



IN THE CROWN COURT AT LUTON

7 George Street
Luton LU1 2AA

41B22171421

Before :

HIS HONOUR JUDGE SIMON
The Honorary Recorder of Luton

THE KING

Prosecution

- v -

COURTNEY RICHMAN

Defendant

Mr M Mulgrew for the Prosecution

Ms C Davies KC for the Defendant

SENTENCING REMARKS
31 May 2024

Preface

1. Mrs Myra Coutinho-Lopez was a much loved and admired personality, not just within her family, but within her church and her international friendship circle. Those who did not know her personally, such as many of the lay witnesses in this case, put her age at late 60s or early 70s, judging by the care she took in her appearance and her general presentation which belied her 82 years.

2. Mrs Coutinho-Lopez' tragic death has clearly left an unfillable void in the lives of her children and family as I am sure it has in the lives of all those who were privileged to know her. Nothing this Court says or does can diminish the obvious sense of loss as so eloquently described by her daughter, Ms Michelle Lopez, in her Victim Personal Statement. All this Court can do is to dispense justice dispassionately according to the law. In doing so it is important to recognise that the ultimate sentence bears no relationship to the priceless life lost but must reflect the very specific circumstances in which this occurred.
3. Ms Lopez and others who attended the trial are to be commended for their dignity and composure despite the difficult evidence to which they had to listen. Though time is a great healer, it is still only two and a half years since Mrs Coutinho-Lopez' death, but it is hoped that the conclusion of the criminal proceedings will in some small way allow all the family and friends to move on from this distressing chapter.

Factual background

4. I turn briefly to the facts of the offence, and preface with an apology for the need to mention again matters which I know may be distressing.
5. On 6 December 2021 Mrs Coutinho-Lopez went to her local branch of Lloyds Bank. She was a well-known customer and it was also known by staff at the bank that she suffered from Alzheimer's disease. When in the bank, Mrs Coutinho-Lopez sought to withdraw money, only to be told that she did not have the money in her account, because she had withdrawn it already on a previous day. This was not the first occasion on which Mrs Coutinho-Lopez had requested to withdraw money, only to find that the money was not in her account. There was nothing sinister about this, it was simply that due to her Alzheimer's, she did not remember. Understandably, she would become concerned about money appearing to go missing from her account. The Court's clear impression of the full CCTV coverage of Mrs Coutinho-Lopez' time in the bank that day, is that the bank staff appeared to have adopted an approach of simply telling her that she had taken out the money already with sufficient repetition

and increasing firmness, hoping that this would alleviate the difficulty and reassure Mrs Coutinho-Lopez. It may be that this approach had succeeded in the past.

6. However, on Monday 6 December 2021, it was clearly not working. Mrs Coutinho-Lopez was far from reassured and the conversation between herself and bank staff was becoming more heated and less likely to resolve. The branch manager was very much present but at no time did she become involved; indeed Mrs Coutinho-Lopez was told at one point that the manager was unavailable. It was said at trial by other staff members that the manager was busy dealing with a customer who may have been the victim of fraud, however, she was patently physically present in the banking hall for much of the situation as it deteriorated over a significant period of time. In the event, no effective action was taken by any member of staff to defuse the argument between Mrs Coutinho-Lopez and the teller. The line of customers was getting longer and the second teller was engaged with a single customer for about 15 minutes. This meant that those in the queue were left there as time passed with no sign of completing their banking business. The body language of some customers suggested that they were at best somewhat frustrated by the impasse and some gave evidence about this at trial.
7. The lay prosecution witnesses were asked in evidence whether they thought that the bank staff dealt well with Mrs Coutinho-Lopez. The answers were mixed but the Court's view is informed by the unassailable fact that 20 to 30 minutes into the confrontation between Mrs Coutinho-Lopez and the bank teller, there being no sign of resolution but rather only escalation, it took Ms Yemm, another customer, but a second or two of speaking kindly and in a sympathetic manner to Mrs Coutinho-Lopez for her to feel as if someone wanted to help her and she agreed to move away from the counter – no drama, no threats, no mention of the police – just genuine kindness from someone who may have had a little more insight into those who suffer with Alzheimer's and how one might best interact with them. That finding satisfies the court that the context within which the physical altercation arose was contributed to significantly by an apparent lack of understanding on the part of bank staff and, there being no evidence of its existence, an absence of awareness training and strategies to

assist those with Alzheimer's and to reduce confrontation. I will return to this point at the end of the sentencing process.

8. This sets the scene into which you walked, Courtney Richman, joining the queue of people waiting for a teller to become free. There were some verbal exchanges between you and Mrs Coutinho-Lopez, with your expressing frustration at the lack of progress in the queue generally and unnecessarily chiming in to support the teller's assertions that there was nothing more she could do to help Mrs Coutinho-Lopez. Exactly what was said matters not but it meant that from Mrs Coutinho-Lopez' perspective, you had aligned yourself with the bank, which she believed had stolen her money, and/or involved yourself in her personal affairs with no right to do so. It was evident from the CCTV that what eventually prompted a physical reaction from Mrs Coutinho-Lopez seemed to be your clapping in her direction, when she was eventually being led away from the teller by Ms Yemm.
9. It was not and could not be suggested that anyone might have predicted Mrs Coutinho-Lopez' action in suddenly turning towards you, approaching you and swinging her handbag which hit you around the shoulder – it came completely out of the blue and took everyone by surprise, including you. You responded by pushing her away with both hands. Mrs Coutinho-Lopez went to the floor and in so doing she received two long bone fractures. It was the medical consequences of these fractures, due to her age and other personal factors, that led to her death in hospital ten days after the incident in the bank.
10. Your response in pushing Mrs Coutinho-Lopez away was, I am satisfied and consistent with the jury's verdict, an instinctive, momentary, unplanned, defensive response to what had just happened. On the jury's verdict it was unreasonable force, but is to be viewed in the context of a response to a wholly unexpected turn of events. It is for this reason that it comes within category D of the unlawful act manslaughter sentencing guideline. This categorisation is agreed as between Prosecution and Defence, unsurprisingly given the fairly unique circumstances of this case. This category has a starting point of two years' custody with a range of one to four years.

11. You are 26 years of age. At the time of the incident in December 2021, you were 24 years old and you had no previous convictions but one previous caution in June 2020 for an assault which caused a bruise to one of your children. Much more recently in October 2023 you were fined for an offence of criminal damage, which post-dated the incident in Lloyds Bank by some considerable time. In the circumstances only the caution is relevant as a potential aggravating factor, but it does not have a material impact on sentence in this case.
12. The Crown sought to rely on Mrs Coutinho-Lopez' vulnerability due to age and/or ill-health; in fairness, Mr Mulgrew did not press the point with vigour in his sentencing note. In response, Ms Davies KC submitted that it was exactly such vulnerabilities that turned this case into one involving a fatality and not just bodily injury. That is a point well made, in my judgment, and to treat the vulnerabilities as aggravating factors would risk double-counting. In addition, few if any witnesses correctly guessed Mrs Coutinho-Lopez' age, she appearing to them to be much younger, and her vulnerability through ill-health was only likely to be evident to someone like Ms Yemm, who identified some of the signs.
13. As to mitigating factors, it cannot properly be said that you were at the time of the offending of entirely good character, less so at the time of conviction or sentence, but I have already dealt with the caution above. However, applying the overarching guideline on the sentencing of those with mental disorders, it is a mitigating factor that at the time of the offence you were suffering from either PTSD or borderline personality disorder as a result of adverse life experiences recorded in the reports of the two psychiatrists. Though there was an absence of complete agreement as to diagnosis and the extent to which one or both of the diagnosed conditions was/were present at the material time, there was agreement between the experts that you were predisposed to react in an impulsive manner as a result of mental health difficulties and that this would have impacted on the commission of the offence. A further mitigating factor, which I have not factored into the primary categorisation of the offence, is that there was a complete lack of premeditation.

14. Ms Davies argues a further point of mitigation in the delay between incident and the matter coming before the Court in early 2023. Whilst any delay is regrettable this is not of such an order that it justifies an additional reduction in sentence.
15. At the hearing today, Ms Davies advanced further personal mitigation drawing particularly on your background and adverse life experiences reported on by the experts. She emphasised the negative consequences that these have had on you, whilst highlighting your efforts to seek psychological support and to improve your general wellbeing. She informed the Court that you had written a letter to Mrs Coutinho-Lopez' family which evidences remorse and regret for all that they have endured.
16. Taking into account all of the matters referred to above, I have come to the conclusion that the least sentence that the Court can impose, commensurate with the seriousness of the offence is one of 16-months' imprisonment. The Court must then consider the guideline on the imposition of community and custodial sentences and the factors there set out to determine if the sentence should be served immediately or suspended.
17. Considering first the factors against suspension, you do not pose a level of risk/danger to the public as the guideline intends that to be understood, nor do you have any history of poor compliance with court orders. In many cases, the causing of a person's death will call for immediate custody, but the fact that Mrs Coutinho-Lopez lost her life as a result of your actions does not automatically mean that suspension of the sentence is inappropriate. Considering the factors indicating that suspension is appropriate, the addendum PSR makes clear, informed and supported by the expert reports, that there is a realistic prospect of your rehabilitation and makes suggestions for requirements to be attached (I note in passing that the primary PSR was written without the author having the benefit of reading the two pre-existing psychiatric reports). There is strong personal mitigation that flows from the details in the psychiatric assessments, as encapsulated in Ms Davies' focussed mitigation. Finally, although the impact of immediate custody on your children is tempered by the fact

that they do not currently live with you, you have regular contact with them and they are still young. Therefore there would be a harmful impact on them that the Court should not ignore.

18. Every case must be considered on its own facts and this case is a paradigm of that rule, given its very particular, one would hope to be able to say unique, features. I am satisfied that the factors in favour of suspension outweigh the sole factor that might contra-indicate suspension. I repeat that this decision is no measure of the value and significance of Mrs Coutinho-Lopez's life. It is the result of the proper application of the law and the sentencing guidelines by which the Court is required to proceed.
19. The sentence of 16-months' imprisonment will be suspended for a period of 21 months. Adopting the recommendations of the addendum PSR, I will impose two requirements attached to the suspended sentence order. The first is a Rehabilitation Activity Requirement for between 15 and 25 days at the discretion of the supervising officer. The second is an Unpaid Work Requirement of 180 hours.
20. I will explain the effect of the sentence to you in a moment, but before I do I wish to return to the topic of Alzheimer's disease in the circumstances of this case. Alzheimer's disease is the most common form of dementia, but what follows applies to dementia and other illnesses that cause memory loss. Open source material indicates that Alzheimer's alone affects one in 14 people over the age of 65 and one in six of those aged over 80. This means that there will be many people within the population who experience the sort of difficulties that Mrs Coutinho-Lopez did, whilst maintaining a large measure of independence, including financial independence. There is perhaps an especially sensitive interplay between a bank/building society and its customers who experience fluctuating memory loss, as shown so clearly in this case. If it is not already the case then the Court calls on the banking sector as a whole to ensure that all customer-facing staff are provided with dementia awareness training, which includes recognised strategies for interacting with customers who experience such difficulties and for defusing conflict. It is not possible to be sure that if this had been in place in December 2021 that the events leading to the death of Mrs

Coutinho-Lopez would not have happened, but on the evidence before this Court it is highly likely that the incident would not have ended in tragedy as it did.

21. Courtney Richman, stand up please. The sentence of this Court is one of 16-months' imprisonment suspended for a period of 21 months. What that means is that if you commit no further offence during the next 21 months then you will not have to serve any of the 16-month sentence that I have imposed today. However, if you do commit a further offence punishable with imprisonment then you will be liable to be sentenced for the new offence and have some or all of the suspended sentence imposed today activated in addition.
22. I have imposed requirements for between 15 and 25 days of Rehabilitation Activity Requirement and 180 hours of Unpaid Work. Although the suspended sentence order lasts for 21 months, you must complete the Unpaid Work Requirement within 12 months from today. You must cooperate with the Probation Service and comply with their instructions in relation to both of these requirements. If you fail to comply satisfactorily then the Probation Service can bring you back to Court for breach proceedings and the Court will have the power to mark any breach by a fine or by imposing additional requirements. If the breach is particularly serious then the Court may decide to activate some or all of the suspended sentence of 16 months.
23. I impose the statutory surcharge and a collection order.
24. I repeat my thanks to counsel for their professionalism and care in approaching this sensitive case.
25. I end by repeating the tribute I paid to the family of Mrs Coutinho-Lopez in the face of personal heartbreak. The Court extends its condolences for their loss.