

IN THE CENTRAL CRIMINAL COURT**R v TEDI FANTA****SENTENCING REMARKS**

1. Just before 8.00 pm on the 1 July 2021 this defendant launched a random and wholly unprovoked attack upon an innocent bystander minding his own business walking along a busy Oxford Street at its junction with Regent Street. Had the attack not been brought to an end by the courageous actions of passers - by it is highly likely that it would have continued and potentially involved other innocent members of the public.

2. Stephen Dempsey who at the time was aged 60 died later that evening despite the valiant efforts of the medical team at St Mary's hospital.

2a. The statement by Stephen Dempsey's sister Kathleen is very moving and speaks eloquently of the devastating and continuing impact of her brother's death.

3. Very early that morning the defendant had travelled by train from Swansea to London. At around 2.00 pm he went to the Ethiopian Embassy where he was seen by a consular adviser. The defendant appeared to be agitated, restless and paranoid. He asked the adviser to take his photograph which he did.

4. CCTV picked up the defendant up in the Oxford Street area just before 5.00 pm. Just before 8.00 pm he is seen standing at the junction of Oxford Street and Regent Street. As Mr Dempsey walks passed him he launched his attack which was as short as it was ferocious.

5. The court has before it seven psychiatric reports. Four of them were prepared by Dr Ross Mirvis the D's treating consultant psychiatrist at the Ashworth Hospital in Liverpool. He has been Fanta's responsible clinician since his admission to Ashworth on 31 August 2021. His reports were prepared in February, May, August and December of 2022. The other psychiatric reports were all prepared by Dr Shamir Patel the Divisional Clinical Director of the Barnet, Enfield & Haringey Mental Health Trust and were prepared in May, August and November 2022. Dr Patel was instructed on behalf of the CPS to prepare reports on the D.

6. Dr Mirvis' position has been consistent throughout. He has been and remains of the opinion that D is suffering with paranoid schizophrenia. Symptoms of this include hallucinations whereby he describes hearing voices and smells that are not actually present. The D according to Dr Mirvis reports a number of persecutory delusions to the effect that white people and animals follow him and communicate with him he has been injected in the neck by the police. There have finds Dr Mirvis

associated features of paranoid schizophrenia such as social withdrawal. He found that his psychotic symptoms remain prominent on a daily basis.

7. Dr Patel in his report in May 2022 found D to be very severely mentally unwell. He consistently agreed that D was and remains unfit to plead. He found that since the onset of his mental illness it has clearly been difficult to predict with any accuracy the course it will follow. He is in Dr Patel's view likely to have had a significant duration of untreated psychosis over a period of years and as a result his prognosis is likely to be poorer. He adds that his mental illness has a degree of treatment resistance. He is currently prescribed Clozapine, described by Dr Patel as a potent atypical anti psychotic drug for use in those with treatment resistant schizophrenia.

8. It is understood that D has a deeply traumatic history. Born in Asmara in 1996 or perhaps 1997, he lost his parents when he was just ten years old. His father it is said having been killed in what was possibly a terrorist attack. D became a boy soldier and served in the Eritrean army aged 13 in the conflict between Sudan and Ethiopia. He was later captured in Lybia imprisoned, abused and tortured. He is said to have been trafficked to the UK. Once here he was granted asylum and sought refugee status. He has never received any formal education and is illiterate. He had never held a job.

9. Between 2015 and 2019 he made seven appearances before the Magistrates Court for relatively speaking minor offences. In October 2020 he was sectioned under the MHA following a psychotic episode. He left hospital on leave in December 2020 and never returned. On 18 June 2021 less than a month before he killed Stephen Dempsey he was arrested for brandishing a saw in a public place in Swansea. He was bailed to appear before the magistrates and so was on bail at the time of the events of 1 July.

10. As for those events the CCTV footage supported by the still images taken by a passer-by graphically portray a vicious unprovoked attack on a wholly innocent defenceless member of the public struck down in broad daylight at one of this City's busiest streets in full view of the horrified passers-by. Had it not been for the conduct of two skateboarders intervening to prevent further bloodshed I am sure the attack of Stephen Dempsey would have continued. As it was there intervention prolonged his life for just a little longer at least avoiding the awful possibility of avoiding him dying there on the street rather than in the hands of those doing everything they could to save him.

11. The clear and consistent conclusion of both consultant psychiatrists is that D is suffering from a mental disorder, schizophrenia, of a nature and degree which makes it appropriate for him to be detained in psychiatric hospital under sec 37 MHA. They both agree that the nature of the offence, his antecedent history and the risk of serious harm D presents to the public while mentally ill require the imposition of further restrictions under sec 41 MHA without limit of time.

11. For these reasons I am satisfied that it is appropriate for me to make the Hospital Order under s 37 and the Restriction Order under s 41 MHA without limit of time.

HH Michael Topolski KC

1 February 2023