

Judicial Communications Office

Friday 17 December 2010

COURT PASSES SENTENCE FOR MANSLAUGHTER ON THE GROUNDS OF DIMINISHED RESPONSIBILITY

Summary of Judgment

Mr Justice Hart today in Enniskillen Crown Court sitting at Laganside, imposed a Custody Probation Order of four years imprisonment followed by three years probation on Aneta Sadowska for the manslaughter of her partner, Marek Seweryn.

Miss Sadowska was originally charged with murder but asked to be rearraigned at trial and pleaded guilty to manslaughter on the grounds of diminished responsibility.

Aneta Sadowska and Marek Seweryn, both Polish nationals, were in a relationship and lived together in Omagh with their young child.

The court heard how following the christening of the child on 14 December 2008 Mr Seweryn and his brother, who had flown over from Poland to act as godfather, started drinking heavily. They were severely intoxicated by the early hours of Monday 15 December. Mr Seweryn woke Miss Sadowska up at some point during the evening and insisted that she join in the drinking. As a result she was also heavily intoxicated.

The judge said it was clear from the evidence that Miss Sadowska and Mr Seweryn had been arguing for some time prior to his death. Mr Seweryn's brother, Jacek Seweryn, described how Miss Sadowska and his brother had shouted and pushed at each other and Miss Sadowska had slapped Mr Seweryn hard across the face two or three times with her open hand. He stated that the argument then continued in another room.

Jacek Seweryn described how Miss Sadowska had later burst into the living room, where he was lying on the sofa, saying that she needed his help. On going to assist her he found his brother gravely injured and although help was sought Mr Seweryn died shortly after the emergency services arrived.

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A post mortem examination found that three stab wounds had been inflicted on Mr Seweryn, the first of which had involved a wound to the chest which penetrated his heart, causing massive bleeding leading to his collapse and rapid death. There were other signs of injury on Mr Seweryn's body including lacerations and bruising to his forehead as well as abrasions and bruising on his neck, chest, shoulder, arm and wrist.

Miss Sadowska had sustained bruising and swelling to her eye as well as bruising to various parts of her body and a chipped tooth. This suggested that during the course of their drunken argument Mr Seweryn and Miss Sadowska had each inflicted violence on the other.

Two knives with Mr Seweryn's blood on them were found at the scene and it was concluded that Miss Sadowska used both to attack him.

Miss Sadowska was examined by a consultant psychiatrist [Dr Maria O'Kane] on her own behalf and a consultant forensic psychiatrist [Dr Fred Browne] on behalf of the prosecution. Both doctors concluded that at the time of the stabbing Miss Sadowska was suffering from an abnormality of mind.

Miss Sadowska had a troubled background which involved exposure to much physical violence during her childhood and in her marriage which preceded her relationship with Mr Seweryn. Her relationship with Mr Seweryn was interspersed with arguments about various matters including his violence towards her. Miss Sadowska's alcohol consumption was also substantial, witnesses described both her and Mr Seweryn as drinking "frequently and heavily".

Although she was suffering from a state of diminished responsibility at the time of Mr Seweryn's death, Mr Justice Hart made it clear that Miss Sadowska did bear some responsibility for her actions. He stated:

"I am satisfied that the defendant's minimal responsibility for this crime is considerable.... She had been drinking heavily for a lengthy period of time, and engaging in reciprocal violence with the deceased. Although she herself was subjected to violence, she was capable of inflicting violence in addition to the three stab wounds which she inflicted ..."

Mr Justice Hart noted that there were three aggravating factors: the use of two knives, that three wounds were inflicted, and that other blows were inflicted on Mr Seweryn.

However the judge acknowledged that Miss Sadowska:

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“.. has a clear record, and I am satisfied that she has displayed genuine and considerable remorse for her actions.”

In sentencing Miss Sadowska the judge took account of references in a pre-sentence report to her considerable alcohol problem and the need for her to address this. He suggested that Miss Sadowska would benefit from probation supervision upon her release to assist her monitor her alcohol consumption.

Mr Justice Hart confirmed that if Miss Sadowska had not consented to the custody probation order of four years custody followed by three years probation the sentence would have been one of seven years imprisonment.

NOTES FOR EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).

ENDS

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