

R. v. DARREN CONSTANT**SENTENCING REMARKS**

1. On Monday 12th September, 2022, this case was listed for trial and a panel of jurors selected. The jurors were sent away until later that same week. On the Wednesday you proffered a plea to manslaughter. Following careful consideration by the prosecution, when re-arraigned you pleaded guilty to the manslaughter of your mother, Judy Constant. No oral or written basis of plea was proffered: the plea was an acceptance of having killed your mother. Your plea was accepted by the prosecution and sentence was adjourned for the preparation of a pre-sentence report to address the question of dangerousness. Other issues then arose, reports were disclosed and further reports served and so it has led to further adjournments to the sentencing hearing to today.
2. At the time of her death, Judy Constant was 59. Judy married Jacques Constant in the 1980s and you were born in 1983. Their marriage ended at the turn of the century and Judy then began a long relationship with George Blake. That relationship ended in 2013. The relationship between you and your mother was a very troubled one with a history of violence and abuse by you towards her.
3. In moving victim impact statements Judy's sisters speak of their loss. They express concerns as to your behaviour towards their sister over many years. Whilst they take some comfort that by your plea you have acknowledged your guilt for Judy's death, they also speak of the impact on each of them of what Judy suffered over her life. No sentence the court can pass could ever reflect the depth of grief suffered by Judy's sisters, her wider family or friends.
4. On 3 July 2018, you caused injuries to your mother that were to prove fatal. A few days earlier, the relationship between you and your then partner, Ivana Bilicova, had come to an end. You sought to persuade Ivana to come back to you, but when that failed, you took out your frustrations on your mother. In the course of the evening of 3 July, Judy called Ivana seeking help. Ivana then called the police who attended the flat where you and your mother were living. The police arrived just before 11pm. They saw injuries to her and suspected

that you had assaulted her. You were arrested and taken to the police station. Police and ambulance service personnel sought to persuade Judy to go to hospital, but she refused. She was left alone in the flat just before 2:30 a.m. on 4 July 2018.

5. Later on 4th July, Judy's sisters were unable to make contact with her and so they got in touch with Jacques Constant. He arrived at Judy's home to find she had died. The post mortem examination revealed Judy to be in very poor health as a result of her alcoholism. The cause of death was blunt force trauma to the head, face, neck, torso and abdomen along with the impact to her body of her long-term alcoholism.
6. When Judy was living with George Blake, you lived in her flat in Holloway. When her relationship with George ended, Judy needed to return to her home which meant moving into her flat with you. This led to many arguments. On several occasions the housing association that owned the flat told Judy that you were not a suitable tenant and that, if you did not vacate the flat so she could move back in, she would lose the property.
7. I will read part of a handwritten note to you from Judy from October 2013:

Due to various circumstances that has been arising throughout the years you have been living under my roof I have been advice by my social worker & the housing association that you must find your own accommodation. As I am moving back in my house it will not be suitable for us to live under the same roof as you have been so violent towards me for too long. My health is at great risk while you are still at Marlborough Rd. I will not tolerate your behaviour (no longer). You have abused on me for too long. You, Lubica [another former partner of yours] and Sheeba [a pet] have caused so much damages to the housing property and you are liable for the cost of the repairs.

You have 8 weeks of finding your own property. I will change the locks & apply for an injunction against you after the date of this letter if you do not move out. I have enclosed a form for you to apply for your own accommodation. You have push me to the limit. Sheeba is not allowed in my property as she has caused various injuries to me. If I see her there she will be taken away as I have all the hospital reports from the injuries she has caused to me. (Plus the injuries you caused to me.) As I said as I am permanently moving back in my flat I need you to leave as soon as possible.

8. Social Services records confirm Judy sought assistance in getting you to move out. She told her Social Worker that you had not assaulted her, although she did say you had pulled her

hair, that she did not want the police involved and did not want to get you in any trouble. An entry on 15 August 2013, indicates she had a black eye. She gave an account of having fallen down stairs, and also that the dog had jumped up and knocked her in the face.

9. In 2014, Judy spent several months in Intensive Care. When discharged, she went to live with her mother and you continued to live in the flat in Holloway.
10. You then began a relationship with Alessandra Bonardi and the two of you married in 2016. The marriage did not last long. You separated the following year, and divorce proceedings commenced. You were said to be nasty, controlling, violent towards your wife and began to abuse anabolic steroids. By the time of your mother's death you were very muscular. Ms Bonardi noted changes in you when you began to take steroids and felt that they made you edgy and angry.
11. In 2015 you were violent to Ms Bonardi. You grabbed her hair, forcing her down on to her bed, threw punches at her and then kicked her in the ribs. Although Ms Bonardi went to hospital, she refused to call the police. As part of this investigation Ms Bonardi provided the police with photographs of the injuries she sustained.
12. Although the relationship continued, violence continued, but was not reported to the police. You threatened Ms Bonardi that if she reported matters she would lose the dog, or that you would hurt her. The last time you were violent to her was in May 2017, after which she left. The final straw had come just a month or so after the only time Ms Bonardi saw you assault your mother. On a Sunday afternoon, Ms Bonardi had been out and when she returned she heard you shouting "*you're a fucking bitch*". She found you with Judy Constant, who was on the bed and saw you punch your mother in the head. When she told you to stop, you responded: "*I hate her, I wish she was dead*". Ms Bonardi was left looking after Judy. When she said she would call the police, Judy told her not to.
13. In January 2018, Ivana Bilicova moved to the UK from the Czech Republic. She was looking for accommodation. You were seeking to rent out a bedroom in your mother's flat. Ivana rented the room. Within a short time, the two of you were in a relationship. Although things were good at first, arguments began and you were violent towards her especially when you had been drinking, which became more frequent.
14. Judy's mother died in February 2018. One consequence was that she would again have to return to her flat where you were still living. For a brief period she moved in with her ex-partner George Blake, but her drinking was too much for him to deal with and so she moved

back to her own flat. You were very unhappy about this. Texts sent in May and June 2018 show the nature of your feelings: comments such as hoping she would '*die and go to hell*' and calling her a '*selfish piece of shit*'. Ivana says that she saw the two of you arguing all the time. She said that you told her that your mother had hit you when you were a child.

15. On 26 May 2018, Ivana went out with a friend. The two of you exchanged messages. You accused Ivana of making herself pretty to go out, not for you, but for someone else, and said you were ending the relationship. Ivana received calls from Judy, saying that you were playing loud music and "going crazy" and asking what time Ivana would be home. Ivana did not get home until late. As soon as she was back you started arguing with her. Judy came to the room you and Ivana shared and tried to get in. You shouted to her: "*fucking leave us alone*". Ivana was sat on the bed and you argued with Judy, grabbing her by her clothing and shaking her, accusing her of trying to interfere in your relationship. You slapped Judy in the face and Ivana thought you had cut your mother's lip. Ivana then went from the bedroom to the landing and saw that Judy was sat on the floor at the bottom of the stairs, with you standing at the top of them. Judy got up and went into her own bedroom. You then turned on Ivana, pulling her hair, and then punching her in the right eye, twice, with a clenched fist. You went downstairs and having taken a knife from the kitchen stood on the landing outside your mother's bedroom shouting through the door: "*It's better if you died*".
16. After this, you and Ivana patched things up. You bought her a puppy. The relationship continued, but not smoothly. The last straw came for Ivana on the morning of Friday 29 June 2018, when after another argument, she decided she had had enough and left. She left her possessions and went to stay with her friend Martina. The effect of her departure on you was dramatic.
17. Over the course of the weekend, you bombarded Ivana with calls, texts and video messages. Ivana answered some calls, responded to some messages, but mostly ignored you. She blocked your number. You used new numbers which she also blocked. Between 30 June and 3 July, you used 40 different telephone numbers in efforts to seek to continue to contact Ivana.
18. That weekend, George Blake, visited Judy on the Sunday. The house was a mess. Judy told Mr Blake that you had been smashing the place up all day. He saw numerous empty wine bottles in the kitchen, as well as 2 empty bottles of the whisky that Judy used to drink. She did not drink wine: that can only have been you. While George Blake was in the flat, you continued to try to call Ivana. You even persuaded Mr Blake to let you use his phone, explaining that Ivana was not taking your calls, but would answer if she thought it was

someone else calling. You rang her on George's phone, and Ivana answered, but as soon as she realised it was you, she hung up. You left the flat, saying you were going out to buy more to drink. While out, Mr Blake asked Judy what she was still doing there, and she told him that she had decided to leave. He noticed a big hole in the wall, which she told him you must have made. Before Mr Blake left that afternoon, Judy said: "*if I don't die, he will kill me*".

19. At about 6:30pm on Monday 2 July 2018, Mr Blake received a call from Judy. Judy referred to you as "*that bastard*". She told George that you had punched her in the head, causing a lump on her head and that you had broken her TV. Suddenly she said she had to go and hung up.
20. Judy was in regular contact with her sisters who were aware of the issues in the relationship between their sister and you. One lived in France, one in Singapore and another nearby, but had to travel for her work. Judy had told them she was very frightened by the prospect of them all being so far away at the same time. Her sister in France telephoned Judy at about midday on Monday 2 July 2018. Judy said she had a headache and that you had broken her television. When the sister said that she hoped you had not hit Judy as well, Judy said that you had hit her, and had hit her hard: so hard that she thought she was going to die. When her sister offered to call for an ambulance, Judy declined the offer. However, she did say that her sister should call the police if she did not hear from Judy within the next 12 hours. Judy's sister called back at 3.30 pm, but Judy said she was busy and cut the call. Judy then sent her sister a text at 4.23pm which said "*not to worry*".
21. On 3 July 2018, although that sister did not speak to Judy, she did speak with another sister who had been able to make contact with Judy. It was to be the last time they spoke. Judy was upset and crying. She said you had taken all the food which had been bought for her. She begged her sister not to travel for work as planned. The sister did travel that day, but as soon as she arrived she spoke to Judy again, twice. In the second call, she describes Judy as sounding upset and petrified.
22. At 4.00 pm Judy rang Ivana. Ivana was working and said she could not speak. When she finished work, she saw lots of missed calls from you. You made a video call, in which you are described as behaving strangely and acting crazy - you were in a state, crying and saying that you were losing your teeth. Ivana hung up. She noted she had lots of missed calls from a private number. It was Judy trying to call and where she had used '141' to disguise her number.

23. At about 9.00 pm, Ivana again had a further call from the private number. The phone was put on loudspeaker. Ivana was with a friend, Martina. They both heard: "*Darren, don't do that, don't do this to me*", and "*Darren, please don't*". Judy was screaming. She asked Ivana to help. There were then sounds, and noises and Martina thought something was being done to Judy. Ivana thought it sounded like you were hitting Judy and hurting her. Judy hung up. Ivana called the police, but was told she would have to attend a police station, which she and Martina did. The nearest police station was shut and so they then went to Marlborough Road having made a further call to police. When they got to Marlborough Road, Ivana called the police again. The police operator said that the police would attend, and Ivana advised to await their arrival. When officers arrived at 10.51 pm. Ivana was outside the property, as were you.
24. When police entered the premises Judy was in her bedroom. She had two black eyes, and injuries to her face. As Ivana tried to explain what she had heard on the phone, and what she believed had happened, you denied doing anything wrong and kept instructing your mother to "*tell the truth*" and to "*tell them I didn't do this*". You also told the police that your mother self-harmed and had "*done this to herself*". Judy backed you up saying that she had fallen down the stairs and that you had not done anything. She signed a statement saying that she tripped and fallen down the stairs while chasing the puppy, and sustained the injuries to her face when she fell. She also made clear that she did not wish to go to hospital.
25. You were arrested on suspicion of assault. You initially struggled when arrested and repeatedly shouted to your mother: "*tell them I didn't do this*". You were then taken to the police station.
26. The ambulance personnel who attended were concerned about Judy's head injuries. Although they felt she should be taken to hospital, she refused to leave the flat. As they could not compel her to leave against her will, she was left in bed at about 2:23am on 4 July. At no point while the police or ambulance staff were there, did Judy say anything against you. In fact, at one point, a police officer noticed the broken television screen, and asked how it had been damaged. Judy replied: "*it's a long story*".
27. You were interviewed by the police in the morning on 4 July before it was known that Judy had died. You continued to assert that your mother self-harmed, and had inflicted the injuries on herself. You said that, at the relevant time, you had seen her with severe bruising to her face, and bleeding from the nose, because you had gone into her bedroom. You said she was upset, and that "*she self-harms when she's upset*". When asked how, you replied:

“when mum drinks heavy, I would see her hit herself, I would see her throw herself down the stairs, I’d see her push herself, I’d see her do a lot of nasty things”. When asked: *“you don’t think she fell over the dog and fell down the stairs?”* you replied: *“no she did not. I don’t believe that at all. Course she didn’t, I don’t believe that. The dog’s tiny, she did not do that”*.

28. When asked about Ivana’s allegation that you had punched her in the eye in May 2018, you said it was a lie: *“if that was the case, she would have reported it before”*. You suggested that she had invented the allegation to hurt you because she had found out that he had cheated on her. You commented that you had not taken the break up with Ivana Bilicova very well, and said you were not in a good place.
29. In the course of the morning of 4 July 2018, Judy’s sister Jane made numerous calls to her phone, leaving messages. Judy’s silence was very much out of character. Due to the concerns as to her lack of response, they made contact with Jacques Constant. He went to the address to check on her. He arrived at about 4.30pm and when he got into the address he found Judy lying on her bed, cold and unresponsive. A paramedic arrived within minutes and confirmed that Judy was dead and had been for some time. You were then arrested on suspicion of murder.
30. Numerous bruises and fractures were found on post-mortem. The pattern of the injuries suggested a strong likelihood of a blunt assault such as by punching or kicking. Whilst Dr Chapman notes the possibility of repeated stumbles or falls whilst intoxicated with alcohol, that may not fit with other findings. As Dr Chapman sets out: *“.. the blunt injuries to her head, face, trunk and abdomen had played a significant part in her death. The numerous rib fractures would have made it very difficult to breathe effectively, particularly those fractures which were double fractures..”*
31. You are now aged 39. This offence took place a month before your 35th birthday. There are a number of relevant previous convictions or cautions recorded against you. On 21st August 2009, a caution for common assault. You slapped a former girlfriend twice and tried to break her Oyster card. She had slapped you and had broken a keyboard. The two of you had been drinking earlier and had argued. On 11th June 2011, a further caution for common assault. This involves another former girlfriend, Lace Gill, whom you hit and verbally abused.
32. On 29th November 2011, at the magistrates’ court you were sentenced to 10 weeks’ imprisonment suspended for 18 months for battery. You had been arrested on 2nd November 2011, on another allegation of assault against Lace Gill. You were released on police bail

with conditions including not to interfere directly or indirectly with Lace Gill. Although Lace Gill was later to withdraw her support for any prosecution, on 4th November 2011, in breach of bail, you went to the school where she worked. When you refused to leave, and she began to walk away, you grabbed her arm tightly. She walked you off the school grounds and called the police. You grabbed her again. She shouted for help. You pulled her to the ground using her hair and grabbed her phone, breaking it.

33. Finally, on 30th August 2018, you were convicted at the magistrates' court of the assault on Ivana Bilicova from 26th May 2018. You were sentenced to 6 weeks' imprisonment and a restraining order was imposed for a period of 5 years.
34. There is a comprehensive note on sentence from the prosecution and also a note submitted on your behalf. In that document a number of submissions are made where it is accepted they may amount to derogatory mitigation, but which are said to form a necessary part of the explanation and background. Mr Richmond KC makes clear that he does not intend to rely on such material and that the defendant accepts he is to be sentenced for his appalling conduct.
35. I have seen and read two reports from Dr Paula-Jane Rothermel, a forensic psychologist. One is dated 24th June 2022, prior to your plea of guilty to manslaughter, and one from 19th October 2022, after the plea. They are reports largely, if not wholly, written setting out what you have told Dr Rothermel in the course of four interviews. Dr Rothermel raises the possibility you sustained a traumatic brain injury in childhood. She also raises the possibility of psychiatric or psychological disorders. It is of note that there is little if any independent material to support what you claim to have happened.
36. There is a report from Dr Nigel Blackwood dated 31st January 2023, provided to the Court on 3rd February 2023. In his report he makes clear that the only recognised medical conditions which obtained at the time of the murder were your antisocial and borderline personality disorders and substance misuse disorder. He is of the clear view that there had been no traumatic brain injury. At paragraph 11 of his report he states:

“The fatal assault involved a highly vulnerable victim (alcohol dependent with cirrhosis, physically frail, underweight and undernourished). The risks to his mother associated with an unlawful act of assault would have been obvious to him. He did not seek medical attention for his mother despite her obvious extensive injuries. His account of violence toward his mother appears inconsistent with the injuries sustained and documented by the pathology reports. His account of his mother's fall down the stairs has changed across time. He recognises that he contributed to the death, although minimises the extent of his violence. The extent of any remorse for his actions is rather unclear.”

37. In terms of the Sentencing Council definitive guideline for unlawful act manslaughter, in my judgment this case comes within category B, high culpability. The number and severity of the injuries demonstrates that death was caused in the course of an unlawful act which involved an intention by you to cause harm falling just short of GBH, or that, given Judy's obvious frailty, the risk of causing death or GBH was or ought to have been obvious to you. You were well aware of your mother's health problems and frailty. The imbalance between the two of you in terms of size and strength is stark.
38. The start point for sentence for Category B is one of 12 years' imprisonment and a range of sentence between 8 and 16 years' imprisonment. In terms of factors increasing seriousness, this offence is aggravated by the history of violence and abuse you displayed to your mother. It is also aggravated by the domestic context where it amounts to domestic abuse, within the meaning of the Domestic Abuse overarching guideline. Although your previous cautions and convictions are for less serious offences, it is of great significance that you have previous cautions, and previous convictions for offences involving domestic violence. I have considered what is in the reports from Dr Rothermel about you. However, I do not find that any of the mitigating factors listed in the guideline apply. The result is to take this case to the very top of the bracket for sentence.
39. You pleaded guilty before the trial got underway. Having considered all of the points made the level of credit to be provided is not significantly greater than 10%, but just a little more than that calculation.
40. I have seen and read a number of references. Some of the letters are from those you have met in the period since you killed your mother and some are from other members of your family. Although each author speaks well of you, and what you have done to assist them the letters are devoid of any insight as to what you have actually done by the commission of this offence.
41. In terms of dangerousness, the test is this: is there a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences? One of the reasons for setting out the detail the facts of this offence, your behaviour towards you mother and others you have had relationships with, your previous convictions and cautions is that these are all matters I must or may take into account in making the assessment I have to carry out. I have a Pre-Sentence Report [PSR] as well as the reports from Dr Paula Rothermel, and the report from Dr Nigel Blackwood I have already referred to.

42. In the interviews for the PSR you maintained your innocence. Three extracts from the report are telling:

“He indicated from the outset that he had not intended to cause any serious harm to his mother and stated that he had pleaded guilty to manslaughter because it was “my fault that she fell down the stairs.””

...

“At some point later in the day, his mother was coming up the stairs, and he realised she was speaking to Ms Bilicova. He stated he tried to grab the phone from Ms Constant and in the ensuing struggle, she fell down the stairs from top to bottom”.

...

“Mr Constant remained adamant that he had not caused the injuries to his mother, but stated that it is his fault she fell down the stairs.”

As the author of the PSR notes, the account you give is at odds with the level of injury sustained. It is of note that the author also comments on you minimising the extent of your abusive behaviour to others and the blame you place on your mother and your previous partners for your use of violence. As set out at the start of these remarks, there is no written basis of plea and you will be sentenced on the basis that you are responsible for the injuries you mother sustained.

43. Turning to Dr Rothermel’s reports she states a view that you meet the criteria for Unspecified Personality Disorder, Generalized Anxiety Disorder and Post Traumatic Stress Disorder. Following a recent interview, it is also said that you also continue to meet the criteria for Major Depressive Disorder. She noted a deterioration in your condition that concerned her, indicating that psychological treatment should be considered urgent and that you serve any sentence in a therapeutic community and that upon release, there be a mental health requirement to continue therapy for at least 12 months with weekly drugs and alcohol testing post release to mitigate against relapse. I note that Dr Rothermel sets out that the medical notes supplied are scant and also the terms of her interview with you display no real acknowledgment of having caused injuries to your mother. Dr Rothermel has conducted no fewer than four interviews. I have read her reports with care. However, in my view, these reports have little weight particularly in light of the PSR and that of Dr Blackwood.
44. I note the assessment on dangerousness from the author of the PSR. The report is a detailed analysis. The author puts the risk as ‘high’ rather than as ‘significant’. As she comments, the assessment is ultimately one for this Court. Of particular significance in this report is the absence of any realistic acceptance of what you did on 3 July. You claim it was your fault

your mother fell down the stairs and in my judgement, do not display any insight or real acceptance that you are a man who uses violence towards others.

45. I also note the observations made by Dr. Blackwood in his report, and in particular paragraphs 88 and 89.

88. The principal risks remain those of further violent assaultive behaviours. There is a high risk of further assaultive behaviours most likely visited upon new intimate partners at the point of release. He has expressed a degree of animus toward Mr. Blake; and Mrs Constant's sisters and ex-partners have expressed concerns about his potential intentions toward them. Further specified offences are conceivable, particularly in my view within intimate partner relationships, and would potentially be associated with serious harm, as documented by his victims to date. The seriousness of his offending behaviours are such that in my view this risk of future violent acts reaches the suggested significant threshold of 'considerable amount or importance' by the likely projected time of release.

89. His mental health needs can be met by psychiatric and psychological services in prison. Important recidivism risk factors which merit detailed exploration in treatment in prison include: exploring his hostility toward women which informed the offence; developing an understanding of his own responsibility for perpetrating violence in intimate relationships; managing of conflict within intimate relationships; managing the ending of relationships without recourse to frantic attempts to avoid abandonment including violence; managing emotional difficulties without recourse to substance misuse; securing and maintaining abstinence from alcohol and anabolic steroid misuse; developing his educational and employability opportunities. Careful probation monitoring will be required on any release into the community, with particular care with any new relationships or evidence of relapse into substance misuse.

46. Mr Richmond submits that you are not in denial of what you did to your mother, but that the position is that you are ashamed of your acts. He also submits that since these events, you have sought to address some of the clear issues you then faced. He points to the period from 2018 onwards until detained in custody with no additional offending and also your time in custody when you have been attacked.

47. In the light of the facts of the manslaughter and the other material before me and summarised in these remarks, I do find that the dangerousness test is clearly met. Having come to that conclusion, as this is an offence listed in sch. 19 of the Sentencing Act 2020, and considering s.285 of that Act, I must consider whether this offence is such as to justify the imposition of a sentence of imprisonment for life. I have in mind the decision of the Court of Appeal in Attorney General's Reference (No. 27 of 2013) (R v Burinskis) [2014] 1 W.L.R. If I do so conclude, I must impose such a sentence. I do consider that here the seriousness of the

offence justifies a life sentence and that is the sentence I must impose upon you. There will be a sentence of life imprisonment.

48. The next question is the appropriate minimum term to be imposed. When it comes to the minimum term that you will serve, I make plain that I am not ordering that you are to be released at the end of it. Whether you will be released or not at that stage will be a matter for the Parole Board to consider. Only when the minimum term has been served can the Parole Board decide whether it is safe to release you or not. If the Board does release you, then you will remain on licence and liable to recall for the rest of your life.
49. As set out, the appropriate determinate term after trial on an application of the guidelines would have been one of 16 years' imprisonment and allowing for your plea, a reduction to 14 years' and then taking two-thirds of that notional determinate sentence as the appropriate figure for the minimum term, there will be a life sentence with a minimum term of 9 years' 4 months'. The days on remand, which I am told number 696 days, will count towards that sentence. The sentence of the Court is therefore imprisonment for life with a minimum term of 9 years' 4 months less the 696 days.
50. There will be a restraining order against you under s.360 of the Sentencing Act 2020. As set out there is a long history of violence and intimidation by you against not only Judy Constant, but also her sisters and your former partners. I am entirely satisfied that a restraining order is necessary to protect a number of persons from conduct by you in the future that amounts to harassment or will cause a fear of violence. Those covered by this order are set out in a restraining order appended to these remarks. You are prohibited from contacting any person named in the order, whether directly or indirectly, and that the order will be an indefinite one.
51. If the statutory surcharge applies to your case, then the appropriate orders can be drawn up. Barring is an automatic consequence of your conviction, but I must inform you that you will be included in the barred list of the Disclosure and Barring Service.

The Recorder of London
His Honour Judge Mark Lucraft QC
Central Criminal Court.
London EC4M 7EH
13th February, 2023