



Regina

v.

Keegan BARNES

Sentencing Remarks

1. Keegan Barnes, the jury have found you guilty of the manslaughter of Toni Butler in the early hours of the morning of 10 June 2021. You stabbed Toni Butler twice in the left calf. One of those wounds damaged a vein and she bled to death, possibly over the course of an hour or more.
2. I suspect that no-one will ever really know why you did this. Thanks to your actions, Toni Butler cannot tell us anything about it. You have repeatedly shown that you cannot tell the truth about it and you were, in any event, intoxicated. Although it has been suggested that other individuals might have been in or near your house at the time, neither party considered that anyone else could say anything which would assist the jury.

3. The two of you had spent much of the previous day together, apparently on friendly terms, yet there appears to have been a fight between you in the bedroom of your house, sometime after 4.15 am. I do not know who initiated the violence, nor why, nor how the knife came to be in the room.
4. In addition to the stab wounds which you inflicted, she had two lacerations to her head, one of which you claim she caused herself and one of which may have been caused by a fall. Also, the forensic evidence indicates, and I am sure, that you struck her twice in the bedroom while she was bleeding and once more as she lay under the stairs, which is where she died.
5. Toni Butler was a young woman of 25. You ended her life and you brought grief and misery to the lives of others. Her mother has made a moving statement, in which she has set out in powerful terms the devastating effect of your actions on Toni Butler's family and friends.
6. There are sentencing guidelines which I have to apply in a case like this. I have to consider first the level of your culpability.
7. Although the jury were not sure that you intended to cause grievous bodily harm to Toni Butler, I am sure that you intended, by stabbing her with a knife, to cause harm falling just short of grievous bodily harm. Moreover, your actions carried a high risk of grievous bodily harm which ought to have been obvious to you. Those are both factors indicating high

culpability, for which the guidelines set out a starting point of 12 years' imprisonment.

8. On the other hand, I cannot rule out the possibility that Toni Butler initiated the violence. On its own, your account of what happened is unreliable, but the evidence showed that Toni Butler had been taking drugs, that she had been wandering around the neighbourhood in the middle of the night, that she had spoken of stabbing someone, that she entered your house, that you sustained some injuries and that stabbing someone in the calf was an unusual thing to do.
9. Accordingly, I will treat this as a case of excessive self-defence. That is a factor indicting lower culpability, for which the starting point is 2 years' custody.
10. In those circumstances, I have to determine the appropriate starting point on the facts of this case.
11. I recognise that Toni Butler had the advantage of being much bigger than you, about twice your weight, and that she had herself been taking drugs. Nevertheless, you have not suggested that she used a knife or any other weapon on you and your use of a knife represented a serious escalation in the nature of the violence. Moreover, in addition to stabbing her twice, you struck her twice in the bedroom and once downstairs.

12. I consider that the appropriate starting point is 7 years' imprisonment. I next have to consider all of the aggravating and mitigating factors.
13. The aggravating factors are as follows:
 - (1) You were heavily intoxicated after 3 days of taking drugs and drinking. You chose to put yourself into a position where you were capable of doing things which you might not have done if you had been sober.
 - (2) I am sure that you undressed Toni Butler after her death, cleaned her body and put a new nightshirt on her. This was only part of a much wider attempt to clean up your house. I am sure that you put the washing machine on twice, put clothes out to dry, put other bloodstained items in a bag and in a laundry basket in the kitchen, tried to wipe blood from the walls and even started painting the walls to cover the bloodstains. These attempts to cover up what you had done were both extensive and yet, given the massive amount of blood which Toni Barnes had lost, futile.
 - (3) You also attempted to use Toni Butler's bank card.
 - (4) You did not call for help until a neighbour came to your house. That was long after Toni Butler had died.

- (5) You wrongly sought to blame Toni Butler for her own death, falsely claiming that she had stabbed herself.
14. You had committed offences involving violence or the threat of violence in the past: affray in 2011, for which you received a community order; battery in 2012, for which you received a caution; and common assault in 2015, for which you also received a caution. Your previous offences are relevant, but they are neither serious nor particularly recent, so I have given your record no weight as either an aggravating or a mitigating factor.
15. The principal mitigating factor is that your actions were not premeditated. I am also told that you have made good use of your time in prison, addressing your dependency on drugs, seeking medical help with your mental health issues and starting to rebuild your relationship with your children.
16. I bear in mind the additional burdens involved in a prison sentence served at the present time, although that is not a significant factor in the case of a sentence of the length which your offence requires.
17. I have to assess whether there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences. It was not suggested that there is such a risk and I do not consider that there is.

18. Your offence is so serious that only a custodial sentence can be justified. The least possible sentence I can impose, having regard to the aggravating and mitigating factors of the case, is a sentence of 8 years and 6 months' imprisonment.
19. The time which you have spent in custody on remand will count towards your sentence. You will serve up to two thirds of your sentence in custody before you are released on licence. You must abide by the terms of the licence and commit no further offences. Otherwise, you will be liable to be recalled and you will then serve the remainder of the sentence in custody.
20. I am required to impose the statutory surcharge, if it applies. The order can be drawn up in the appropriate amount.

Mr Justice Lavender

21 March 2022