

Case name and reference	Facts	Offence category and sentence	Revised guideline categorisation and starting point
AG Reference Bowen [2018] EWCA Crim 1682	<p>Described as horrific and shocking case. Victim (V) was neighbour of offender and his partner, spent the evening with them and became concerned offender's partner, L, was having a fit. Offender became angry and accused her of interfering. V returned home but wanted to go to the offender's flat to check on L and also to get her phone back, so she went back with her partner for a second time. V went into the offender's flat. In the interim the offender had gone outside to a garden shed and had obtained petrol in a container, he then came back brandishing the petrol container and there was then a conversation between the three adults as to whether the offender would "do it"; that is to say, attack V with the petrol (she at that stage not anticipating that he would). He then walked up to V, poured the petrol over her body and ignited the fuel with a cigarette lighter. The offender then watched her burn without helping at all whilst he smoked a cigarette. V's partner was outside and with neighbours gained entry to flat upon hearing V screaming; her clothes and flesh were still burning and she was screaming in agony. Offender fled scene and went to sister's house and washed his clothes. Injuries wholly life changing. A series of major surgical procedures had to be performed on V's upper body to deal with the immediate effect of the burns. Those involved removing burnt skin and flesh from affected areas. She remained in the Burns Intensive Care Unit for a month. Major treatment required to her eyelid regions, her face and nasal regions, her ear regions, her neck regions, her breast regions and her hands. She lost the most part of her ears, some of her fingers have had to be amputated and the likelihood of any movement of her hands is minimal. Psychological evidence set out the effects of the trauma that V has suffered and will continue to suffer. Pressure garments need to be worn and a face mask for almost the entire period of the day and night for approximately 2 years for burns scarring. There will be further skin graft operations needed. She remains in constant high levels of pain with the pain being very difficult to manage.</p>	<p>1<sup>st</sup> instance judge found to be a cat 2 att murder case, with SP of 24 years. 20% discount given for early G plea, so SP reduced to 19 years plus 5 years extended sentence. C of A found unduly lenient, and should have been a category 1 case. Case involved sadistic conduct and C of A mentioned weapon (petrol) taken to scene, although noted latter not provided for by existing guideline. Said as cat 1 case life sentence should have been considered, and notional determinate should have been 24 years. Substituted sentence for life with minimum term of 12 years.</p>	<p>A1 if sadistic conduct most prominent culpability factor, B2 if weapon taken to scene. SP 35/30 years – if life 17.5/15 year minimum term.</p>

<p>Ryan [2014] EWCA Crim 1351</p>	<p>Drugs dispute between the applicant and the victim and there had been a build-up of threat and counter threat between them. A fight was arranged when the applicant attended with a firearm capable of firing shotgun pellets and the victim had a large dog and a baseball bat. A co-accused was involved on the applicant's side and he was armed with a baton and a knife. However he tried to diffuse the situation and the applicant had the leading role. The confrontation developed rapidly and the victim set his dog onto the applicant. At that point the applicant fired the gun at the victim but missed. He then pursued him and caught him at close quarters when he discharged the weapon into his body. The victim had 70 puncture wounds and about 100 pellets in his stomach, his liver and gall bladder. He would have died without skilled medical intervention and had to undergo a number of operations over a period of months. The applicant had a number of previous convictions involving drugs, weapons and public order offences. It was argued the offence should have been in a lower category and there was too great a disparity with the sentence of six years imposed on the co-accused for possessing a firearm with intent to endanger life.</p> <p>CACD: There were a number of aggravating features putting the offence well within level 1 of the guidelines. The only mitigation was a degree of provocation. If the offence had resulted in death the starting point for the minimum term would have been 30 years. The sentence was fully justified and there was nothing in the disparity argument.</p>	<p>1<sup>st</sup> instance – Cat 1 - 30 year SP. CACD: upheld</p>	<p>A1 – (firearm, victim nearly died) 35 years determinate</p>
<p>Deer [2013] EWCA Crim 1010</p>	<p>The applicant and the victim had a relationship but by the time she gave birth to his son they had separated. The relationship had been dominated by his controlling and violent behaviour. Whilst she was pregnant the police attended five incidents involving violence by him towards her. The applicant was on bail for committing an assault upon her when he committed the present offence. This occurred when she visited his house to discuss the child and he punched her heavily to the face and used a Taser to her back. When she was on the floor he placed a cord around her neck and tightened it until she lost consciousness. He repeated the strangulation on two further</p>	<p>1<sup>st</sup> instance – 15 year SP, imposed IPP 8 year minimum</p>	<p>C1/2 (use of weapon other than cat A or B, planning not mentioned. High or Medium level of harm: 25/20 year SP</p>

	<p>occasions and when she tried to escape, he attacked her with a baseball bat. When a friend arrived at the house it appeared the victim was dead. She suffered multiple lacerations to the back of the head, multiple bruises to the face and body, and signs of strangulation. Her hands were grossly swollen and three fingers were fractured. The applicant had no previous convictions for violence but in a pre-sentence report and a psychiatric report was assessed as being dangerous to women. It was not argued an indeterminate sentence was not appropriate but that the specified term was excessive. The judge put the case at the very top of level 3 and gave 20% credit for the plea as it was entered at a late stage.</p> <p>CACD: The question for the judge was not whether she could envisage worse level 3 offences, but whether, having taken account of the aggravating and mitigating factors, the offence fell at or near the top of the category. Application refused.</p>		
Hardacre [2011] EWCA Crim 2791	<p>The applicant and victim lived on the third floor of an apartment block. During an argument, he threw her over the balcony. She was found on the pavement unconscious having suffered a severe brain injury, fractures of the pelvis and lower spine, and had strangulation marks on her neck. She was in hospital for over 3 months. The applicant had a previous conviction for assaulting an ex-girlfriend who had ended their relationship because of his violent behaviour. The applicant entered a guilty plea on the day of the trial.</p> <p>The Judge sentenced on the basis of it being a spontaneous attempt to kill with long term serious harm. He took a 15 year starting point and gave a 10% deduction for the late guilty plea.</p> <p>CACD: The judge's approach was correct.</p>	SP 15 yrs, 10% credit for plea – 13.5 yrs	C1 – medium (no premeditation), high level of harm SP 20 years
WADE [2012] EWCA Crim 2605	<p>The victim was the appellant's ex-wife and although they were divorced they remained close. She became seriously ill with a blood clot and the appellant looked after her but her condition deteriorated. Both had alcohol issues. The victim had episodes when she defecated and urinated in the bed and the appellant had to clear up the mess. The appellant was at the end of his tether and tried to smother her.</p>	Exceptional case 2 years 6 months reduced to 16 mths on appeal	C3 10 year SP

	<p>Paramedics found her lying in urine and faeces and the appellant told them he had tried to kill her. A couple of days later there was an argument when the police were called and he admitted to them he had tried to kill her a few days before. The appellant pleaded guilty on the basis he was under a great deal of pressure as the main carer for his wife and due to her alcohol consumption her behaviour had become more difficult. She was drunk and had defecated so he snapped and put a quilt over her head but then came to his senses. The appellant was only prosecuted because of what he said to the police.</p> <p>The Judge recognised this was an exceptional case though the situation was not akin to a mercy killing. However he said it is difficult to imagine any case of attempted murder which would fall below the custody threshold.</p> <p>CACD: The judge was correct to say a custodial sentence was inevitable and what the appellant did to his wife cannot ever be the way out of a situation such as he faced. However the sentence of two and half years imprisonment was excessive and a proper sentence following trial would have been 2 years imprisonment. The appellant was entitled to the fullest credit for the plea of guilty and given the time spent in custody could be released immediately.</p>		
Transcript 70 – John Way (1 <sup>st</sup> instance)	<p>Arrived, uninvited, at his estranged wife’s address who was now married to V. They were packing to move and 2 removal men were there. His ex-partner was in the house, but V was in the garage. D entered the house; by this time had armed himself with a 6-inch bladed knife from his car (was up a sleeve). His ex-partner asked what he was doing there and asked that he leave; D refused and asked where V was. V came in and D attacked him immediately; stabbed him with a downwards motion four times around the chest. D is larger and heavier than V so carried on despite a removal man and his ex-partner trying to intervene. His ex-partner was also injured, sustaining 2 cuts to her hand. V fell to the floor, bleeding heavily. D drove off. Ongoing trauma (ex-wife feels guilty about her husband; her children are having nightmares, the punches to her head have aggravated an old injury causing her headaches, earache and blurred</p>	<p>GP on the day of trial</p> <p>Level 2 – SP=15 years</p> <p>Final sentence =14 years (16 years pre GP).</p>	<p>B2 – (knife taken to scene, medium harm)</p> <p>25 years determinate</p>

	<p>vision, anxiety). V is still physically scarred, he has difficulty lifting – has had a major negative impact on his work and income as a self-employed person. Has pins and needles in hand, a tight chest, shortness of breath, flashbacks, lack of confidence and anxiety. Judge considered: D armed himself in a pre-mediated fashion. D had been violent towards V some months before – assaulted him (punched him in the face). Received a caution and later a harassment warning. Had written letters to family members showing he intended to harm V in a manner likely to lead to his incarceration. Was unprovoked and premeditated involving a weapon. Sustained attack. Culpability is very high. Agg-was under a caution and harassment warning. Mit-was depressed and stressed (night sedation did not work, was drinking and anti-depressants did not work – although there did appear to be a time when D was a bit better). Until this was a man of good character, has made progress in prison, appreciates the severity of his actions</p>		
<p>Transcript 68 – Glyn Sullivan (1<sup>st</sup> instance)</p>	<p>Entered on his own, or with someone else, V's house to burgle it. V was 66 and in poor health; a well-respected member of the community. Had few valuables at home. Even if with another person, D took the lead and was responsible for the injuries on V – placed a cord around his neck, repeatedly hit him with many objects (including an iron, his walking stick, fists and feet), and used a knife – used as torture to try and find out where his valuables were. Was after valuables to buy drugs. Inflicted terrible injuries – graphic photos in court. Numerous injuries to head, including lacerations, incised wounds, extensive facial bruising to face and scalp, fractures of cheekbones and left lateral orbit and orbital floor and sub-arachnoid haemorrhage in brain and right subdural haemorrhage on surface of the brain. Depth of wounds with the knife cannot be assessed, but consistent with prodding with the tip. Also, extensive injuries to the torso and arms and hands. Also injuries representing restraint and defence.</p> <p>Ransacked the house and left V for dead and lay there for 24 hours before being discovered. When D left the flat was indifferent as to</p>	<p>Had it been murder, the SP would have been 30 years. SP therefore 20 years.</p> <p>Dangerousness found. Final sentence=life imprisonment with minimum term of 11 years</p>	<p>A2 – offence involved sadistic conduct (torture), medium harm SP (determinate) 30 years (if life min term 15 years)</p>

	<p>whether V was alive or dead. In interview D said he “didn’t give a shit about him”.</p> <p>Has precons, but is an absence of violence.</p> <p>No long-term physical or psychological injury – V had made a good recovery</p> <p>Agg – carried out in pursuance of a burglary and robbery; was planned; V was particularly vulnerable because of age and health; prolonged attack; use of weapons</p>		
Transcript 13 – Aweis, Aweis and Hersi	<p>3 d’s acting together and with others unknown made a determined attempt to kill V during a planned attack from which he had no possibility of escape. They did so not only using force of numbers, but also a variety of weapons the most lethal of which was a loaded gun from which one bullet was fired, pointed at V’s head but narrowly missing. Further attempt then made to shoot V dead. Gun misfired and live round ejected and found outside of shop later on. If successfully shot would have killed V. Attackers then set about V with feet and fists, some using hammers to deliver repeated blows to V’s head, ferocious assault. Injuries not described but Judge said “it is only through good fortune and despite the determined efforts of his attackers that victim survived with his life”.</p>	<p>Aweis &amp; Aweis – planning but no evidence either used weapon, 20 years each.</p> <p>Hersi – CCTV showed him raining down blows savagely, went armed and ready with a weapon and used without hesitation being one of first to get ‘stuck in’. No dangerousness finding. 23 years custody.</p>	<p>Aweis &amp; Aweis B2/3 if sentenced on basis of planning only, Medium or low level of harm 25/20 SP</p> <p>Hersi A2/3 – Use of firearm; planning, assume medium/low level harm 30/25 year SP</p>
Transcript 34 – Julia Knight (1 <sup>st</sup> instance).	<p>D had close relationship with V, her mother – visited 2/3 x a week and regularly telephoned. 15 years ago mother was found to have leukaemia and 3 years’ ago, health deteriorated. Had a fall at home and fractured spine; had a heart attack and suffered fibrosis of the lungs; developed pseudogout which affected mobility; had subarachnoid haemorrhage. Found it hard to cope and was probably discharged from hospital too early. Suffered another fall and readmitted to hospital. D visited to discover the hospital were thinking of discharging her again. D went to work, accessed internet records about insulin and records of patients with diabetes. Printed</p>	<p>Level 2, with some elements of level 3. Convicted after trial – 14 years</p>	<p>A3 – Substantial planning (obtained prescription, forged signature of doctor.) Assumed harm 3. SP 25 years.</p>

	<p>prescription for insulin and forged a doctor's signature. Took a syringe from work. Went to hospital and injected mother in the stomach (had taken steps to avoid arousing suspicion in mother). Effect was fast but staff managed to stabilise mother.</p> <p>Is context for choice of insulin – after becoming depressed after her marriage breakdown, D injected herself with insulin to kill herself – so had knowledge of the effects of injecting insulin into someone without diabetes (had been told was the best way to commit suicide in a painless way).</p> <p>Failed to admit offence – suspicion initially fell on nursing staff and mother's partner. Finally admitted it, but said intention was never to do serious harm and certainly not to kill. Judge recognises effect of a prison sentence on V will be devastating – is of good character, with no precons or cautions etc. Was nurse for most of adult life, well regarded. Defence says was an act of immense stupidity; D under stress and concerned for mother's treatment. Agg – mother's age (80s), unwell and vulnerable. Abused position of trust – daughter and nurse.</p>		
<p>Transcript 45 – Jacqueline Patrick (1<sup>st</sup> instance).</p>	<p>Concerted, planned, persistent attempt to poison husband with antifreeze. Intention that its effects would be disguised as an adverse reaction to medication/a suicide attempt. D married to V for nearly 30 years – first attempt in the October. Daughter encouraged her. Deleted text messages showed D mixed illicit painkillers/ prescription medication with V's drink to overdose him. May have also used antifreeze. V was admitted to hospital for 8 days – no blood samples taken but there was kidney damage and high levels of ibuprofen. Further text messages show planning and more poison being given. On Xmas Day was a family argument and V spent most of his time alone; D put anti-freeze into a bottle of liqueur; V probably drank 2.5 glasses. D called ambulance on Boxing Day saying his kidney condition had flared up (setting up false pre-existing condition). Paramedics found a fabricated typed DNR note. D went into a coma;</p>	<p>Sentenced for 2 att murders. GP at PCMH – 25% discount.</p> <p>Higher end of Level 2 for either of counts – but totality of offending is equivalent to Level 1/top end of 2</p> <p>For each count 15 years' concurrent</p>	<p>A1 – substantial degree of planning/premeditation. High harm as life threatening injuries. SP 35 years (in region of 26 years custody after 25% discount for plea)</p>

	<p>ethylene glycol found in blood (100ml is fatal) – did not regain consciousness for 10 days and slim chances of survival at first. D could not speak for some time after leaving hospital, neck was swollen, severe pains in legs; took over 3 months to walk properly. Another 3 months to walk with a stick. Cried all the time. Had a catheter for a month, was a renal outpatient for a year, in constant pain and discomfort. Problems sleeping, lost 3 stone in weight. Has recovered a lot but less able to move than before; is exhausted, with little motivation.</p> <p>Mitigation: Good character; unhappy marriage; has done some volunteer work after the offences.</p>		
<p>Transcript 48 – Zack Davies (1<sup>st</sup> instance).</p>	<p>A planned racially motivated attack which followed from D seeking out racist and extremist literature and images. Extreme racist and right-wing views. Evidence of internet searches and postings (incl. for material related to Isis and Taliban beheadings and mutilations). V tried to defend himself and there was intervention of a bystander – otherwise victims would have been killed in front of many shoppers at lunchtime. Used a machete and hammer (also had a small lock knife). Other weapons found in room as well – Stanley knife, lock knife, hammer. When arrested spoke of violent thoughts and thoughts about killing people (had intended to behead V for public sympathy and spoke of plans to behead mother’s partner). Had told a family member to watch the news – “something big was about to happen”. Had been expelled from school for carrying a knife and for the last 10 years regularly carried a knife. Played violent video games. Re: offence, armed himself, intending to go and attack mother’s partner in Post Office – he wasn’t there and came across V, followed him and attacked him inside Tesco’s, chasing him through aisles. Blows to back of head, shouting “white power”, “justice for whites”, “remember Lee Rigby”. V ended up on floor, D standing over him – raised machete above head and struck down in slashing motion. V managed to get away; D followed. A bystander stood in front of D blocking his path, persuading him to put weapons down. Sustained attack using weapons – horrific injuries to V. Major injury to left hand (almost</p>	<p>Doctors/ psychiatrists disagree on type of disorder he has/ whether suitable for a hospital order. Judge doesn’t think is appropriate – thinks knew full well what he was doing</p> <p>Level 1 -If had been a murder would have been 30 years SP Discretionary life sentence – minimum term 14 years</p>	<p>A1/2 Racially motivated, serious injuries but not clear if level 1 harm. SP 35/30 (17.5-15 in custody if life)</p>



	<p>severed); 2 wounds to back of head, further wounds to back and side of foot; recovering well and expected to return to work soon but was hospitalised and unable to work for 9 months.</p> <p>Agg – planned attack; armed himself with 3 weapons; initial plan was to attack someone else but when he couldn't find him attacked V; had been planning to commit such an atrocity for some time; also sustained attacked, struck in front of others (including elderly and young), causing panic to others; racially motivated attack – V says the racist attack has had an effect on his family and the wider Sikh community; injuries have meant V has been unable to pursue his career for 9 months</p> <p>Mit – age (26), no precons (although admitted to carrying a knife); admitted alternative offence of wounding</p>		
Transcript case 8 – Fox (1 <sup>st</sup> instance).	<p>Attack on former partner, described as frenzied attack of dreadful ferocity. Said intent was of short duration and formed only shortly before attack. Used scissors, said didn't bring to scene and judge dealt with on that basis. Lay in wait in her garden, then entered her home and used terrifying violence, stabbing repeatedly with a pair of scissors about the neck and head aiming for her eyes, threatening to blind her to kill her and her children who were upstairs. She tried to crawl away and he dragged her back, stabbing her again and again. She sustained 12 stab wounds to the head and neck and further injuries to arms, legs and torso. Would certainly have died if not for the skill of surgeons. Injuries caused a stroke and she is now wheelchair bound and paralysed to left side. She said the life she knew has been taken from her. Victim deaf and without speech so uses sign language, and now struggles to communicate as left arm does not work. She is only 26. Agg; Pre cons for violence. Sustained and brutal attack. Victim particularly vulnerable; she was deaf so did not hear him entering her home so was unprepared to take defensive action. Threats to blind her and kill her children. Attack in her own home in</p>	<p>Makes hospital order with limitation direction under s45a as HO not sufficient to punish. Extended sentence for public protection. 25 years. Plea on first day of trial, 20% discount as was waiting for a report before pleading. Reduced to 20 for plea. Further five on licence, so 25 years (20 custodial and 5 on licence)</p>	C1 – SP 25 years

## ANNEX C

	<p>presence of others (new boyfriend) and children upstairs. Use of a weapon and planning. Culp extremely high.</p> <p>Has personality disorder but not mental disorder. Considered Vowles and nature of mental disorder, the extent to which it is attributable to the offence. Judge finds mental disorder does not diminish culp. Long term impact on V. V little mitigation</p>		
<p>Transcript case 1 – Harris Bennett (1<sup>st</sup> instance).</p>	<p>Minor incident in a shop, offender felt 'slighted' and summoned a gunman who arrived within minutes and shot victim outside shop. First shot deflected and bullet bounced off of a van, victim ran and was chased by offender and gunman and shot in the back. He was terribly injured, shot went through his back and exited his chest. He has been left paralysed from waist down, lost a lung and has spinal damage. He has a young family he cannot care for; judge says his grief cannot be understated. Gun used. No imbalance between culp and harm – both extremely high.</p> <p>Not being gunman does not mitigate, able to summon a gunman to side within minutes. Acted as if it was his area and he was in charge. No pre cons.</p>	<p>Final sentence 30 years</p>	<p>A1 – SP 35 years</p>
<p>Transcript case 5 – MacMillan</p>	<p>Offender drunk and attacked innocent man in street. Took a stone from a wall, large sharp edged and made of concrete. Plainly a potentially deadly weapon. Followed victim shouting and swearing at him aggressively holding stone in a raised position above head. V pleading with him and offering no threat whatsoever. V began crying and he taunted him. Brought stone over his head and struck V on head. Blow delivered with full force and immediately sent V to ground and rendered him unconscious. Struck him again, swinging the stone like a golf club and striking V in head with full force. Intent was to kill V. Believing that he had succeeded he then ran from scene. Injuries of upmost gravity. He suffered multiple skull and facial fractures, a traumatic brain injury involving bruising on the brain, and bleeding over the brain. Required surgery and was comatose for a month. Brain injury has left him with difficulties with balance, coordination, hearing loss and double vision. Has cognitive problems including confusion,</p>	<p>10% credit for plea on day of trial.</p> <p>Dangerousness found. SP 19 years, 17 years after discount for plea. Extended sentence imposed of 22 years (17 custody, 5 extended licence)</p>	<p>C1 – weapon not in cat A or B, lack of premeditation. High harm. SP 25 years</p>

	<p>poor memory and poor problem solving skills. Mobility impacted and needs a wheelchair or two sticks and a carer. Cannot bath or dress himself. His life will never be the same again. Expectation is that he will continue to suffer significant cognitive, neurological and physical problems. Aggravating; ferocious attack on unarmed and helpless man. Followed victim and struck two blows in circumstances when paused to consider actions. Not a sudden explosion of anger but a cold and calculated intent to kill. Happened in public at midday (location and timing). Under influence of alcohol and drugs. Injuries profound. Pre cons for wounding and possession of weapons. On licence at time of offence.</p> <p>Mitigation – age, 25. Pleaded G on day of trial.</p>		
<p>Transcript case 6 - Poselay</p>	<p>Offender was ex neighbour of V and suspected him of stealing a laptop from his bedsit some 6 months previously. Issue over whether offender took knife to scene or picked knife up at the scene, as would affect sentence. Judge was sceptical picked up at scene in communal kitchen but no evidence he took it so dealt with him on basis that he did not take (as in Kelly) but picked it up with intention of using it later, so some premeditation. V preparing his dinner and offered some to offender, they then spent evening watching TV together. At end of eve offender brought up issue of laptop, V denied stealing. Offender became angry and says returned his plate to kitchen and this is when he picked up knife. Upon leaving he stabbed victim at door a number of times, first in the back and then approximately 8 further times, penetrating wounds to chest, collapsed lung, lacerated kidney and spleen, stabbed to armpit and lacerations to arms and wrists (defensive). Life was in serious danger. Good recovery from physical injuries, but judge notes lasting psychological impact. Aggravating – fled the scene, discarded the knife and not recovered, burned clothes to hide evidence. Ran from police when they arrived. Pre cons, offence committed during currency of SSO. Knife used and victim stabbed in his own home. Persistent attack. Mitigation G plea but trial still necessary as he said not a S18 (intent had to be put to jury). Cat 2B -planned attempt to kill</p>	<p>G plea but only 10% discount because trial not avoided SP 15 years, would be 18 with aggravating but provides for discount and imposes 16 years – 13 years custody 3 years extended licence. Dangerousness found. Smiled at times during trial, doesn't regard what he did as excessive.</p>	<p>On cusp of B/C – some premeditation (B), weapon not in A or B used (C) Harm 1. SP if top end of C/bottom of B 25 years. 10% discount for plea – 22.5</p>

Transcript case 6 - Webster	<p>Att murder of ex partner and mother of his three children. Couple estranged and she was in Sctoland with children, but brought them down to have a few family days together. Planned family day out, she was late he went in pub. Argument started when she arrived. He threw a glass which smashed and shards went into hair of victim and one of children. She took children to a friends and ignored his messages. Knew that her and children were staying at a friends house, went there in morning and carried attack out knowing children and others would witness. She came out to speak to him and he attacked her, first with knife taken to scene then with a glass. Knife broke during attack such was ferocity, so he continued kicking and punching V. Neighbour stopped it and victim went inside, he kicked the door in to get to her again, taking broken glass from front door to use as a weapon. Friend took children and jumped out of window, everyone petrified. Inflicted 22 stab wounds, three to side of her face, multiple to her neck, four to shoulder, one to chest wall and defensive injuries. Cat 1. Planned, knife taken to scene, sustained and vicious. Some blows aimed at her neck. Left with lifelong scars, fracture to orbit of eye and possibility of blood clot and injury to vein in neck. Pre cons for attacking another woman (ABH reduced from GBH/Att murder) and other convictions for violence. Also DV related. Impact on children. Offence committed on bail for assault against victim and criminal damage. Mitigating; mental disorder as diagnosed with paranoid schizophrenia.</p>	<p>Considered Vowles, but also circumstances of offence and did not think hospital order appropriate so imposed HO with limitation direction under s45a. 25 year SP aggravated up to 27, reduced by 8 for mitigating and one extra for remorse. Final sentence 18 years. No dangerousness finding but considered.</p>	<p>B (weapon taken to scene, planning) Harm cat 1 or 2 (not specified if injuries life threatening or ongoing impact). SP 30/25 years</p>
Transcript case 33 –	<p>V had been D's partner for 6 mths. Attended Halloween party and D described by witnesses as acting strangely; returned home, having consumed alcohol, and embarked on unprovoked, murderous, frenzied and sustained attack on V – attempted to butcher her to death with a meat cleaver, deliberately targeting her neck shouting "I'm going to cut your fucking throat. I'm going to shred your throat". Continued until thought had killed her. Injuries - horrific, including a severe gaping wound around neck from ear to ear, the tissues, tendons and muscle tissue being exposed. Multiple lacerations to face, chest and arms as she tried to fight D off. Judge said but for the intervention of the skilled medical personnel, there can be no doubt that she would have died - V's survival miraculous. V cannot not use right arm and there is an</p>	<p>GP – late plea, 10% Says seriousness warrants a life sentence  If passed determinate sentence would have started at Level 3 and after taking account of agg and mit would have come to 20</p>	<p>C – weapon not in cat A or B. Harm 1 – life threatening injuries  SP – 25 years. Life minimum 12.5</p>

	<p>ongoing effect on her mental health. V's daughter witnessed and has nightmares and is scared to cut her food up. Aggravated by being in the presence of V's daughter, previous convictions (reckless arson in respect of a previous partner – received 6 years for this and this offence was whilst on licence for this).</p> <p>Mitigation: remorse; also mentions personal mitigation but doesn't say what this is.</p>	<p>years; After plea=18 years. So life with minimum term=9 years</p>	
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