



JUDICIARY OF  
ENGLAND AND WALES

AT WINCHESTER CROWN COURT

BEFORE: MRS JUSTICE EADY DBE

26 February 2021

THE QUEEN

-v-

GIUSEPPE ZEREGA

**A direction (dated 12 August 2020) has been made in this matter under section 45 of the Youth Justice and Criminal Evidence Act 1999**

*Introduction*

1. Giuseppe Zerega, a jury has returned special verdicts of Not Guilty by Reason of Insanity in respect of each of the three counts on which you stood trial (one count of manslaughter; two counts of attempted murder).
2. Given the seriousness of these matters, there is an obvious public interest in understanding the reasons for the order I am making in your case, and the background to it. At the same time, I must be careful to respect the restricted reporting order that has been made in these proceedings. For those who have to consider your position in due course, I make clear that regard should be had to the psychiatric reports in this case; in particular, to the report of Prof Greenberg of 21 November 2020 and to that of Dr Malhan of 17 January 2021, which not only provide expert opinion evidence (accepted by the jury) but which also set out the full facts of the matters for which you stood trial.

*The facts*

3. In June 2020, you were 31 and living by yourself in the Bournemouth area. You had spent the first 11 years of your life in Chile, but moved with your parents and older sisters to Italy, growing up in a close-knit and happy family, speaking fluently in Italian, Spanish and English. Around 7-8 years ago, you followed your sisters to the UK, moving to the same area and maintaining good relationships with them and their respective families. You had no criminal convictions and witnesses described you as intelligent and well-spoken; a caring, happy, chilled person who was polite and easy to get along with.
4. Things seem to have started to change at some stage in the weeks preceding 19 June 2020. You had lost your job as a bar manager, due to the coronavirus restrictions; you had begun to seem a bit down and you started to act in ways that were out of character for you, causing your loving and supportive family to be increasingly worried about you. Although you had no history of mental illness, it is now apparent that you had begun to develop a complex delusional belief system as a result of suffering an acute psychotic illness. You started to respond in a random fashion; you told family members that your friends were

trying to hurt you or spike your drinks with drugs; you complained of being followed, possibly by the Mafia; you suggested that people were plotting to harm your sisters; you destroyed your 'phone memory cards and your computer, and you started to make allegations against people in your family. There were, however, still moments when you seemed to return to your normal self and, on the evening of Thursday 18 June 2020, you were cheerful when you spoke to your parents, saying how you were looking forward to being able to return to Italy to see them, and you sat and watched a film with your friend Fabio Menegon before he went to bed that night.

5. Sadly, however, your condition was in fact worsening and, in the early hours of Friday 19 June 2020, you started to hear voices, as if coming from a car outside, and then a voice in your head, which told you to kill or hurt Fabio Menegon. Acting on that command hallucination, you collected a knife from the kitchen, went into the bedroom where the 45 year old Fabio Menegon was sleeping and stabbed him. The post-mortem autopsy found that Fabio Menegon suffered 14 sharp injuries to the head, neck, trunk and left upper arm. The immediate cause of Fabio Menegon's death was disruption to the brain and lung function together with catastrophic bleeding from four principal stab wounds to the head and trunk. The stab wound to Fabio Menegon's head penetrated the skull and brain and would have required severe force; the other injuries would have required mild to moderate force given the weapon used. Cuts were also found in the pillows removed from the bed. There were no defence wounds: Fabio Menegon never woke up sufficiently to try to defend himself.
6. There were, however, two others present who woke during the attack and who tried to intervene to protect Fabio Menegon and on whom you then turned, lashing out with the knife, hitting, punching and biting in your attempts to – as you said at the time – kill them to save them. They managed to disarm you and you jumped, or were pushed, out of the bedroom window, but both were injured, one suffering serious injuries to her face, and to her chest, arms and hands. Inevitably the mental scarring that both suffered will last forever.
7. The attack lasted less than 10 minutes and is truly to be described as a tragedy. The victims were people who you loved and with whom you had had a close, mutually supportive relationship for many years. Your actions were solely attributable to the fact that you were suffering from an acute psychotic illness; but for that illness, you would never have harmed any of those you so brutally attacked that night.
8. Your highly disorganised mental state at the time was visible to the jury from the police body worn video camera footage. When uniformed police officers arrived at the scene, you were behind a shed in a neighbouring garden; not hiding but calling for help, although it was unclear what, or who, you needed help from. You had injured yourself when jumping down from the first floor window but were seemingly unaware of that; you could not recognise those attending to you as police officers; what you were saying could make no sense.

*The medical assessment and the jury's verdict*

9. When you were taken to hospital, you were assessed as having a mental health illness that required your detention, initially at Ravenswood House medium secure unit. During your time there, while still in a psychotic state, you spoke of the Mafia and Mossad; referred to yourself as Jesus and spoke of seeing someone being resurrected; you were sexually disinhibited, questioned whether the doctors were doctors, and threatened staff; you

attempted to make ligatures, which caused concern as to how you might harm yourself; your behaviour was of sufficient concern that you were placed in seclusion for some three weeks and subsequently, in August 2020, transferred to Broadmoor hospital, which is a high secure unit.

10. You were assessed for the purposes of these proceedings by three psychiatrists: Dr Sandford (for the prosecution) and Prof Greenberg and Dr Malhan (for the defence). There was no dispute that you were fit to stand trial but all three agreed that, at the time of the attacks, you were suffering from a disease of the mind; a psychotic illness, subsequently diagnosed as paranoid schizophrenia. All three further agreed that, because of that disease of the mind, at the relevant time, you were labouring under a defect of reasoning. Although each of the psychiatrists took the view that you had known the quality and nature of your acts, the evidence of Prof Greenberg and Dr Malhan – which was accepted by the jury – was that you had not known that what you were doing was wrong. For the purposes of criminal liability, you were legally insane.

#### *The court's function*

11. Nothing, of course, could achieve the outcome dearest to the hearts of those who knew and loved Fabio Menegon, which would be for his return. He was a much loved partner, step-father, brother and son, and his death – and the circumstances in which it occurred – has been devastating for his family and friends. Similarly, no-one can put the clock back for the others who suffered in the attack, or piece together the fragmented lives of all those who have been affected by this tragedy.
12. More than that, the special verdicts returned by the jury mean that you are acquitted of the charges against you, because you cannot be held liable for your actions by reason of insanity. That, however, does not end the court's function in your case. Where, as here, a verdict of Not Guilty by Reason of Insanity is returned, the court is given the power to make a range of orders: a hospital order (with or without restriction), a supervision order or an absolute discharge.
13. The purpose of the order I make, however, is not to punish you; it is, rather, to ensure that you receive the medical care and attention that you need, in the hope and expectation that this will avoid the commission of any offence by you in the future and provide the necessary protection for the public.

#### *What I have taken into account*

14. In reaching my decision, I have re-read the earlier reports of Prof Greenberg and Dr Malhan, and I have studied with care the reports obtained for the purpose of this hearing, from Dr Sengupta, the Consultant Psychiatrist who is your treating physician at Broadmoor (dated 17 February 2021), and the further report from Prof Greenberg (dated 23 February 2021) (all the experts are approved under section 12 of the Mental Health Act 1983). I have also had the benefit of hearing Dr Sengupta give evidence via video link at today's hearing.
15. From the medical evidence available to me, it is apparent that, once the right antipsychotic medication was found for you, you responded well to medication and treatment and, during the course of September and October 2020, your mental state gradually settled, with a resolution of psychotic symptoms. Dr Sengupta speaks of how you continued to engage with psychological and medical assessments into November and December and advises that your disorder is relapsing and remitting. He considers your compliance with

medication and response to treatment has been effective and the prognosis is likely to be good. Given these circumstances, Dr Sengupta does not consider that your disorder is presently such as to fulfil the criteria of detention under the Mental Health Act, but is of the opinion that it is of a nature that warrants your detention under that Act. Dr Sengupta considers that you will require long term treatment in hospital and that, over and above medical and nursing treatment, you will require long term psychological therapy. It is Dr Sengupta's opinion, which is shared by Prof Greenberg, that your disorder fulfils the criteria of a hospital order under section 37 of the Mental Health Act and, further, given the extremely serious nature of the offence and the antecedents leading up to the development of your symptoms, that you fulfil the criteria of a restriction order under section 41 of that Act. Dr Sengupta has also confirmed that a bed is available for you in Broadmoor Maximum Secure Hospital.

16. In deciding whether a hospital order should be made under section 37 of the Mental Health Act, and whether such an order should be subject to restrictions under section 41 of that Act, I am required to receive expert psychiatric evidence, albeit I am not bound by it; the decision I reach is my own. In this case, however, there is no reason for me not to fully accept the evidence of those who are able to provide the necessary expert evaluation of your condition. You have made good progress with your treatment so far but as Dr Sengupta has explained, you continue to require further long term treatment, which is available to you at Broadmoor high security hospital.
17. Having carefully considered all the evidence available to me, in particular evidence of Dr Sengupta, I am satisfied that you are suffering from a mental disorder that is of a nature that makes it appropriate for you to be detained in a hospital for medical treatment and that appropriate medical treatment is available for you. I am further satisfied that because of the nature of your actions, and having regard to the risk that you might 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 so.
18. A hospital order under section 37 of the Mental Health Act 1983 together with a restriction order, without limit of time, under section 41 of the Act will enable you to be treated. It will also protect the public; firstly, because it is potentially life-long and the regime for deciding upon release is stringent (as Dr Sengupta has explained), and secondly, because the nature of supervision after eventual release from a section 41 restriction order involves ongoing expert psychiatric input and a recall to hospital is available if your medical condition deteriorates and you relapse. This is particularly important when the anti-psychotic medication is likely to be needed for the rest of your life.

*My Order*

19. Accordingly, I make a hospital order, with a restriction without limit of time, under sections 37 and 41 Mental Health Act 1983.