**Victor Osei**

**Sentencing Remarks**

VO, I have to sentence you for the manslaughter on 12th September 2020 of Anthony Higgins. You were originally charged with his murder but on 6th August your plea of not guilty to murder but guilty to manslaughter by reason of diminished responsibility was accepted by the prosecution.

You are 42 years of age; you have 11 convictions for 20 offences.; these include 1 offence of possession of a bladed article and 1 offence of assault occasioning actual bodily harm.

At the time of the events with which the court is concerned, you were living at a flat in Priestly House in Wembley. There had been a number of occasions when residents had had cause to complain about your antisocial and disruptive behaviour. Anthony Higgins who was 62 was one of your neighbours. The court has had read out a number of victim impact statements from various members of his family. He was a good man, very much loved and respected and his family are devastated by his loss, especially in the circumstances in which it occurred.

It appears from the evidence that on previous occasions various of your neighbours had been disturbed by your violent and aggressive behaviour at the flats.

On the morning of 12th September 2020, at around 7 a.m. the fire brigade were called to the flats and it appears that you may have set light to something in your flat but at that stage no actual intervention by the fire services became necessary. A couple of hours or so later, however, the emergency services were called to the address for a second time because of noisy disturbances there and they found Mr Higgins lying on the floor in the doorway of his flat, covered in blood and with serious facial injuries.

They went to your flat and discovered that you had barricaded yourself in with an upturned sofa and you told the police that if they tried to enter you would shoot them.

In the event armed officers were able to gain access and to effect your arrest by tasering you. They found the lounge in your flat covered in blood which turned out to be that of Mr Higgins.

Medics arrived at the scene but were unable to save him. Post mortem examination revealed him to have multiple scalp lacerations, blunt injuries to the face, fractures of the hyoid bone and the larynx as well as multiple rib fractures. There were 27 separate sites of blunt impact to the face and head. He had clearly been subjected by you to a sustained and brutal assault which involved the use of a weapon of some description, almost certainly a wooden carving.

I have read and considered psychiatric reports in your case from Drs Blackwood, Farnham and Dujic, all of whom agree that at the time of the offence you were suffering from schizoaffective disorder compounded by substance misuse, namely, cannabis; it is also a very relevant consideration that for a number of months you had evidently been non compliant with your medication.

The reports indicate that you have been suffering from this illness for about the last 18 years and that this has resulted in numerous hospital admissions, the first being as long ago as 2003. Notable features of your history are non compliance with medication and excessive use of cannabis.

Each of the doctors has expressed the view that your case should be dealt with by an order under the MHA 1983 under s.37/41, which is an order without limit of time.

Although I am of course assisted by their recommendations, ultimately it is a matter for the court to decide as to the appropriate sentence in your case.

The well known cases of **Vowles** 2015 2 Cr App R (S) 6 and **Edwards** 2018 2 Cr App R (S) 17 make it clear that the court must first consider whether a hospital order may be appropriate and, if so, then go on to consider all sentencing options including an order under s.45A, reminding itself of the importance of the penal element in a sentence.

In this regard the court must assess the level of culpability involved in the offence.

I must of course also have regard to the Sentencing Guidelines in relation to cases of manslaughter, the relevant sections of which are helpfully set out in the prosecution’s sentencing note.

I note the view expressed by Dr Farnham that ‘the current offence is largely attributable to your mental disorder and that your retained responsibility is relatively low because you were psychotic and largely out of contact with reality at the time of this offence’.

That view is shared by Dr Blackwood (see para 87 of his report).

Dr Blackwood gave evidence before the court. He stated that in his view the main driver for this offence was your psychotic illness and that you were acutely psychotic at the time and indeed remained so for a number of months thereafter.

He stated that you continue to need treatment as an inpatient and will do so for a number of years; or indeed for a longer period than that if there is no further improvement in your condition.

He told the court that much work remained to be done with you and that your treatment was at an early stage.

He stressed the importance in the future of you desisting from taking skunk cannabis which you have been smoking continuously since you were 17, other than when you were detained; also the desirability that you receive medication by depot, so as to ensure your compliance.

In a case such as yours the protection of the public in the future is of paramount importance and I have no doubt that that would be best safeguarded by an order under s.37/41, having regard to the close psychiatric and social supervision that will be in place when you are eventually released together with the facility for a rapid recall to hospital in the event of a deterioration in your condition.

I am satisfied that these objectives can best be achieved by an order under s.37/41 of the Act, as opposed to an order under s. 45A.

I will direct that a copy of my sentencing remarks accompany you to the 3 Bridges Hospital and are placed on your file to be available in the future for consideration by the Mental Health Restricted Patients Review Tribunal.

I consider this to be important because it is evident from the violent nature of this attack that when you are unwell and not properly medicated, you are capable of being extremely dangerous. This is a matter of very great concern given your history of non compliance with medication as well as your persistent use of cannabis.

In my view bearing these factors in mind very considerable care will need to be taken in the future before you should be considered to be safe to be released into the community.