

**R v LEIGH PATEMAN**

**SENTENCING REMARKS**

You are 45 years of age, having been born on 7th January 1979.

On 8th November 2024 you pleaded guilty to the murder of Ellen Marshall. This plea was indicated at the earliest opportunity subject to enquiries about the causation of Ellen's death being carried out.

**Facts**

1, Firbeck Avenue, Skegness is a house of multiple occupation. You lived there with your partner, Ellen Marshall, who, at the time of this offence, was aged 41 years.

Also living there were Gladys Brown and Terrence Whetton.

In the days leading up to 22nd April 2021, you and Ms Marshall were arguing. During one of those arguments you threatened to set her alight and pour petrol over her. On other occasions, you had threatened to kill Ms Marshall.

At some point you bought petrol and moved your petrol can from the shed to the communal living room.

On the night of 22nd April 2021 you and Ms Marshall argued. While Ms Marshall was sat on a chair, you poured petrol over Ms Marshall and set fire to her leaving to burn.

You poured two fruit bowls of water over her. Gladys Brown called the fire brigade and then you left on your bicycle.

At 10:30 pm a fire crew arrived to find black smoke in the kitchen and living room. They found Ms Marshall on the floor and then put out the fire.

Paramedics attended and found Ms Marshall in extreme pain and stress. Ms Marshall had little hair on her head and her face was so badly burned and scorched that it was difficult to make out any facial features.

Ms Marshall tried to protect you by saying that she had poured petrol on herself

During the ambulance journey Ms Marshall's condition deteriorated and she was transferred to Queen Elizabeth Hospital in Birmingham.

You were arrested at your mum's home at 4, Hudson Way, Skegness, having gone to bed. You had soot on your face and burn marks to your wrists.

In interview you told the police that you were arguing and 'chucked a bit of petrol over her' and messed with your lighter to scare her and she went up in flames by accident. You said that you had put her out and then left when you were sure that the emergency services had been called.

I am told that you now accept responsibility for what you have done.

Ms Marshall suffered 80% full thickness burns to her torso, back, front, face and limbs.

Ms Marshall required a mechanical ventilator and has undergone multiple operations to replace sections of burned skin with skin grafts.

Some 7 months after you did what you did, Ms Marshall had severe scarring over much of her body and disfigurement including facial deformity and loss of her fingers. Ms Marshall had limited use of her upper limbs and could not perform everyday tasks such as feeding herself or washing or walking. Every day Ms Marshall was in severe pain and continual suffering.

Ms Marshall looked different facially, is partially bald and has problems with her eyes.

At the time when I sentenced you for causing grievous bodily harm upon Ms Marshall with intent to cause really serious harm, Ms Marshall was expected to survive your assault upon her but was prone to infections, which could cause her condition to deteriorate and her life expectancy was significantly reduced.

Life for Ms Marshall involved being in what medical professionals have described as ‘constant moderate pain’. The pain was described as moderate because of the large number of drugs, which Ms Marshall required. When her bandages were changed three times per week, the pain was excruciating and eye drops had to be applied every two hours, even when asleep.

Ms Marshall had lost digits on her fingers, had limited mobility in her arms and shoulders but was able to walk a few steps with the assistance of a Zimmer frame.

The psychological impact was described as ‘huge’ and there were fears that she would try to take her own life.

In fact, Ms Marshall remained in hospital until 22<sup>nd</sup> March 2022 when she was moved to a care center until she was readmitted to City Hospital in Nottingham on 25<sup>th</sup> October 2022. Ms Marshall remained the City Hospital until her death on 11<sup>th</sup> March 2023. The cause of Ms Marshall’s death was pneumonia as a result of the burns, which you inflicted upon her on 22<sup>nd</sup> April 2021.

## **Documents**

I have seen two sentencing notes from both Ms Knight and Ms Goddard KC.

## **Reports**

I have read a number of reports on you :

Mr Eric Wright, Consultant Clinical Psychologist, dated 2nd March 2022. Mr Wright sets out that you have had a very difficult childhood characterised by violence, alcohol and drugs and suffered a series of assaults as an adult. Mr Wright opined

First, your history of drug and alcohol consumption has led to permanent neurocognitive damage;

Second, at the time of the assault upon your partner, you were alcohol dependent and suffering from post-traumatic stress disorder; and

Third, you may meet the diagnosis for ADHD & ASD.

Dr Pablo Vandenabeele, Consultant Forensic Psychiatrist, dated 9th March 2022. Dr Vandenabeele has not viewed any medical notes and sets out that you report intermittent involvement with mental health services and that you have been diagnosed with paranoid schizophrenia and amphetamine psychosis.

Dr Vandenabeele opined

First, there is no evidence of a functional mental illness now or at the time of your attack upon Ms Marshall;

Second, there are traits of but not a diagnosis of emotionally unstable personality disorder;

Third, you have a mixed personality disorder on a background of drug and alcohol dependency, which contains heightened impulsivity, poor emotional regulation, a tendency to shift blame onto others, a lowered frustration tolerance and poor anger management;

Fourth, your intoxication would have further increased your levels of disinhibition and impulsivity;

Fifth, a Hospital Order is not warranted because treatment could take place in prison or in the community;

Sixth, it is unknown to what extent you would benefit from treatment interventions, which may be offered to you; and

Seventh, although it is a matter for the court, you should be regarded as dangerous.

The statutory charge applies to the case and I make a Collection Order.

## **Impact**

The Court has heard a statement from Paige Clarke, who is Ellen Marshall's daughter. Ms Clarke describes that you have torn the family apart and how her mum, even when subject to the dreadful injuries, which you inflicted still had time to focus on other people. Ms Clarke ends her statement by saying that her mum deserved better.

## Starting Point for Minimum term

Whenever a person over the age of 21 is convicted of Murder, the Court is required to sentence the offender to imprisonment for life. That, therefore is the position for you.

The Court is required by s.322 and Schedule 21 of the Sentencing Act 2020 to determine the minimum term which you must serve, taking account of the seriousness of the offence.

It is important that you, friends and family of Ellen Marshall and members of the public understand that the minimum period is precisely that. It is a minimum period which you must serve before you are considered for release. After you have served the minimum period, there is no guarantee that you will be released at that time, if ever. It is only then if the Parole Board decides you are fit to be released that you will be released. If you are released you will remain subject to license for the rest of your life and may therefore be recalled to continue your life sentence. In these circumstances a life sentence protects the public.

The Prosecution & you submit that this case falls within paragraph 5 of Schedule 21 of the Act on the basis that the circumstances are such that they do not fall within the list of cases set out in paragraph 3, which would ordinarily trigger paragraph 3.

I remind myself that the cases set out in paragraph 3 are examples and that paragraph 3 is not intended to be restricted to those cases but rather is dependent upon the Court's assessment of whether the seriousness of the offence is particularly high.

I have reminded myself of R v Dunstan [2016] EWCA Crim 2098, which the CACD expressed the view that paragraph 5 provided the appropriate starting point of 15 years. I am satisfied that your case is different in important respects – Dunstan involved a spontaneous assault and did not having the precursor of verbal threats to kill and set on fire in the days before and the level of premeditation of making those threats, purchasing the petrol and bringing it from the shed into the room in which you behaved as you did. Dunstan made it plain that all cases are fact sensitive and some cases will fall within paragraph 3. R v Craig [2023] EWCA Crim 893 is an example of such a case, which falls with paragraph 3.

I have given you the opportunity of giving evidence about the level of planning in this case in particular why it was that you made comments about what you would do to Ms Marshall, the purchase of the petrol and the moving of the petrol from the shed into the room where you poured the petrol over Ms Marshall and set fire to her. You have declined the opportunity.

I am satisfied that your offending falls within paragraph 3 of Schedule 21 of the Act because the seriousness of the offence is particularly high for the following reasons :

First, there was a pattern of terrifying behaviour on your part towards Ms Marshall in the build up to 22<sup>nd</sup> April 2021 – you threatened to pour petrol on her and set her alight and threatened to kill her. Another resident within 1, Firbeck Avenue described seeing Ms Marshall, on a number of occasions, crouching in the kitchen in tears;

Second, there was a significant degree of planning and premeditation. You made threats to do what you did do, you purchased the petrol and moved the petrol inside the house from the shed; and

Third, you used a highly dangerous weapon in the form of fire. You poured petrol over Ms Marshall and set fire to her with a lighter.

The starting point in determining the minimum term is therefore 30 years.

### **Aggravating & Mitigating factors**

I must now take account of the aggravating and mitigating factors of this case.

The aggravating factors are :

First, you have a history of convictions including Affray, Possession of an Offensive Weapon, dishonesty and driving offences but you have no convictions for violence other than public disorder offences and have been out of trouble since 2014;

Second, there was an abuse of trust given the domestic context to this offence. You & Ms Marshall had been together for some time – Ms Marshall was your partner. While there may well have been difficulties in your relationship, you two were in an intimate relationship. Ms Marshall was entitled to rely upon you to keep her safe. The violation of trust, which is provided for in paragraph 9 of the Overarching principle : domestic abuse, is truly gross in your case. Since you had previously threatened Ms Marshall that you would kill her and pour petrol on her, it follows that this was not a sudden outburst of temper in an otherwise healthy relationship;

Third, Ms Marshall was vulnerable given the history of your behaviour towards her and her being heavily intoxicated;

Fourth, you have been misusing alcohol and amphetamines for some days before this happened; and

Fifth, Ms Marshall underwent the most excruciating pain and suffering for about 2 years after you inflicted the burns injuries upon her.

Your offence is mitigated by

First, you have no convictions for violence other than public disorder offences and you have been out of trouble since 2014;

Second, you have a history of mental health issues;

Third, you had an extremely difficult childhood;

Fourth, I am told that you are now remorseful, accept responsibility for what you have done and have engaged with services within the prison service to look at the issues highlighted by the psychiatrists; and

Fifth, there was no intent to kill although the reduction in your sentence is reduced to very little given the circumstances of what you did;

In all the circumstances, I would have sentenced you, after a trial, to imprisonment for life with a minimum term of 32 years.

If I am wrong in my analysis that this case falls within paragraph 3 of Schedule 21 and, in fact, it falls within paragraph 5 then the sentence, which I have imposed upon you, would have been the same. The aggravating factors would have been of such seriousness that there would have been an uplift to 32 years.

### **Reduction for guilty plea & time spent in custody**

You made it plain at the earliest possible opportunity that you accepted what you had done and that you intended to cause grievous bodily harm. When the evidence that what you did caused the death of Ellen Marshall was available you entered a guilty plea.

In those circumstances you are entitled to the maximum reduction of one sixth or 5 years, whichever is less. Since I have decided that the sentence after a trial is 32 years, your reduction is 5 years.

Accordingly, the sentence would be one of 27 years but for the fact that you have been in custody since 26<sup>th</sup> April 2021 – a period of 3 years and 220 days.

The effect is to reduce the minimum term to 23 years and 145 days.

**His Honour Judge Simon Hirst**  
**Lincoln Crown Court**  
**2 December 2024**