

R v DANIEL POPESCU

The offences.

You have pleaded guilty to the attempted murder of Andreea Pintili on 5th December 2023 and to stalking her between 25th October 2023 and 6th December 2023.

Summary of the offences.

You had been in a relationship with Ms Pintili for about 3 years when she ended the relationship in August 2023. You refused to accept her decision. You followed her, left her messages, repeatedly knocked on her window and repeatedly telephoned her, withholding your number when you did so. You were arrested and then released on bail with a condition not to contact Ms Pintili. Ms Pintili moved to Aberfan to avoid you but you found her there and pleaded with her to get back together with you.

On 1st December 2023 you messaged your sister to say that you had found out where Ms Pintili was living and that she had, as you believed, got back together with her former partner. You sent two other messages to your sister, one of which included the phrase “whores must die”. You told the person that you were staying with that you were going to stab Ms Pintili’s new partner. On 5th December 2023, you travelled to Aberfan where Ms Pintili was living. You had armed yourself with a large knife that you had taken from the address

where you were staying. You concealed yourself behind a parked car near to her home address and waited for her. As Ms Pintili was returning home, having taken her children to school, she heard footsteps behind her. You grabbed her by the arm of her jacket. You told her to go in the house, that you had a knife, and that you would kill her if she did not do what you said. You then produced a knife. Ms Pintili turned and tried to run away but she fell onto the floor. While she was on the floor, you stabbed her a number of times. She held her stomach to try to protect her unborn child as she was 37 weeks pregnant with your child. A lady passing by, Ms Terrett, saw what was happening, screamed, and ran to try to help. You ran away.

Ms Pintili suffered three superficial defensive wounds to her hand, two penetrating wounds 3-5cm long and 1cm wide, to the right side and left side of her back. She also suffered a wound to the superficial tissues of her back just to the right of the midline. She was administered morphine and the wounds were sutured with deep sutures. Fortunately her unborn child was not harmed. She was discharged from hospital the following day.

When interviewed following your arrest, you answered no comment to all questions put to you in interview.

The victim personal statement.

Ms Pintili's victim personal statement dated 11th April 2023 has been read to the court. There is no need for me to repeat it but it has been taken into account.

The defendant's character.

You are now 29 years old and have no convictions, cautions, or reprimands.

The Sentencing Guidelines.

I take into account the Sentencing Guideline on the Imposition of Community and Custodial Sentences. Obviously this offending is so serious that only an immediate custodial sentence is appropriate.

Applying the Sentencing Guideline on Reduction in Sentence for a Guilty Plea, I am satisfied that exception F1 applies as it was reasonable for your solicitors to obtain a psychiatric report before you entered your pleas. You were sent to this court on 7th December 2023. On the BCM form, it was stated that a psychiatric assessment was needed. Dr Davies' report is dated 1st March 2024 and he concluded that you were fit to plead. On 21st March, your solicitors wrote to the court asking for the case to be listed so that you could plead guilty to attempted murder and stalking. You entered those pleas on 4th April 2024. You are entitled to full one third credit.

I have taken into account the over-arching Sentencing Guideline on Domestic Abuse.

I have also considered the Sentencing Guideline on Totality. The sentence for the attempted murder will reflect your overall offending and there will be no separate penalty for the stalking offence.

Sentencing Guidelines for the offences.

For all offences in any sentencing guideline, the recommended starting point is for a single offence before allowing for any aggravating or mitigating features and before applying the reduction in sentence for guilty pleas.

Applying the sentencing guideline for attempted murder, I am satisfied that this is a Category B high culpability because you took a knife to the scene intending to use it and you then used it to commit this offence. Furthermore, the offence was planned or premeditated. In considering the issue of harm, I have borne in mind that section 63(b) of the Sentencing Act 2020 requires the court, when considering the seriousness of any offence to consider any harm which the offence (i) caused (ii) was intended to cause, or (iii) might foreseeably have caused. In this case, although Ms Pintili's physical injuries were not of the most serious type that was entirely fortuitous. The harm that you intended to cause is already reflected in the nature of the offence itself. It was foreseeable that your actions in

stabbing her repeatedly might have caused serious physical or psychological harm. Although the sentence levels in the guideline take into account the psychological harm that is inherent in the nature of this offence, in determining the level of harm I have borne in mind R v Gibbs [2022] EWCA Crim 190, and in particular the observations of Nicola Davies LJ at paragraph 28, “attempted murder may be committed when no physical or psychological harm is caused. Consequently, the lowest category can include harm that is not serious.” I have considered carefully the contents of Ms Pintili’s victim personal statement. I am satisfied that this is a Category 2 offence as Ms Pintili suffered serious physical or psychological harm that does not amount to Category 1 harm.

The starting point in the guideline for a B2 offence is 25 years custody with a range of 20 to 30 years custody.

Your offending is aggravated by the fact that this offence was committed while you were on bail with a condition not to contact Ms Pintili, it was committed in a domestic context, Ms Pintili was more vulnerable because she was 37 weeks pregnant, and because of the risk to her unborn child. Your sentence will also be uplifted to take into account the stalking offence.

In mitigation, you have no previous convictions. I have taken into account your difficult background as described in the second psychiatric report. It has been submitted that the seriousness of your offending is reduced because you desisted in your attack on Ms Pintili. You did desist but I am satisfied that you did so only because

of the reaction of Ms Terrett who was passing by and so I give less weight to that factor. It has also been submitted that you are remorseful and that is best reflected in your guilty pleas. Remorse is something apart from a plea of guilty and it is apparent from the Pre-Sentence Report that you feel very little true remorse.

I have to give weight to all of these matters and in my judgment the aggravating factors outweigh the mitigating factors.

I take into account all the contents of the presentence reports, the sentencing note submitted on your behalf, the psychiatric reports, all the information that I have about you and the mitigation advanced on your behalf today.

Sentence.

Attempted murder is a specified offence for the purposes of section 279 of the Sentencing Act 2020 and so I must consider the issue of dangerousness.

I am satisfied that there is a significant risk that you will commit further specified offences and that by so doing you will cause serious physical or psychological harm to another. I have come to that decision because of (i) the nature and circumstances of this offence

and the associated stalking offence (ii) your disregard for conditions intended to provide protection for others and (iii) the contents of the Pre-Sentence Report, in particular the fact that the probation officer has assessed you as presenting a very high risk of serious harm towards the current victim and to any future partners, an assessment with which I agree.

I am not satisfied that the seriousness of these offences justifies a discretionary life sentence pursuant to s285 of the Sentencing Act 2020 as you have no previous convictions.

I have considered whether a standard determinate sentence is appropriate. If imposing such a sentence, the least period of imprisonment that I could have imposed in all the circumstances of your case after a trial to reflect your overall offending would have been one of 26 years. After allowing the full one third credit for your guilty plea, the sentence would have been one of 17 years and 4 months. Such a sentence would not fully address the risk that you currently represent and I consider it necessary to impose an extended sentence in order to protect the public in the future. The extended sentence is made up of two parts: a custodial period, which will be no longer than the 17 years and 4 months period I mentioned, and an extended licence period of 3 years making an extended sentence of 20 years and 4 months duration in total. You will serve two-thirds of the custodial period in prison before the Parole Board will consider whether it is safe to release you, and if so on what terms. Once released, you will serve on licence any part of the custodial period

which remains, and you will then be subject to an extended licence for a further period of 3 years. If, when you are subject to licence, you commit another offence or fail to comply with the terms of your release, you are liable to be recalled to custody and may serve the entire sentence in custody. The days which you have spent on remand in custody will automatically count towards the custodial term of your sentence.

Count 3 is to lie on the Court file not to be proceeded with without the leave of this Court or the Court of Appeal Criminal Division.

For the offence of stalking, there will be no separate penalty as it has already been taken into account as part of the sentence for the attempted murder.

Ancillary orders.

In order to protect Ms Pintili and her children from future assaults or harassment by you, I consider it necessary to make a restraining order. You are prohibited from contacting Andreea Pintili or any of her children, directly or indirectly, by any means and you must not enter Merthyr Tydfil as delineated on the map attached to the order

which will be provided to you after this hearing. I am satisfied that this is one of the rare occasions where such an order should continue indefinitely. I must warn you that if you were to disobey the order you would be committing a further offence, punishable with up to five years' imprisonment.

Your conviction for attempted murder is one which will make you subject to barring from working with children or other vulnerable persons. You will be told of the restrictions under the Safeguarding Vulnerable Groups Act 2006 by the Disclosure and Barring Service.

If the statutory surcharge applies in this case, the order can be drawn up in the appropriate amount and is to be paid within 6 months. Any error in that order can be corrected administratively as can any error in the collection order that I also make.

I direct that copies of my sentencing remarks are to go to the Probation Service and to the Prison Service to be placed on the Defendant's file for any future parole hearing.