

IN THE CENTRAL CRIMINAL COURT

Case No: T20207374

Courtroom No. 1

Old Bailey
London
EC4M 7EH

Monday, 27th September 2021

Before:
HIS HONOUR JUDGE LEONARD QC

R E G I N A

-v-

NICHOLAS JONES

MS C NEWELL appeared on behalf of the PROSECUTION
UNKNOWN COUNSEL appeared on behalf of the DEFENDANT

SENTENCE

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A SENTENCE

JUDGE LEONARD: Because the family of the deceased, with some justification, are concerned about the delays in this particular case, in this process to come to sentencing today, I intend to go straight to sentencing now. I do not think they should suffer any further by any further delay. The defendant will remain seated throughout.

B It was a little after 6pm on 20 November 2020 that you telephoned the emergency services and requested an ambulance and said, to use your words, 'I've just fucked up. I tried stabbing someone straight through the heart'. In the second contact, you told the operator that you had stabbed someone through the chest and gave the address [inaudible]. Again you said you were sorry and asked them to hurry because you did not know if you had killed the person in the house.

C You told them that you were a schizophrenic and that you had not taken your medication. You believed that your mother's boyfriend, [Paul McCarroll?] was trying to control your mind and that the voices in your head were driving you insane. As the police discovered you had stabbed Paul McCarroll and despite the skills of the medics who arrived at the scene and despite their attempts to treat him there, he died from his wound.

D When you were seen by the police, you remained apologetic for what you had done. You asked if your mental health would be investigated and that sounded selfish, and you were, as you put it, 'a fucking asshole'.

E Your mother, Elaine[?] Jones described how she had known the deceased for over 20 years and had been in a relationship with him for 10 years. She described how your mental health problems had developed in [inaudible] and your failure to take your tablets that you had been prescribed.

F On the day of the killing, she returned from work in the afternoon and spoke to you. You said that someone had come to the door, and since then the voices in your head were getting better. She had been sitting on the bed with the deceased when you burst through the door and assaulted the deceased. You could not understand why it happened. She could not understand why it happened because there was no animosity between you and her partner Paul, and it came out of the blue. Your concern seemed to be mainly with those who are trying to help you and to treat you.

G I have read the psychiatric reports on you, in particular the reports of Dr Frank [Inaudible] and Dr Hussein, from whom I have also heard. There is no doubt that you were suffering from an abnormality of mind, that is schizophrenia, coupled with auditory hallucinations, false
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A alienation and paranoid and persecutory delusions and that you were psychotic and out of control and reality at the time that you killed the deceased.

B There is no doubt your plea of manslaughter was properly advanced and properly accepted by the prosecution. But for your mental state at the time, you would not have killed Paul McCarroll. It follows that your responsibility for the killing was significantly impacted, if not almost extinguished by your mental state at the time. The absolute tragedy is, as Dr Blackwood[?] in particular avers to, and it is your own fault, that had you taken your medication, there is a strong likelihood that this would never have happened. However, your mental state was such that I judge that you were incapable of keeping [inaudible].

C I have read the victim personal statements of the deceased's parent Ms Louise[?] McCarroll. I accept that the pain and grief of losing her beloved son will never leave, or his two children and his granddaughter. It is hard to comprehend the huge impact that Paul Carroll's death on them all and in particular on the health of his parents, both of whom are disabled pensioners who depended on Paul to support and care for them.

D As [Inaudible] has described it, 'He was a devoted son, grandson, brother, father and uncle. They had suffered a terrible loss and their lives are forever scarred. I accept the whole family and his many friends have been devastated by his death and that the world will be a poorer place without him'. He was rightly described by a reading at his funeral in the parable of the good Samaritan.

E It is quite understandable that the family have found it very difficult to deal with the time it has taken to ensure that the court has the appropriate reports and information on the defendant before he could enter his plea and could be sentenced on the appropriate basis. To a large extent, [inaudible] in the hands of the psychiatrist, and it has been made worse by the effect of the pandemic.

F It is equally important that they try to understand that when the defendant killed Paul McCarroll, he was not in his right mind. Whilst I will be imposing a hospital order rather than a sentence of imprisonment, they must understand that it will be many years before the defendant is released, if indeed he is ever released, and that he will not be released until he is no longer a danger to the public and on terms that will best protect the public from anything like this in the future.

G Having heard the medical evidence, which has been given in court today by Dr Hussein, and having read the report prepared by Dr [Inaudible], as well as the report by Dr Blackwood, all of these being approved by the Secretary of State under Section 12(2)2 of the Mental Health
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A Act 1983 I am satisfied that you are suffering from a mental disorder, namely paranoid schizophrenia. This order is of a nature which is appropriate that you are to be detained in a hospital for medical treatment, and appropriate medical treatment is available for you at Bethlem Royal Hospital.

B I am of the opinion that because of all the circumstances of your case, including the nature of the offence, to which you have pleaded guilty and your character, and having considered all the other available ways in which I might deal with it, the most suitable method of dealing with you is by making an order under Section 37 of the Mental Health Act 1983.

C I have also considered whether this order should be subject to special restrictions specified in Section 41 of the Act. I am satisfied that because of the nature of your offence, and also having regard to the risk that you will commit further offences if you are not detained, it is necessary to protect the public from serious harm and it is not possible to say for how long that will be served.

D I also have a duty to consider whether a Section 45(A) order should be imposed. But because your responsibility for what you did is limited, as I have described, and the need to ensure that you are under a regime, which [inaudible] your immediate recall if you fail to take your medication, I consider that the Section 41 order will best protect the public than an order under Section 45(A).

E Accordingly, I order that you will be subject to special restrictions set out in Section 41 of the Mental Health Act 1983 and without limit of time.

Thank you. I will rise.

End of sentence.

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