternoon on Day 1 of the fast, you knew, because she told you so, that she had stopped taking her insulin.

38. The jury evidently concluded that this document did not represent the reality of your relationship with Danielle Carr-Gomm. That would certainly have been my conclusion, on the evidence that the jury received.
39. What this all means is that you knowingly and deliberately allowed Danielle Carr-Gomm to continue with her fast, which in her case meant not merely abstaining from food but, crucially, also abstaining from insulin.
40. You congratulated her when you first learnt that she had stopped taking insulin.
41. Later, on day 3 of the fast, you may have made a token effort to persuade her to take insulin, but, this was at most a token. It was too little and too late.
42. Furthermore, you failed to summon emergency medical care, even when you of all people should have known that she was bound to die without insulin.

Sentencing Guidelines

43. In sentencing you, I have regard to the Sentencing Council guideline for this offence, and for the guideline on the Imposition of Community and Custodial Sentences, as well as Part 6 of the Sentencing Code.
44. In assessing your culpability, first, I regard this as a case where you continued in your breach of duty to Danielle Carr-Gomm in the face of her obvious suffering, over several days.
45. Second, The offence was particularly serious because of the very high risk of death – which you knew of. You must have been actively conscious of this risk, in the light of the death of Aiden Fenton, in Australia some 16 months earlier; and also in the light of the near-death of Mrs Carr-Gomm herself, in Bulgaria, just 3 months earlier. This was blatant disregard of a very high risk of death.
46. The Prosecution suggested I should also have regard to a third factor pointing to high culpability. This was that, as the course leader and, in effect, the inventor of Paidá Lajin, you can be said to have had a leading role. You carried the others present with you – your assistants on the course

and the others paying to be there. They all put their faith in you and depended on you. You knew this, and, it seems to me, enjoyed it. However, this is not a case where you led other people to behave criminally. This third factor therefore is not of much significance.

47. These factors, or at least the first two, indicate high culpability, i.e. category B for the purposes of the guideline for the offence. The category starting point is 8 years, with a range of 6 to 12 years. It goes without saying that the offence is so serious that it requires immediate custody.

Factors increasing seriousness:

48. I have considered whether there are additional factors that increase the seriousness of the offence. The earlier offence in Australia and the fact that you ignored previous warnings (i.e., the events in Australia and in Bulgaria) are matters I have already taken into account in assessing the offence as category B. I am conscious of the need not to double-count.

49. However, it seems to me that the circumstances of the events in Australia and in Bulgaria and their incredibly strong overlap with what happened at Cleeve House means that they go beyond mere warnings. When coupled with your frank admission that you knew that Danielle Carr-Gomm's cessation of insulin would result in her death, this seems to me a case where your culpability is worse than the norm, even in the context of category B.

50. I have also considered whether your promotion of Paidja Lajin may have been at least partly motivated by the prospect of material gain. I have received no real information concerning the financial rewards that you made by conducting workshops such as the one at Cleeve House, nor from the sales of your book on the subject of Paidja Lajin. You accepted in evidence that some sort of fee would have been payable, but it never became clear what this might have amounted to.

51. I have received statements provided by a number of your friends and followers who all say that you are a sincere person with very limited material needs or aspiration. They say that you have never really been motivated by money and that your main concern is to help others.

52. Ultimately, I am not satisfied that you were really motivated by money. Having said that I am also not convinced that you acted only out of altruism. I have the firm impression that you actively enjoy the respect that being the

founder of the Paida Lajin movement has brought you, in the eyes of some people.

53. Because of the earlier events in Australia and in Bulgaria and their very great significance for your culpability, it is necessary for there to be an uplift of 2 years, above the normal category starting point. It makes no difference whether this is treated as a case where the facts demand a starting-point above the normal one for category B, or whether the relevant matters are treated as contributing by way of aggravation. Either way, this takes the sentence to 10 years.

I have considered what factors reduce seriousness:

54. It has been suggested that you are remorseful. I see no real sign of true remorse. It is clear from your evidence that you continue to practise and promote Paida Lajin (even now, while in prison). You still strongly believe in its effectiveness. You also still strongly believe that western medicines are toxic and that their use should ideally be avoided.
55. You said in evidence that the death of Aiden Fenton, the child whose death you caused in Australia, haunted you every day. I was not impressed by the sincerity of this evidence, not least because it was so utterly inconsistent with the actions that followed, resulting in the death of Mrs Carr-Gomm.
56. I am sure that you would prefer it if Aiden Fenton and Danielle Carr-Gomm had not died. However, it is far from clear to me that you accept responsibility for their deaths or that, even with the benefit of hindsight, you would have acted any differently in any material respect.
57. On the contrary, in your evidence, you denied that you had ever told Aiden's parents to stop his insulin, and you said that you made it clear to Danielle Carr-Gomm that she should be cautious about reducing her insulin and should test herself, check and adjust her insulin dosage accordingly. I have explained why the jury evidently rejected this evidence, and why I consider they were undoubtedly right to do so. By maintaining this false account of the circumstances of both tragedies, you in effect were suggesting that Aiden's family were the people really responsible for his death, and that Danielle Carr-Gomm herself was the only person really responsible for her death.
58. This self-centred blame-shifting was both repugnant and disturbing.

59. I received this morning a hand-written letter from you, dated 3 August 2024, in which you have emphasized at some length that the trial process that you underwent here in Winchester has changed you. In particular, you say that some of the questions you had to answer, and some of the issues you had to confront, have made you confront your past beliefs and patterns of behaviour. You say that you now see that you made mistakes. I hope that this is so, but I find it remarkable that even two deaths were not enough to bring about these reflections. It took not one but two trials and convictions, and a period of nearly 8 years in custody, and was only given expression by you, very soon before you expected to be sentenced.

I now turn to personal mitigation:

60. As I have already noted, I have received statements from a number of supporters, all friends and adherents of Paidā Lajin. There are no statements from your family, although I understand you have two adult daughters, as well as an elderly mother in the People's Republic of China whom you have not seen for some time (I understand you had not visited China for some years even before your imprisonment in Australia).

61. Your supporters all speak of your kindness and sincerity. They express the hope that you will be released from prison as soon as possible. They all appear to share the concern that you should be free, because you should be able to continue helping the world with Paidā Lajin. I do not find this weighty, but I of course will impose the least sentence commensurate with your offending

62. I recognise that you have spent a long period in custody. A further custodial sentence, of anything more than a minimal period, will mean that a large portion of the prime of your life will have been spent incarcerated, separating you from others. This is simply the inevitable consequence of committing such a serious offence on two separate occasions in two separate countries.

63. Your counsel has suggested that, if the Australian offence had been committed in the UK, the two offences would have been charged, tried and sentenced together and the overall sentence would have reflected totality.

64. If you had committed an earlier gross negligence manslaughter in the UK, 16 months before the death by manslaughter of Mrs Carr-Gomm, it is certainly possible that the two offences would have been charged, tried and

sentenced together. If so, they would have attracted consecutive sentences, and the Totality Guideline would have been taken into account. However, I do not see that I should pretend that this is what has happened.

65. On the contrary, you committed an offence in Australia. You then continued with your Paida Lajin courses and committed another offence, in similar circumstances, in this country.

66. I have to sentence you only for the offence in this country. In doing so, I must reflect the gravity of your offending in this country. The fact that you had previously been responsible for the death of a child in Australia makes the offending in this country more serious, not less serious.

67. The sentence imposed by the court in New South Wales is the business of the Australian judicial system. It is not my concern. It cannot be right for me to consider what sentence I might have imposed for that offence, if it had occurred in England – but that is what your counsel's argument really amounts to. I reject that argument.

68. All in all, there is no mitigating factor that requires me to reduce the sentence below the term that I have reached so far, one of 10 years.

Now I turn to dangerousness:

69. I chose to sentence you without a PSR, because the unusual nature and circumstances of your offending means that there was no prospect that I would learn anything from a PSR that I had not learnt in the course of the trial. Counsel did not seek to dissuade me from this course.

70. You have never committed any offence other than the two relating to the deaths of Aiden Fenton and of Danielle Carr-Gomm. I am sure that you do not present a danger to anyone, save in relation to Paida Lajin.

71. However, I see no chance that you will renounce the practice of Paida Lajin. On the contrary, I am certain that you will continue to practise it, or to seek to do so, both while in prison and after your eventual release. Furthermore, I am concerned that there is a real risk that, in doing so, you may actively or tacitly encourage your followers to reduce or stop their medication. I have heard your counsel say that you will not do this, and I have read and thought about your recent letter. However, all the evidence I have received at trial about you and from you means that I cannot accept these assurances. The

letters that I have received from your supporters, and the undiminished belief that they and you still have in Paidá Lajin, merely make me more apprehensive. I am certain that, when you have finished serving your sentence, there is a significant risk that, yet again, history may repeat itself. This constitutes a significant risk of serious harm to members of the public.

72. In this specific regard I consider you dangerous, even though you do not share the characteristics of most other dangerous offenders. I consider it necessary to extend your sentence by imposing an extended licence period of 5 years. Bearing in mind your age now, and your age when the sentence will otherwise be completed, I consider this a sufficient precaution.

Hongchi Xiao, please stand up

73. The result is that the total sentence is 15 years. This comprises a determinate sentence of 10 years and an extended licence period of 5 years.

74. You will be released from custody no later than two-thirds of the way through the determinate sentence, namely 6 years and 8 months. 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.

75. That said, I need to make it clear to you and to others listening to these sentencing remarks, that when you are released from prison, you will be liable to be deported – I assume, to the USA, as I understand you are a US citizen and hold a US passport.

I now turn to time on remand and in custody awaiting extradition

76. The period that you have spent on remand will count against your sentence. I understand that this period commenced on 1 December 2023. It amounts to 371 days.

77. Immediately prior to that, you were in custody in Australia. Having served all the time in prison required by your sentence in relation to the manslaughter of Aiden Fenton, you then spent a further 37 days in custody in Australia awaiting extradition to this country. I further direct that this period of 37 days will also count against the sentence that I pass today.

Statutory charge

78. You will also have to pay the appropriate statutory charge.

79. You will now be taken down.