

IN THE CENTRAL CRIMINAL COURT

Case No: T20157102

Courtroom No. 16

Old Bailey
London
EC4M 7EH

11.37am – 11.45am
Friday, 11th September 2015

Before:

UNKNOWN JUDGE

R E G I N A

v

DEAN RICHARD PALMER

MR M A HEYWOOD appeared on behalf of the PROSECUTION

MR D P SPENS appeared on behalf of the DEFENDANT

SENTENCE

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A SENTENCE

THE JUDGE: Dean Palmer, remain seated.

B This is a tragic case in every sense. On 16 March 2015, you killed Nigel Yon. You used a knife to inflict fatal stab wounds, you brought the knife with you to the address that you shared with Mr Yon and, as you accepted, you intended to kill him.

C You were suffering at the time, as is plain, paranoid delusions concerning the behaviour of the victim, none of which had any basis in fact. Mr Yon was blameless and innocent of any wrongdoing and his death has, as we have all heard, had a devastating effect, in particular upon his parents, to whom the court offers its sympathy.

D The court has had a great deal of assistance from the psychiatric evidence in this case. A long report from Dr Cummings, which I have read carefully and also a very helpful report from Dr Latham, who has given oral evidence before the court today and he was approved to do so under Section 12 of the Mental Health Act.

E In deciding how best to deal with your case I have to consider, as Mr Heywood has rightly submitted to me, the recent case of *R v Vowles* [2015] 2 Cr. App. R. (S.) 6, in which the Lord Chief Justice gave guidance to the Crown Court in deciding how to deal with matters such as this, where diminished responsibility has been accepted or found as a partial defence to the offence of murder.

F The considerations that I have to have in mind are these, when determining the appropriate disposal, are the extent to which you need treatment for your mental disorder, the extent to which the offending is attributable to your mental disorder, the extent to which punishment is required and also the protection of the public, including the regime that is necessary for deciding release and the regime after release.

G The Crown rightly accept, as is the case, that you have no record of violence before the onset of your serious mental illness. You were suffering from paranoid schizophrenia at the time that these events occurred. There is no suggestion in your case of any underlying personality disorder, giving rise to violence, that is not amenable to treatment, and I also am satisfied, as is conceded by the Crown, rightly, that the contribution of your illness to the commission of the offence is very significant, so that your culpability, so far as that is concerned, is not high, not simply diminished.

H I have considered carefully the steps that I must take, set out in the case of *R v Vowles*, and I arrive at this conclusion and I am given guidance by the case of the

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Attorney General's Reference No. 27 of 2013, first of all that your mental disorder is plainly treatable and also, once treated, there is no evidence that you would be in any way dangerous to the public and I am satisfied that your offending in this case was entirely due to your mental disorder, so that the hospital order under Section 37 of the Mental Health Act is the only sensible way of dealing with your case and I make such an order without limit of time.

B

I add to that order a restriction order, the effect of which has been clearly explained in the court by Dr Latham this morning, under Section 41 of the Mental Health Act, which means that if the time should come when it is thought to be safe to release you, that will be a matter that has to be decided by the Secretary of State, bearing in mind all the evidence available at the time and is likely to be subject to stringent conditions which you must obey if the order is to be lifted to the extent that you would be released into the community.

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So, I make an order under Section 37 of the Mental Health Act, as I say, without limit of time, combined with a restriction order under Section 41.

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Mr Heywood, I do not think there is anything else that I need to say?

Yes. You can go downstairs with your carers. Thank you very much, Mr Palmer.

End of sentence.

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