



JUDICIARY OF
ENGLAND AND WALES

R V MUHAMMAD RODWAN

SENTENCING REMARKS OF THE HONOURABLE MRS JUSTICE CARR DBE

The victim surcharge order will apply as appropriate.

Introduction

Muhammad Rodwan, you are now 56 years old. Having been acquitted of attempted murder and having an offensive weapon, you stand convicted by a unanimous jury of wounding PC Stuart Outten with intent contrary to s. 18 of the Offences against the Person Act 1861.

This was a brutal and shocking attack with a machete on a police officer carrying out his duties during what should have been a routine stop of your van to investigate whether you were properly insured.

The facts

At around midnight on 7 August 2019 you were lawfully apprehended by PC Outten and PC Helen Brooks for driving your van without insurance on Leyton High Road, E10. Contrary to what you told the jury, I am sure that you knew when apprehended that you had no insurance: your van was where you lived at the time, and your means of getting to your jobs as a handyman. You kept work records and photographs of the back of your van show that you are an organised person. You would have been well alive to the important question of insurance. Moreover, when the police stopped you, both officers separately made it clear to you that they wanted to speak to you because they believed that you had no insurance at the time. If you had genuinely believed otherwise, you would have simply said so.

When you first pulled up, already angry, you refused to exit your vehicle. You drove off a short distance, then stopping again. You got out of your van and were immediately confrontational both in your body language and words, challenging the police officers in the street. The officers on the other hand were polite and professional towards you, using the words “please” and “sir”. You ignored their lawful requests, instead returning to your van and attempting to get in and drive off again.

I am sure that the violence started with you - when PC Outten blocked your attempt to shut your door. You punched, or at least pushed, PC Outten out of the way. There followed a struggle between you and PC Outten in and around the driver’s seat. PC Outten arrested for you assaulting a police officer and cautioned you. I accept that in the course of this struggle PC Outten used considerable force, pulling your hair so that several of your dreadlocks fell out. PC Outten also put his left hand around your neck in order to subdue you. But I reject the unattractive submission that he was using

excessive force in circumstances in which you had assaulted him and were forcibly resisting arrest. As he explained, he felt that he had no option but to proceed at the time as he did in prevention of further offending or escape on your part.

You broke PC Outten's grip from your neck and found a two foot long machete which you knew you had in your van. Indeed you had only recently sharpened it. On the jury's finding, you carried it to chop garden debris from your work as a handyman. I cannot accept that you chanced upon the machete, as you suggested to the jury; I am sure that you deliberately picked it up. You struck PC Outten's head with it multiple times. Once he realised what was happening, PC Outten shouted "machete", not least to warn his colleague, and retreated, releasing and then pointing his yellow taser gun towards you. I do not think for a moment that you thought it was a real gun, something you only suggested for the first time to your lawyers at the start of trial. You pursued PC Outten out of your van with the machete raised and swinging it at him with slashing motions. I am sure, based on the witness evidence, that the machete connected with PC Outten's body, most probably his right hand and arm.

With considerable presence of mind and fortitude, given his injuries, PC Outten fired the taser, first to no effect, but on the second occasion successfully. You then fell to the ground. Had PC Outten not managed to disable you, you would have continued your attack. Whilst on the jury's verdict you did not intend to kill him, I have no doubt that he feared for his life.

Several members of the public witnessed the incident, bravely recording it on their phones, and going to the assistance of the injured officer before other police officers arrived.

I am sure that this is not properly to be treated as a case of excessive self-defence. The situation was entirely of your own making – all you had to do was cease resisting arrest, as you well knew, and then the struggle would have stopped. PC Outten told you in terms to "stop fighting, stop resisting". But you were in a rage; the evidence from the witnesses and the recorded footage make that clear. You chose to cause unnecessary violence with the machete.

PC Outten sustained very serious injuries: six deep wounds in total to the head, all exposing the skull, and four outer table skull fractures, a superficial wound to the right forearm and a deep wound to the back of the right hand and multiple fractures of the fingers of the right hand.

PC Outten describes the impact of his injuries. In the months following the incident the right side of his forehead was paralysed. He has permanent scarring. For some two months he could not make a fist with his right hand and for three months he could not drive. He still does not have full use of his middle right finger. His hand still aches in the morning and he struggles to sleep. He has not yet been allowed to return to work, with associated loss of income. He is distressed at the pressure and upset caused to his family and those close to him, with the thought of the incident footage being played in open court.

PC Brooks has also been adversely affected. She is on medical leave as a result of her experience that night, and has not returned to front line police work since. She breaks down whenever she thinks about the incident and is currently on anxiety medication.

Sentencing Council Guideline and dangerousness

I have considered the Sentencing Council Definitive Guideline for Assault. In the context of s. 226A of the Criminal Justice Act 2003, I also need to consider dangerousness. Wounding with intent is a

serious specified violent offence. I must consider whether there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences.

This was unquestionably category 1 offending with a starting point of 12 years' custody and a range of 9 to 16 years. There was higher culpability with the dominant feature being the use of a weapon alongside the deliberate causing of more harm than was necessary for the commission of the offence (given the number of blows). I will treat the lack of premeditation, which in any event has to be seen in context, as a mitigating factor. There was greater harm with injury which is serious in the context of the offence and a sustained and repeated assault on the same victim. The presence of these multiple factors pointing to higher culpability and greater harm points to a term well above 12 years without more.

But there is more, such that a term at the top of the range and even above it would be justified. I have in mind first the single most important and highly aggravating feature, namely that this was an offence committed against a police officer in the course of his duty. Further, it was committed in a public street in the presence of several members of the public. There is also an ongoing effect on PC Outten as indicated. You also have serious previous convictions. In particular, you were convicted in 1982 for rape. Given the age and different nature of this conviction, I do not propose to treat it as an aggravating factor. However, you also have two convictions in 1997 for wounding with intent arising out of a single incident in 1996. Whilst I take into account the age of these convictions and your lack of violent offending since, I cannot ignore them. Notably, they involved the unprovoked use by you of a machete on two males.

By way of mitigation, all that can be said is this was not a planned attack. I detect not a shred of remorse or insight on your part, but rather belligerent arrogance, typified by your comment when charged that your life was worth more than that of PC Outten.

As for dangerousness, having considered carefully all of the relevant material before me, I have no doubt that you present a significant risk to members of the public of serious harm occasioned by the commission of further specified offences. I bear in mind your age, the period of non-offending, the lack of planning and the fact the jury found you not to be in unlawful possession of an offensive weapon. But the circumstances of this exceptionally dangerous and in particular sustained offending with a machete speak for themselves. Further, and whilst not the driving consideration, there is the background of your criminal and violent unprovoked use of a machete in the past.

Sentence

There is no doubt that the custody threshold is passed. Those who use knives to wound must expect severe punishment. Recent authorities emphasise the need for an element of deterrence when sentencing in such cases. Attacks on police officers acting in the course of their duties are also rightly a matter of significant public concern. There must be a strong deterrent factor in your sentence.

Having found you to be dangerous, I need to consider whether the seriousness of your offending is such as to justify a life sentence. Life sentences remain the sentence of last resort. I consider that the public can be protected adequately by an extended sentence. I have considered a determinate sentence but do not consider that such a sentence would provide such protection.

I therefore pass an extended sentence of imprisonment made up of two parts, a period of custody and an extended licence period. Bearing in mind all relevant aggravating and mitigating factors, the custodial term will be 16 years. The licence period will be 3 years which is the further period of licence that I consider to be necessary to protect the public.

You will serve at least two thirds of the custodial term of years in custody. For the avoidance of doubt, time on remand will be taken into account. Your case will then be referred to the Parole Board who will decide whether you should be released and you will only be released if the Parole Board decides that it is safe to do so. Whenever you are released which will be no later than the date on which the 16 year term expires, you will be on licence which will continue until the end of the licence period of 3 years making the total sentence one of 19 years' imprisonment. Your licence will be subject to a number of conditions and if you break any one of those conditions your licence may be revoked and you will be liable to serve the rest of the total sentence in custody.

I order forfeiture and disposal of the machete.

You may go down.

24 January 2020