

His Honour Judge Lodder KC

Kingston Crown Court

1 September 2025

Sentencing remarks: R v Clifford Cowen

Rita Fleming (RF) was last seen alive, by anyone other than you, at 10.00 on 20.6.24. Over the following 3 days she remained in her flat, until she was found by police, dead in her bath, on the morning of 23.6.24 . During those 3 days she was only with, and completely dependent upon, you.

RF was a 70 year old woman who lived alone, she wrestled with alcoholism and, although she had friends in Australia with whom she corresponded, she wrestled with loneliness. During the time leading up to her death she continued to mourn the loss of her long-term partner - Lazlo. You came into her life when she was particularly vulnerable.

It is clear that RF made efforts to control her alcoholism and to meet new friends and find new activities. It is a sad fact that irrespective of your influence she was not wholly successful. But it is also clear that both she (and her few other friends) were concerned that your influence was undermining of her efforts in both respects.

The timeline establishes that it was when you were in contact with her that she lapsed in her attempts to remain alcohol free. The evidence of her last few days alone demonstrates that whilst she remained in her

flat you deliberately went out to purchase significant quantities of alcohol which you then supplied to her, resulting in her high level of intoxication. It is clear that RF was the type of alcoholic who would drink excessively and quickly become incapable. You by contrast are a functioning alcoholic, much better able to control your drinking than she was able to do.

I have no doubt that you took advantage of her weaknesses, and whether your behaviour met the legal definition of coercion and control is irrelevant, since it is clear to me that you could, and did, manipulate and exploit her vulnerabilities. There is no direct evidence that during your relationship you were physically violent to RF but you certainly spoke in violent terms in her presence. And I am satisfied, as must be the case from the jury's verdict, that it was your violent behaviour which led to her death.

Additionally your violent and aggressive disposition was recorded in the evidence of Sally Russell who described your tone over the phone as coercive when you complained of the time RF spent with sister JF, and by Vicky Harbus (VH) when she echoed RF's own concerns as to how to extricate herself from this relationship, in observing that it could 'turn nasty' and forwarding your aggressive messages on to VH 'in case something happened'.

I note Jean Fleming's attempts to speak to RF during the time leading up to RF's death, which were blocked by you indeed you even made counter allegations that RF had been violent to you.

It is significant that RF excitement about Poppy's visit, and her enthusiasm to meet appeared to diminish and the plans came to nought at the same time as you insisted that Poppy should come to RF's

flat. Again it is significant that RF spoke to Poppy of 'dramas'. In my judgement it was your influence that led to RF not seeing Poppy during this visit.

RF trusted you to be in her home but because you deliberately fed her addiction, RF's condition, in her own home, slid into greater and greater drunkenness. And it was within her own home that you murdered her.

I accept that there was no significant degree of pre-planning, and that you did not intend to kill her, but I am satisfied that she would have suffered before her death

RF had a large number of blunt force injuries, which were caused in a number of separate incidents. Not all were serious but the pathologist's evidence was that the blow that caused significant bruising under her left arm and fractured 4 ribs, would have made it very painful to move, even to breathe. And there was significant injury to the back and to the side of her head.

She took 30 minutes to die - after first inhaling the water - her protracted death was notable suffering before death.

You staged a fall into the bath, and mindful of your own flooding of another property you left the tap running in the hope that it would lead others to discover RF's body. From the moment you left RF's flat at 05.00 you set about concealing your crime in a purposeful way.

However much you had had to drink, you sought to create a web of phone calls, messages, appearances on cctv, usage of your bus pass and making purchases in a scheme designed to create the clear impression that you were not present at the time when she died. And you must have disposed of the set of keys which you had.

I am satisfied that your first return was an attempt to find out whether anyone had yet made the discovery. No-one had and you left again.

Then on your second return you were forced to alert the police, but told lies in the 999 call, and to arriving police officers, and then in interview.

Sally Fleming - married to RF's brother spoke of the effects of her death.

RF supported JF her bedridden older sister aged 78, providing company and support, often she stayed over and slept on JF's couch, JF still finds it difficult to even look at a photograph of RF. RF is widely missed by her friends in Australia with whom she had maintained contact. She was an active supporter of community initiatives in her local area and thus has been a great loss.

Mitigation

No significant record, so I treat you as being of good character, and I bear in mind that you did not intend to kill.

SENTENCE:

Life imprisonment is the sentence required by law, and I am bound to set a minimum term to serve before parole may even be considered.

Bands of criteria: this starting point 15 years - s322 and schedule 21

In view of the aggravating factors set out above I increase the Starting Point to 17 years, which I then reduce to 16 yrs to reflect your limited mitigation.

You are entitled to credit for days served 423 days in custody.

So you will serve a sentence of life imprisonment with a remaining minimum term from today of 14yrs and 307 days.