**IN THE CROWN COURT AT LEICESTER**

T20177068

90 Wellington Street

Leicester

Leicestershire

LE1 6HG

Wednesday, 20 September 2017

**Before:**

 **HIS HONOUR JUDGE N DEAN QC**

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**R E G I N A**

**‑v‑**

 **PETER BUNYAN**

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**MR M LOWE** appeared on behalf of the Prosecution

**MR G SHORT** appeared on behalf of the Defendant

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**SENTENCING REMARKS**

(2.40 pm to 2.49 pm)

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**Wednesday, 20 September 2017**

**SENTENCING REMARKS**

(2.40 pm)

JUDGE DEAN: This is an utterly tragic case from whichever perspective it is looked at. On 23 February of this year Peter Bunyan, the defendant in this case who is 53 years old and has no previous convictions, battered his way into the home of his next door neighbour, Mr Brian Robson. Mr Robson was 84 years old. We cannot know precisely what happened inside the house. Peter Bunyan beat his elderly next door neighbour to death in what must have been a sustained attack resulting in very serious injuries to Mr Robson and to his untimely death.

 I have read and considered a victim personal statement written by Mr Robson's daughter, Pauline Robson, the contents of which, it seems to me, must be agreed by Kevin Robson, Mr Robson's son. It is clear that Pauline and Kevin Robson loved their father. Pauline Robson's statement is very moving. "He was a good man. He had suffered illness but was in relatively robust health and he died a tragic and sad death before his time had come".

 He died at the hands of a man who was at the time suffering from a severe mental illness. The statement of Anne Lucy Bunyan, Mr Bunyan's sister, makes clear that over the years Mr Bunyan had suffered from mental health issues, issues that had not been treated partly, it would seem, because the nature of the illness itself meant that Mr Bunyan was resistant to acceptance of and treatment of the conditions he was clearly suffering from. She gives an account of a deterioration over the course of about a year prior to the events in February 2017 in Mr Bunyan's mental health, culminating in events on 22 and on 23 February in which it is clear that the mental illness had begun to completely overtake Mr Bunyan's thinking and his actions.

 It is clear that Anne Lucy Bunyan was really very concerned, as were others, about Mr Bunyan's behaviour. They took some steps, some steps that they could take, to alert the psychiatric services and others to the risks that he posed. Whether enough was done by the authorities, as it were, in the day or two before the events of 23 February is not for me to say, but I will say this, that Anne Lucy Bunyan and others could not have done more than they did to alert others to the potential risks that Mr Bunyan posed.

 As I have said, on 23 February Mr Bunyan forced his way into his neighbour's home and killed him. He was resistant when attempts were made to detain him but detained he was. He was not fit for detention by the police and was shortly admitted to hospital.

 In this case I have had the advantage of a number of psychiatric reports, psychiatric reports commissioned both by the defence and the prosecution. I have read and considered reports from Doctors Thirumalai and Joseph and I have read a letter from Dr Gehir and heard evidence from him. Dr Joseph's report is striking in that it indicates, ultimately, that the killing in this case is entirely, that is his word, attributable to the mental illness being suffered at the time by Mr Bunyan. That is a relatively unusual conclusion.

 This defendant has pleaded guilty to the offence of manslaughter, that being accepted as an alternative to murder by the prosecution on the basis that his responsibility has been diminished for the killing by reason of the mental illness he suffers. The killing in this case, in fact, has been very significantly, if not entirely, diminished or eliminated by the mental illness because it is clear that it is the mental illness that is the cause of what
Mr Bunyan did and nothing else.

 The conclusions of Doctors Thirumalai, Joseph and Gehir are that Mr Bunyan suffers from paranoid schizophrenia. Their conclusions are that at the time, in February of this year, he was suffering from paranoid delusions and was in a state of florid psychosis.

 In all the circumstances they recommend I should say a hospital order with a restriction order. I have to be satisfied on the written or oral evidence of two medical practitioners approved under section 12, first of all, that the offender is suffering from a mental disorder. I am so satisfied. I have to be satisfied that the mental disorder from which he was suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and that appropriate treatment is available for him. Again, I am so satisfied for reasons that were expanded upon during the course of the evidence of Doctor Gehir. I am satisfied, too, that a bed is available in a suitable hospital within 28 days of today.

 It is my opinion, given all of the circumstances in this case, that no other appropriate method of dealing with Mr Bunyan is appropriate. I say that being conscious that it seems to me to be appropriate for me at least to consider whether a hospital and limitation direction under the terms of section 45(a) of the Mental Health Act 1983 would be appropriate. In my judgment it would not be because this is a case, as I have already said, in which the killing is entirely attributable to the mental illness. There is no question, as it were, of any other factor being responsible for the killing. It is therefore appropriate for me to make a hospital order under section 37 of the Mental Health Act 1983 and I make such an order.

 I have considered with Doctor Gehir and heard evidence from Doctor Gehir about a restriction order under section 41. Both Doctors Thirumalai and Joseph consider that such a restriction order is required. Doctor Gehir agrees. The fact is that Mr Bunyan, given the nature of his illness, poses a significant risk to others and in my judgment a restriction order is necessary for the protection of the public from serious harm from him. Again,
Dr Gehir has given oral evidence about that. As I have said, all three doctors agree that a section 41 restriction should be made. I therefore make such an order. These orders are, of course, without limit of time. The circumstances in which Mr Bunyan may be released into the community are limited and he would only be released when it is thought that he would be safe to be released.

 I do not think that any further order is required.

MR LOWE: No.

JUDGE DEAN: I do not think a victim statutory surcharge is appropriate, is it, in a case of this sort? If it is I will make it in the appropriate amount.

MR LOWE: I think the disposal means it's not.

JUDGE DEAN: I think that is right, yes. Thank you both very much, indeed.

MR SHORT: Your Honour, I'm not sure we dealt with count 1.

JUDGE DEAN: Yes. What do you say about that?

MR SHORT: I think it's appropriate for the prosecution to offer no evidence and I would invite a not guilty verdict.

JUDGE DEAN: I think that is probably right in all the circumstances, given the unanimity of view. I will enter a not guilty verdict in relation to count 1.

MR SHORT: Thank you.

**(2.49 pm)**

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