



JUDICIARY OF
ENGLAND AND WALES

Sentencing remarks of Mr Justice Kerr

The King

v.

Carrie McGuinness

Cardiff Crown Court

20 January 2023

1. Please remain seated for now. Carrie McGuinness, the court is sitting today to sentence you for the manslaughter of Steven Davies. At the start of the trial on 6 December 2022 the prosecution accepted your plea of guilty to count 2 on the indictment, manslaughter, and offered no evidence on count 1, murder. It was therefore unnecessary to convene and swear a jury and the trial did not take place. You had previously pleaded not guilty to count 2, manslaughter, on 5 September 2022.
2. Mr Davies' mother, Ms Donna Owen, and his sister, Ms Adrienne Davies, have lost their only beloved son and brother. You took his life when he was aged only 39, leaving a massive void in their lives. He did not even live to be 40. No one with any compassion could fail to be moved by the heartfelt expressions of grief in their statements which were read to the court earlier today. Their anger, pain and grief will endure long because of you.
3. You were born in 1987 and are now 35. Your life could have turned out so much better. You went to university and obtained a teaching qualification. You have been employed in various occupations. You have loving parents, though they are divorced. You have two children from a previous partner. In your twenties, you became mired in financial troubles, getting into debt, and started drinking heavily during the relationship you had with the father of your children. You were convicted in 2012 of driving a vehicle with excess alcohol.
4. Then in 2013, you assaulted your then partner, causing him actual bodily harm, of which you were convicted. During an argument while you were very drunk, you punched him six or seven times in the face and then picked up a glass and threw it at him, cutting his right eye. Afterwards, while accepting that you caused his injuries, you told police

you could not remember anything about the incident because you were so drunk. You said it was not the first time you had no memory of events when you had been drinking. A restraining order was also made, requiring you not to contact him.

5. At times, you have sought help for alcohol addiction. You were admitted to hospital in February 2014, suffering seizures from excessive drinking. You would sometimes abstain for a while and then drink heavily again when things got difficult. In April 2014, you breached the restraining order and received a fine. It is clear that alcohol is linked to difficulties in your past relationships. You were diagnosed with anxiety and depression four years ago when you lost custody of your two children.
6. In about February 2021, you began your relationship with Mr Davies, which was to cost him his life. Relations between you and him were volatile and tense. Again, you used alcohol as a way of coping with the difficulties. I accept that there was physical and mental abuse on both sides. Mr Davies was also dependent on alcohol and sometimes violent. In March 2022, he called the police, reporting that you had assaulted him with a can, injuring his lip.
7. As a result, you were on bail facing a further charge of assault occasioning actual bodily harm when Mr Davies died at your hands. He too was on bail, charged with assaulting you and causing criminal damage. Then on 18 May 2022, Mr Davies reported to the police that you had slapped him across the head and brandished a knife at him, uttering threats that you might use it on him. You were arrested for breaching your bail conditions, which included a condition that you must not contact him.
8. In early June 2022, you were with Mr Davies at your flat, though he had his own accommodation a few miles away. The relationship was unstable. At first, the two of you were getting on well at that time. Neighbours and friends saw you drinking together in the garden. You were with Mr Davies for much of the time from 2 to 10 June. There were arguments, conflict and violence on two occasions during that period, at times when you and Mr Davies were drinking heavily. There were injuries to your face which were noticed by a neighbour.
9. In the early hours of 9 June, another neighbour heard you screaming at Mr Davies to get out of your flat. Mr Davies tried to reason with you. Later the same day, as you now - by your guilty plea - accept, you stabbed Mr Davies with a sharp bladed implement. The wound pierced his colon, leading to an infection from which he died a few days later. The evidence is that you stabbed him with more than moderate force and you accept, by your plea, that you intended to cause him serious injury. I do not sentence you on the basis that you intended to kill him.
10. Later on 9 June, you were spoken to by a neighbour who saw you walking back from a local shop with a black eye and alcohol in your bag. You told the neighbour that Mr Davies was indoors, that he had beaten you up and that you had "just stabbed him". You were then seen by

another neighbour who spoke to you in the garden where you were crying over a glass of what appeared to be vodka, saying to yourself that you thought you had killed him and “what have I done?”

11. Very sadly, Mr Davies did not receive any medical attention. You asked yourself “what have I done?” but not “what should I do now?”, to which the obvious answer was to call a doctor immediately. You did not do that or anything else to help Mr Davies apart from superficial dressing of the wound. At about 5.30am on 10 June, he searched the internet for information about “swollen bellies in men” and the “best thing for constipation”.
12. He then left your flat, wounded and suffering, at about 7.30am on 10 June; and caught the bus to his home address a few miles away. Once home, at 8.50am he searched the internet using the words “save this ... student ... vomiting blood and crying in pain”, “vomiting blood” and other similar expressions. Between 10 and 11am he spoke on the phone to a friend to whom he said that he was “dying”. The friend did not take that remark literally and did not realise how serious his friend’s condition was.
13. Although his friend tried to contact Mr Davies again, he was unable to and they did not speak again. You too, Carrie McGuinness, tried to contact him on 10, 11 and 12 June by phone and messaging. You did not make contact. You expected him to return to you. Still you did not seek medical help for him, though you (unlike his friend) knew he had a stab wound. Any reasonable person would have done that, even one who did not realise how serious the wound was. You do not have to be a doctor to know that even a shallow stab wound carries the risk of infection. A qualified teacher would know that. This wound was 2½ cm deep.
14. On 15 June, another friend of Mr Davies, Mr Gareth Dale, saw him through the window of his flat, lying on a bed, apparently lifeless. He reported this to the police. They went into the flat and found his body, in squalid conditions, with the stab wound to his left side. The expert evidence is that he probably died in the preceding few days and at least 36-48 hours after receiving the stab wound, of an infection caused by the bladed instrument piercing his colon, causing extensive peritonitis.
15. You, Carrie McGuinness, learned of his death from a woman friend. The police went to your address and you were interviewed as a witness on 15 and 16 June. Your account given to police was a mixture of truth and falsehood. You said he had complained of stomach problems and you had provided him with medication from a local shop. You referred to a scar on his left side which you attributed to self harming. No such scar was found.
16. When your flat was searched, blood matching the DNA of Mr Davies was found on furniture and clothing. There were signs of basic patching up of the wound using gauze bandaging and surgical tape. There was no sign of any assault on Mr Davies after he reached his home address. Expert medical evidence soon led to the conclusion that the wound had

not been inflicted by Mr Davies on himself, contrary to what you had suggested. On 16 June, you were arrested on suspicion of murder. You said “I know I haven’t done anything”.

17. From 17 to 20 June, you were interviewed on four occasions. Your account was, again, a mixture of truth and lies. You denied stabbing Mr Davies. You painted a picture of drink fuelled conflicts at your flat, with violence and also reconciliations, in the period from 3 to 10 June. You referred to violence by Mr Davies against you, causing a cut to your nose to reopen. You described your role largely in terms of avoidance or self-defence. You said you proposed you and he should spend time apart.
18. You made out that he became ill, complaining of a bad stomach which you attributed to food the two of you had eaten. You were not able to explain the gauze bandaging, surgical tape and bloodstained clothing. You suggested, unconvincingly, that blood may have come from your cut nose. You said that you had suffered some seizures during the last two to three years but had not noticed any issue with your memory.
19. You were charged with the murder and manslaughter of Mr Davies. You were seen by a psychiatrist instructed by the defence (over a video link) on 30 August 2022. On 5 September 2022 you pleaded not guilty to both charges. You were interviewed by the same psychiatrist again on 6 October 2022. The psychiatrist, Dr Phil Huckle, produced a written report on 26 October. I will come back to it.
20. On 14 November 2022, you submitted a defence statement through your legal representatives, saying that what you had said in the four interviews was true; and you had “no recollection of stabbing the deceased”. You admitted to being an alcoholic, that you had had seizures during periods of abstinence and added that your alcoholism “has impacted on her memory”. You had, you said, “no recollection of seeing a stab wound on Mr Davies during the period of 1st June 2022 to 10th June 2022”. You denied “any knowledge of Mr Davies sustaining the fatal injury”.
21. On 18 November 2022, you had an assessment interview (over a video link) with a psychiatrist instructed by the prosecution, Dr Owen Davies. He prepared a report for the court dated 30 November 2022. I will come back to it. His views about your mental state and alcoholism were largely in agreement with those of Dr Huckle.
22. You changed your plea to guilty of manslaughter on 6 December 2022, after the trial had begun but before the jury was sworn. That was the first time you accepted responsibility for Mr Davies’ death. A pre-sentence report has been prepared by Ms Julie Williams of the probation service, for which I am grateful. She interviewed you over a video link recently for the purpose of preparing her report. I will return to it.
23. The psychiatrists are in agreement that you have suffered from depression and anxiety; and that, while there is no evidence of major

brain damage to you from chronic abuse of alcohol, your dependence on alcohol amounts to the condition known as severe alcohol dependency syndrome, to the point where it can properly be said that your drinking has become involuntary. They agree that you have suffered and are prone to suffer seizures when abusing alcohol, which would affect your memory of events.

24. The psychiatrists agree that your dependence on alcohol led to an abnormality of mental functioning at the time when you stabbed Mr Davies and that this abnormality of mental functioning impaired your ability to exercise self-control. The prosecution have accepted your plea of guilty to manslaughter because they accept that your severe alcohol dependency syndrome and consequent impaired ability to exercise self-control was a significant factor contributing to your aggressive conduct towards Mr Davies which led to his death.
25. Under the sentencing guideline on manslaughter by reason of diminished responsibility, I am required to consider the extent to which your responsibility for killing Mr Davies was diminished by that mental disorder at the time of the offence, considering all the circumstances including the medical evidence; what measure of responsibility you retained and whether it should be classified as low, medium or high. The prosecution submit that your retained responsibility for the attack on Mr Davies is at least medium.
26. Your defence counsel submits that the level of retained responsibility should be classed as low. I respectfully disagree and accept the prosecution's contention that the level of retained responsibility was medium. As Dr Davies noted, while accepting that your drinking is essentially involuntary, you had drunk particularly large amounts of alcohol – even by your standards – in the period leading up to the stabbing of Mr Davies and your subsequent arrest. You told the probation officer that you and he had consumed double the amount you normally would.
27. Furthermore, while you had sought treatment for your alcohol dependency in the past and had received counselling and medication intended to help you alleviate the problem, that had not proved effective in a lasting way. You had managed to go through periods of abstinence from alcohol, from about July 2020 to January 2021, before starting the relationship with Mr Davies in about February 2021. But you were not seeking any treatment at the time of the stabbing in June 2022.
28. You must have known, in your more lucid moments between drinking binges, that you and Mr Davies were clearly a danger to each other when together because of the likelihood that you would both drink to excess and that this would trigger episodes of violent conflict as it had done in the past. Yet, you chose to share the company of another alcoholic, Mr Davies and drink to excess in his company rather than alone. You retain a considerable degree of responsibility for having courted danger to Mr Davies (and to yourself) in that way. You were subject to bail conditions forbidding contact between the two of you, which you breached.

29. The sentencing guideline provides for a normal starting point of 15 years' imprisonment for manslaughter by reason of diminished responsibility, with a medium level of retained responsibility. The normal range set by the guideline is from 10 to 25 years' imprisonment. It is then necessary to consider statutory and other aggravating factors and, on the other hand, factors reducing seriousness or reflecting personal mitigation. I must be mindful of the need to avoid any double counting of factors used to determine the level of retained responsibility.
30. Your previous conviction in 2013 for assaulting your then partner is an aggravating feature; all the more so because the offence was fuelled by drink which, you said at the time, affected your memory of the incident. There are similarities between that offence and the incidents of violence that took place between you and Mr Davies in the days leading up to your fatal assault on him.
31. A further aggravating feature is that you committed the offence of manslaughter while on bail on a charge of assaulting the same victim; though I have already, to some extent, taken that into account in determining the level of your retained responsibility. You had, I am satisfied, caused injury to his lip in an assault of a kind that was quite similar to the cut you inflicted on a different partner in the 2013 offence. I am also satisfied that you had waved a knife in front of Mr Davies in May 2022, the month before his death, and issued threats to use it on him, after slapping him across the head.
32. The assault itself is aggravated by the use of a knife or other bladed instrument as a weapon. After the stabbing, you failed to help him get medical attention during the hours before he left your flat, or at any time after that. In your initial explanations to the police, you played down the level of your aggression, sought to depict Mr Davies as the person primarily to blame for the violence and sought implausibly to dupe the police into thinking his wound was an act of self harm.
33. I am sure you were well aware that he had not inflicted the fatal wound on himself and that you were conscious of having inflicted that wound yourself, even if your recollection of events was made hazy by your drunken state at the time of the assault. After you committed the 2013 offence against your previous partner, you accepted that you had caused the injuries even though you claimed not to recall having inflicted them because of your alcohol consumption at the time.
34. I can think of no reason why the neighbour whom you told that you had "stabbed" Mr Davies would report your use of that word to the police, if you had not used that word. I am sure that you sought to deflect responsibility from yourself at a time when you must have realised that it had been you that had inflicted the wound that led to his death. I am satisfied that when confronted with the blood on furniture and clothing at your flat, and with the gauze bandaging and surgical tape, you must have understood that it was you who had stabbed him, as you had accepted in 2013 inflicting the less serious injury to your then victim.

35. As for factors reducing retained responsibility or reflecting personal mitigation: I accept that there was only one stab wound and that you did not intend it to be fatal; that you did not know it would prove fatal; and that there is no evidence you planned the attack on Mr Davies, nor that you brought a knife to the scene or habitually carried one in public places. I accept that he had used violence on you as well as you on him. I accept that it was you who helped to dress the wound with bandage and surgical tape; and that you did not eject Mr Davies from your flat; he left of his own accord.
36. It is submitted by your counsel that you are remorseful. I accept that only up to a point. You feel a sense of loss because you were close to Mr Davies. The fact that you killed him, I accept, preys on you and contributes to your depression. But the probation officer who interviewed you was concerned that you had shown “no victim remorse” and may not have fully accepted the death of Mr Davies and your role in it. You displayed, the author of the pre-sentence report says, “minimal remorse or victim empathy”, expressing disbelief that he is dead.
37. In my judgment, the aggravating features outweigh the mitigating features. I take a starting point, within the medium range, of 17 years. I am required to consider next the question of dangerousness. I have to assess whether you pose a significant risk of serious harm to members of the public through the commission of further offences involving violence. I am satisfied that you do. I take into account all the available information about the nature and circumstances of your crime and about your previous offending and behaviour.
38. When recently interviewed by the probation officer, Ms Williams, after changing your plea to guilty, you continued to say you were unable to remember any details of what happened or how the injuries were caused. This is similar to what you said about the assault in 2013, though on that occasion you accepted that you must have caused them. You are prone to reckless behaviour that can lead you to lose control of your temper. There is a clear risk of a similar incident in the future.
39. I agree with Ms Williams that the greatest risk of further violence is to a future partner within a domestic relationship. That risk appears to me to be acute. It is difficult to assess to what extent it could be mitigated by counselling and treatment during your time in custody and after being released. I cannot be confident that the necessarily help and treatment will be available or that it will, if and when provided, be effective to mitigate the risk. When you sought help for your alcoholism in 2014, it was provided to you but it did not stop you from committing further acts of violence in a domestic setting.
40. I also agree with Ms Williams’ assessment that there is a pattern of disregard for police and court imposed bail conditions and a failure to comply with safeguarding concerns. You have breached both a restraining order and a bail condition not to contact partners where such contact may trigger violent incidents. In my judgment there is a

clear risk you will do so again. You have not come to terms with Mr Davies' death nor with your part in it.

41. I do not consider that the seriousness of the offence and your previous offending is such as to justify a sentence of life imprisonment. I take into account the level of your retained responsibility for the offence and, in particular, that you did not intend to kill Mr Davies. It is, however, appropriate in my judgment to impose an extended sentence consisting of a custodial term followed by an extension period during which you will be subject to a licence.
42. For completeness, in my judgment this is not a case for a mental health disposal involving a hospital order. The medical and psychiatric evidence does not support such a disposal. The custodial term of 17 years is reduced to 15 years and 6 months – a reduction of between 9 and 10 per cent – because of your very late guilty plea. The extension period subject to a licence will be 3 years.
43. Carrie McGuinness, please stand. You have taken from Mr Davies' mother her beloved son. You have taken from his sister her beloved brother. Their pain is enduring and unrelenting. You must now answer to the law for what you did to Mr Davies and to them.
44. For the crime of manslaughter, the sentence of the court is an extended sentence, with a custodial term of 15 years and 6 months followed by an extension period of 3 years. You will serve two thirds of the 15½ year custodial period – that is, 10 years and 4 months – and the remaining one third on licence, followed by the extension period of a further 3 years on licence.
45. The time you have spent on remand in custody will count towards the custodial term. Any statutory charge will be dealt with administratively. That concludes the sentencing decision of the court.