



JUDICIARY OF
ENGLAND AND WALES

THE HON. MR. JUSTICE SAUNDERS

INNER LONDON CROWN COURT

R –V- DARRELL DESUZE

SENTENCING REMARKS

17 APRIL 2012

I have to sentence this Defendant for three offences: Manslaughter, violent disorder and burglary.

They were committed on 8th August 2011 in the course of the civil disorder that affected many parts of the country. It was the third day of the disorder. Anyone who travelled to parts of London knowing that rioting was going to take place was well aware of the level of violence likely to be involved and the amount of loss, harm and distress that the riots had already caused.

The Defendant went with others to Ealing having heard that rioting was to take place. His case is that he went to see what was going on. Unlikely as that may be, I will assume it is true but if he started as a spectator, he soon became a willing participator.

The violent disorder which took place in Ealing that night was extremely serious. Large numbers of people, many of them young men with their faces covered, made their way through the centre of Ealing smashing windows; looting shops and attacking outnumbered police officers who tried to stop their progress. They hurled missiles at the police, they ripped up street furniture and they set fire to rubbish which they emptied from rubbish bins on to the street.

Darrell Desuze played a full part in the violence. He can be seen on the CCTV smashing windows, looting shops, throwing missiles at the police and wheeling rubbish bins into the street so that they could be set on fire.

Most people who were aware of the violence were no doubt afraid to go out on the streets and those unwittingly caught up in it must have been terrified by the scenes of lawlessness.

One person who was not terrified to be out and was not prepared to be forced off the streets was Richard Mannington Bowes. He can be seen on the CCTV passing in and out of the rioters and as he came to the rubbish bins which had been set on fire, he bent down. It is

clear and is accepted that he bent down to remove a burning item from a rubbish bin and prevent the spread of fire. As he straightened up the Defendant punched him on the jaw. The blow can be seen on the CCTV coverage. It was a hard blow and it was aimed at Mr Bowes' jaw to prevent him doing what he was doing. It succeeded; at the least, the blow stunned him so that he went straight down to the ground without breaking his fall, hitting his head on the hard surface of the road. He sustained serious head injuries.

He died as a result of those injuries. Whether the blow was struck because Mr Bowes was trying to prevent the fire spreading or because the Defendant believed that a piece of burning paper removed from the fire had fallen in his direction does not seem to me to matter.

The death of Mr Bowes was pointless and unnecessary and it became for the public one of the most, if not the most, shocking event of the riots in London.

The offence of manslaughter is always serious but this case is the more serious because it was committed within the context of widespread civil disorder.

There is little mitigation arising out of the facts. The Defendant has admitted manslaughter not murder and I sentence the Defendant on the basis that he neither intended to kill Mr. Bowes or to cause him really serious bodily harm. There was only one punch but it was a forceful one which not only did, but was likely to render the victim senseless for a period of time. I do not consider it helpful to have a special category of cases called 'one punch manslaughters'. The fact that there was only one blow is one factor among many that the Court will take into account when considering sentence. The Defendant did assist in moving Mr. Bowes unconscious body on to the pavement. While I do regard that as mitigation it does mean that he was well aware at the time that he had caused serious injury to Mr. Bowes. Indeed he returned again and saw that Mr. Bowes was still not moving. I do consider that it is a significant aggravating factor that, having rendered his victim unconscious and realising that he had done him serious harm, he then went on to continue to take part in the disturbances by looting four shops.

There are a number of factors personal to Darrell Desuze which affect the sentence that I pass. He is still only 17 and was 16 at the time he committed these offences. I have therefore had to consider and apply the advice relevant to sentencing young offenders. In particular I have borne in mind the principal aim of the Youth Justice system which is to prevent the commission of offences by young persons and I also have to have at the forefront of my considerations the welfare of the Defendant.

Darrell Desuze has never been convicted of any offence before this and is entitled to credit to reflect his good character. He pleaded guilty to the offences of burglary at the PCMH and he pleaded guilty to the offences of violent disorder and manslaughter on the date of trial. He is therefore entitled to full credit for his pleas to the burglaries but only limited credit for the late pleas to the other offences. I have had to consider whether in the light of the offences that he has admitted he is a dangerous offender. I have considered the nature of the offences and the factors identified in the pre-sentence report and in the end I have concluded that, because of his age and his previous good character, this is not a case where I should pass an indeterminate sentence.

I am satisfied that the only sentence that I can possibly pass to reflect the seriousness of the manslaughter offence is Detention under s.91 of the Powers of Criminal Courts (Sentencing) Act 2000. That sentence is not available on the charges of burglary or violent disorder and the Court of Appeal have said that in those circumstances the appropriate course is to pass a sentence on the manslaughter which reflects all the offences and pass no separate sentence on the others. That makes a difference in this case as I would have passed consecutive sentence for the burglaries, principally because they were committed after the Defendant

must have known that he had seriously injured Mr Bowes. Accordingly I have increased the sentence that I would otherwise have passed for the manslaughter.

Sentences passed by the Courts in the immediate aftermath of the riots were severe and the Court of Appeal approved the level of those sentences. Those sentences were passed on people who admitted immediately what they had done and pleaded guilty at the first opportunity. It is important that the Courts sentencing people, who did not make early admissions, use the same sentencing starting points even though the initial wave of public condemnation for their behaviour may have passed.

Taking into account all those matters the least sentence that I can impose for these serious offences is 8 years detention under S. 91 of the Powers of the Criminal Courts Act (Sentencing) Act 2000. I impose it for the offence of manslaughter but it should be understood that it is intended to reflect all the offending of the Defendant on this night. Accordingly, I pass no separate penalty for the other offences. Had it not been for the pleas of guilty the sentence would have been about 10 years.