

**IN THE CENTRAL CRIMINAL COURT**

T20037469

Old Bailey  
London  
EC4M 7EH

Friday, 9th July 2004

**Before:**

**HIS HONOUR JUDGE STOKES QC**

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**R E G I N A**

**-v-**

**MARIAM MILES**

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**MR M ELLISON and MR J REES** appeared on behalf of the  
Prosecution

**MR D HISLOP and MR B KENNEDY** appeared on behalf of the  
Defendant

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**SENTENCING REMARKS**

JUDGE STOKES: Mariam Miles, you have pleaded guilty to manslaughter, the deceased being your husband. He was then 45 years of age. By way of the background I was told that you married in 1987 and you had three children, aged 14, 11 and 7 at the time of your husband's death. The manslaughter is based on your diminished responsibility and it is said that your

mental ill health played a substantial role. I note that there is a long background of mental illness and schizophrenic disorder was diagnosed at an early stage. The dates are from 1996 almost continually, apart from an interval between 2000 and 2002.

It is noteworthy that in early last year you failed to attend the outpatient's review, and that was highly dangerous in your position. It was quite clear in last year, when you came out of the hospital, that you and your husband were going to separate. You thought, if that happened, you would lose the money; but if he died all the money would come to you. So you knew the position quite clearly. I appreciate, of course, that you acted in bizarre behaviour by kissing another.

You and Mr Danish met at the end of 2002. You conducted him by way of telephone, there were frequent calls between you. You said that your husband was a bad man and beat you a lot. Eventually the written reasons for divorce were given in a document submitted by your husband saying that his life was intolerable, "as a result of Mariam's psychiatric illnesses". He was a good and decent man, who taught maths at a school.

Your husband was taken ill at the beginning of May. He had flu, he spent a good deal of time in bed. To put it succinctly, you and Danish went to the house. You were seen in the house on a number of occasions. He was there and it is said, and I see no doubt about it,

that you planned what happened. What happened was your husband was subjected to an attack. He was moved from his bed, where he was undoubtedly attacked, to the bathroom and put in the bath. You rang up, saying in a distressed state that you had discovered your husband killed. "They had put him in the bath." You said to the emergency services that you had just come home, and you repeated that to your daughter. I note that you changed your clothes. Other clothing was disposed of before police were contacted.

It is quite clear, in my view, that you had no insight in some ways because you failed to consume medication. I have read with care the various reports which have been served on your account, for example the report by Dr Ratnam who recommends a Section 37 hospital order and said that the Court may wish to consider the imposition of a restriction order under Section 41. Why is that? The doctor said, "I would suggest that her risk to others, particularly when in relationships, is high." Dr Chesterman, in a brief report dated 5th July, makes a similar recommendation in order to prevent the risk of serious harm.

I am very grateful for the evidence of Professor Coid.

I do not wish to refer to the whole report which he carefully put forward on 25th June, but he ends in this way:

"The question of advising the Court as to whether the

defendant's responsibility is diminished under Section 2.1 of the Homicide Act 1957 is difficult in circumstances where she has changed her account, given inconsistent explanations and has failed to give a full and logical account of her involvement. I am not of the opinion that the severity of Mrs Miles' mental illness totally impairs her responsibility for the killing, but I believe it is plain it played an important part."

He is also of the view that the hospital order should restrict you under Section 41 of the Mental Health Act. "Although," and I quote, "she has no previous convictions, Mrs Miles' antecedents and observation of her behaviour and response to treatments indicate that she would cease to take medication following discharge if this were not a condition and she could again present a danger to the public. She has a history of associating with others, some of whom have a criminal and violent disposition, is highly biddable and compliant with their wishes and vulnerable to their demands. She shows no insight in her relationships with these individuals. Her paranoid delusions also suggest she has a potential, too, for incorporating others into her false beliefs, similar to those she had regarding her husband, with the risk in the future of acting against those she believed to have malign intent towards her if she does not receive long-term

supervision and treatment."

I am quite satisfied, therefore, that I should make orders under the Mental Health Act Section 37 and Section 41. The conditions of Section 37 have been complied with. I am satisfied on the written and oral evidence of at least two registered medical practitioners -- in fact there are more than two -- that you are suffering from mental illness, psychopathic disorder, and that the mental disorder from which you are suffering is of a nature or degree that makes it appropriate for you to be detained in a hospital for medical treatment and the treatment may be likely to alleviate or prevent a deterioration of your condition.

I am also of the opinion, having regard to all the circumstances, including the nature of the offence and the character and antecedents of you, and to the other available methods of dealing with you, that the most suitable method of disposing of this case is by means of an order under this section.

Further, under Section 41, my having made the order under Section 37 in respect of you and it appearing to the Court, having regard to the nature of the offence, the antecedents of you and the risk of you committing further offences if set at large, that it is necessary for the protection of the public from serious harm so to do, I may, subject to the provisions of the section, further order that you shall be subject to

the special restrictions set out in the section; the one being without limit of time. I make that order. Yes. Are there any other matters I need to raise?

MR ELLISON: Only the matter of publicity in relation to Danish's forthcoming trial. My Lord, at the moment his explanation is completely inconsistent with his plea. We simply do not know if that will remain the case, but clearly it might. The Crown will seek to adduce evidence of the plea of guilty in trial, but nevertheless it is impossible to predict that that which your Lordship has heard this morning will form part of the admissible evidence against Danish. It seems, therefore, to the Crown that there must be a substantial risk of prejudice if all that transpires were to be reported.

JUDGE STOKES: It should not be mentioned at all.

MR ELLISON: Would your Lordship order no reporting of today's proceedings until the conclusion of Danish's proceedings?

JUDGE STOKES: Yes. Naming him, certainly.

MR ELLISON: My Lord, I am slightly concerned that if one tries to pick one's way through the facts to report, for example, the basis of the defendant's plea of guilty it is pretty obvious that --

JUDGE STOKES: It will be mentioned that she was not alone?

MR ELLISON: Exactly. It does not seem to the Crown very

practical to suggest that your Lordship can restrict  
it rather than simply prevent it.

JUDGE STOKES: No. It is unfortunate, but I agree.

You do not object to that, I take it?

MR HISLOP: No, my Lord.

JUDGE STOKES: Very well.

You may go down.

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We hereby certify that the above is an accurate and complete record of the  
proceedings or part thereof. Signed on behalf of **SMITH BERNAL WORDWAVE**

Ltd.