









18. Sentencing for all of these offences requires, however, the court to consider the principle of totality. Given that the more serious offence was committed while on bail, the sentence for wounding would be served consecutively to the sentence for manslaughter making a total sentence of 10 years 8 months' imprisonment. The sentence for the public order offence would, however, be served concurrently with the wounding sentence.
19. Having determined the proper determinate sentence, I return to the careful stepped approach in the manslaughter guideline. I am next required to consider the issue of dangerousness. I have no doubt whatever that you are a very dangerous man and that you pose a significant risk to members of the public of serious harm occasioned by the commission of further specified offences. Further, I consider that the seriousness of the offence of manslaughter is such as to require the passing of a sentence of life imprisonment.
20. I am satisfied upon the medical evidence that you are currently suffering from a mental disorder, that such illness is of a nature and degree to warrant your detention in hospital under the Mental Health Act 1983, that you require treatment in conditions of high security and that such treatment is available to you. Since a hospital order may be an appropriate way of dealing with your case, I am therefore required to consider all sentencing options. Broadly, there are three possible sentences:
- (a) First, I could make a hospital order pursuant to s.37 with or without a restriction order under s.41. Such order would require your removal to hospital rather than prison and the restriction would, among other matters, prevent your release save by the First-Tier Tribunal.
  - (b) Secondly, I could simply pass a sentence of imprisonment and leave it to the Secretary of State to direct your transfer to hospital as and when necessary.
  - (c) Thirdly, I could pass a sentence of imprisonment and make a hospital and limitation direction pursuant to s.45A. Such order would direct your removal to hospital. Upon your recovery you would then be returned to the prison estate.
21. The doctors properly recognise that it is for this court, and not them, to determine whether there is a need for punishment and the proper sentence. Nevertheless, they agree that the most appropriate way both to treat you and to protect the public from the risk of further harm is to make a hospital order under s.37 of the Mental Health Act with restrictions pursuant to s.41. Dr Swarup expresses the concern that you are at risk of developing a rebound psychosis if transferred into the prison estate and that, without expert psychiatric assessment, such condition might not be detected or treated with potentially disastrous consequences. Further, he explained to me that the supervision of a patient on discharge from hospital under a ss.37/41 order is far superior to that available on release from prison under a hybrid order.
22. In sentencing a dangerous mentally ill offender, the court will of course be concerned with rehabilitation, but more particularly to ensure that the public is properly protected from the risk of further serious harm. In view of my findings as

to the level of your retained responsibility and the expert evidence before me, I consider that the most appropriate disposal is to make a hospital order under s.37 with restrictions under s.41.

23. I order therefore that you must be returned to a secure mental hospital pursuant to s.37 of the Mental Health Act 1983. Further, I order that you will be subject to the special restrictions set out in s.41 of the 1983 Act without limit of time. What this means is that you will be detained in hospital for as long as necessary. Such orders are made concurrently for the offences of manslaughter and unlawful wounding. In the circumstances, I impose no separate penalty for the public order and criminal damage offences.

24. Further, I order that you should pay the appropriate victim surcharge. You may go down.