

# IN THE WOOD GREEN CROWN COURT

REX

V

Matteo BOTTARELLI

## Sentence

1. In June 2023 you were working as a gardener and maintenance man employed by Bouygues to maintain and carry out gardening at the Central Middlesex Hospital. Your co-workers describe you as a good worker who sometimes had personality issues and, though you would sometimes get angry and shout, you had never been violent. The evidence was that you were proud of your job and you were a conscientious worker.
2. On Wednesday 21st June 2023, at around lunchtime you were in possession of a mattock (similar to a pick-axe) and a scalpel and you attacked and attempted to attack several of your co-workers. These were motiveless attacks and there was no evidence of any past animosity, quite the opposite.
3. A day or so before the attacks, you had approached another co-worker when you were in possession of one of your work tools and said, *“If I have something like this in my hand and attack you, what would you do?”* This was taken as a joke and I am unable to treat it as any more than that.
4. On the 21<sup>st</sup> June, shortly before you carried out the attacks, you approached a co-worker, Shafiq Shah, at the hospital and said: *Todays you’re lucky day, Shafiq’*. At around 1pm you were carrying the mattock. You were observed to be sweating profusely, though it is right to say it was a hot day and your work was manual work.
5. You went to your home nearby and returned to the hospital having, by this point, taken a very large quantity of Class A drugs from purchases you had made that morning.
6. You walked past a colleague, Mark Quigley who made an innocent comment to you. You then ran back towards Mr Quigley with the mattock raised ready to hit

him. At that point, Mr Quigley turned and he thought it was a joking gesture by you. He said *what are you doing you silly bugger*. That was the subject of Count 2, attempting to cause GBH with intent.

7. A short time later you went to the staff canteen carrying the mattock. Mr Tesfay who was having his lunch commented on why you had seen fit to bring the mattock to the place people were eating lunch. You left the mattock near the door and approached Gideon Tesfay. You had with you a scalpel which may well have been something you routinely carried for the purposes of use in your job. Whether you were offended in some way by what Mr Tesfay had said or from some unknown reason, you put one hand against the back of Mr Tesfay's neck and, using the scalpel in your right hand, cut Mr Tesfay's throat. Mr Tesfay ran out and you pursued him around some parked cars now once again in possession of the mattock which you had retrieved as you left the canteen. Eye witnesses described you as appearing angry and sweating profusely.
8. Mr Tesfay was able to escape and made his way to the A & E department where he received treatment.
9. In evidence you described having purchased two quantities of Class A drugs during the morning and had taken all of it by the time you carried out the attacks and the attempted attack.
10. In due course, you pleaded guilty to wounding Mr Tesfay with intent (Count 4) and were convicted at trial of attempting to murder him (Count 3).
11. Still in possession of the mattock, you made your way to a first floor office where Trevor McGuire, the general manager was based. You struck Mr McGuire at least twice to his head with the mattock.
12. You pleaded guilty to wounding Mr McGuire with intent (Count 6) and were convicted at trial of attempted murder (Count 5)
13. Following the attack on Mr McGuire, you returned to your nearby home with the mattock. When police arrived there, you were found with self-inflicted injuries to your neck and hand and you were covered in blood. The mattock was in the hallway outside your flat and a number of scalpels were found inside your flat. Part of the ceiling of the flat had been damaged which you later explained was caused by you as you believed you were under observation.

14. You also fall to be sentenced on Counts 7 and 8 (affray and having an offensive weapon).
15. Some part of the outside events are recorded on CCTV.

**Injuries - Trevor McGuire:**

16. Mr McGuire was the most seriously injured. He was taken to St Mary's Hospital. On initial examination he had:
  - 3 wounds to his head, the largest to his left temporal region (approximately 10cm by 3cm) which had been sutured by the pre-hospital team because of profuse bleeding,
  - one small wound over his left eyebrow,
  - one wound approximately 3cm in length over his occiput,
  - his left eye was swollen closed.
17. Following a CT scan of his head, face and neck he was found to have:
  - i. a depressed skull fracture,
  - ii. left eye socket fracture,
  - iii. a contusion of his brain and a traumatic subarachnoid haemorrhage.
18. When police officers spoke to Mr McGuire about the incident, he was very upset and kept asking why you would do this to him. Mr McGuire said he wanted to die after this incident. He believed his career has ended and he cannot go back. He was in a high amount of pain and repeatedly mentioned this pain being the worse pain he had ever experienced.
19. In his VPS, Mr McGuire describes the blessing of having no recollection of the attack, but he is aware of the very serious injuries he has suffered which had left him struggling to walk and talk, numbness down one side of his body for several weeks, the very significant impact on his eyesight and continued pain. He has lost the sight in his left eye and has only limited vision in his right eye. He now has a severely diminished career. He is unable to ride his motorcycle or to drive. His family relationships have altered very significantly.
20. Mr McGuire's wife Dawn has also provided a VPS. She describes her initial fear that her husband would not survive. She was unable to work since the attack through depression, stress and anxiety and also in order to care for husband, drive

him, be his eyes. She describes how the whole family has been affected in their relationships and in their financial wellbeing.

21. What is apparent from Mr McGuire's VPS is his desire to use his horrific experience to help others. Remarkably, he shown a lack of animosity and bitterness towards you.

**Injuries - Gideon Tesfay:**

22. He sustained:
  - A 1 cm 'graze' to the Adam's apple
  - A 'superficial' wound measuring 4-5 cm in length to the front of the neck which was cleaned and closed with 8 sutures
  - A superficial wound to the left index finger which was treated with steri strips.
23. In his VPS he described the effect of the trauma he suffered had caused him to be unable to return to work at the Central Middlesex Hospital where he had worked for 17 or 18 years. He was unable to work at all for several months. He then found himself having to change where he worked and was obliged to work in a new and unfamiliar environment, without the friends he had at his former place of work. His wife who also worked at the Central Middlesex Hospital has also had to take time off work due to worry.
24. Mr Tesfay suffered from depression, he was unable to sleep. He feels obliged to conceal his neck scar from his family in order not to upset them. The ongoing effect of the attack has left him feeling unsafe and, when seated, needing to ensure nobody could approach him from behind.

**Mark Quigley sustained no physical injuries but suffered psychological effects.**

25. He witnessed the aftermath of the attacks and injuries you inflicted on others. In his VPS he described suffering delayed shock and in the following months suffered from flashbacks and was diagnosed with PTSD. He was off work for some 2 ½ months which has affected him financially and he has been on medication.

**Effect on others:**

26. PC Jacob Eyres provided a summary in which he described the effect and impact on other staff members, police and the financial implications of what you did.
27. You are a long-standing heroin addict. You are what might be described as a functioning addict. Whilst you were able to hold down a job and to perform well at work, it is apparent that your addiction did have an impact on your life and on your mental health.
28. I have read the two psychiatric reports uploaded onto the DCS in which your . long-standing heroin addiction and harmful cocaine habit was considered. It is likely you were suffering from an underlying psychotic illness for several years. When you were living in Italy as a teenager you undertook rehabilitation and have attempted rehabilitation from time to time since. These obviously had failed.
29. I have no doubt that your ingestion of a very large amount of heroin and cocaine on the 21<sup>st</sup> June last year, greater than the quantity you usually took, had a direct impact on your behaviour that day.
30. You have been unable to explain why you chose to attack work colleagues with whom you had no dispute, by your own admission and guilty pleas to Counts 4 and 6 you accepted that your mental state was not such as to prevent you forming the intention to cause serious harm to Mr McGuire and Mr Tesfay.
31. You have no criminal record for any offence of violence and there is nothing in your past, despite your addiction, to indicate you have any propensity to commit acts of violence. Prior to committing the offences for which you are to be sentenced today, you have no criminal record save for a caution in 2015 for possession of a class A drug, though, obviously, you have been offending in that manner for many years.
32. I have read the letters you have written to Mr McGuire and Mr Tesfay in which you have recognised the harm you have done to both of them and to their families. I accept that your remorse for what you did is genuine. I am in no doubt that your behaviour in the 21<sup>st</sup> June was wholly out of character and nothing in your history has given any indication that you would act violently, let alone commit acts of such extreme violence as you carried out last June.
33. Lesley Pearce, the probation officer who has provided a PSR, concluded that you present a high risk of causing serious harm of death or serious injury to members of the public. She reached that conclusion based on the ferocity of the attacks in this case and your addiction.

34. I have considered with care Mr Pearce's opinion and I am grateful to prosecution counsel for drawing to my attention in the sentencing note a number of cases on the test for dangerousness.
35. I have given careful consideration to the opinion of Ms Pearce and the submissions made by the prosecution as to why you should be sentenced under the dangerousness provisions. Nevertheless, even taking into account the grave nature of the current offences, your age and history I have not concluded the future risk is significant as defined by the Court of Appeal.
36. Additionally, given the length of sentence I am obliged to pass in this case, I would not consider it necessary to engage the dangerousness provisions even if the dangerousness criteria were met. Absent any prior history of violence and given that you will have the opportunity whilst in custody to address your drug addiction and will be on licence for a considerable period on your release, I am satisfied that the sentence I am about to pass will provide a very significant level protection of the public in the future.
37. The sentence I will pass on Count 5 (attempted murder of Trevor McGuire) will reflect the overall criminality of all the Counts for which you are to be sentenced. The sentences will, therefore, all be concurrent sentences.

#### **Sentencing Council Guidelines:**

##### **Count 5:**

38. This is a Category B high culpability offence. You took the mattock to Mr McGuire's office after having carried out the attempted attack on Mr Quigley and the attack on Mr Tesfay, suggesting there was at least some premeditation.
39. Given the nature of the injuries, it falls into Category 1 Harm. Mr McGuire has suffered permanent, life long irreversible injury which has had and will continue to have a substantial and long term effect on his ability to carry out normal day to day activities and his ability to work.

B1: Starting point 30 years imprisonment with a range of between 25 and 35 years.

##### **Count 3:**

40. There are elements which may suggest this is between Categories B and C culpability. You left the mattock by the door before you attacked Mr Tesfay and the evidence was that you would routinely carry a scalpel to use in your work. Given what you had just done in your attempt to attack Mr Quigley, it could arguably be said that there is some evidence to suggest some pre-meditation in your attack on Mr Tesfay. After the attack using the scalpel, you retrieved the mattock and chased Mr Tesfay with it across the car park
41. The harm caused falls into category 2. It falls short of Category 1. Mr Tesfay has suffered serious scarring and has suffered serious physical and psychological harm.

B2: Starting point 25 years imprisonment with a range of between 20 and 30 years.

C2: Starting point 20 years imprisonment with a range of between 15 and 25 years.

**Count 2:**

42. Had the offence been a completed offence, the culpability would fall into Culpability B. The mattock is not intrinsically a highly dangerous weapon. It had a normal and legitimate use by you in the course of your employment. It became a weapon because of the use to which you put it.
43. Mr Quigley has suffered serious harm but not so as to be identified as Category 2.

B3: 4 years imprisonment with a range of between 3 and 6 years.

44. That sentence may be further discounted as it was an attempt to commit the offence.

**Aggravating factors:**

The offences committed under the influence of drugs.

The attacks were on persons working in the public sector.

The effect on employees other than the named victims.

**Mitigating factors:**

You have no relevant criminal record.

No history of violence.

You are genuinely remorseful.

References from those who speak well of you.

**Sentence:**

45. I have read the moving letter from your wife who describes you and your 15 year marriage in the warmest terms. She too confirms that you have never displayed aggression. She too had been badly affected emotionally and physically by what you have done and what will happen in the future. I am prepared to accept that you are horrified by what you did and cannot explain it beyond the effect of the drugs you had taken. What you did was wholly out of character.
46. This is a truly tragic case. You harmed three people with whom you had no disputes; they were long-term colleagues with whom you had been on friendly terms, none of whom had felt any threat from you in the past. I do not regard you as inherently wicked. What you did has not only affected each of your victims and their futures, you have ruined your own life.
47. The sentencing Council guidelines mean that the sentence I must pass is a draconian one. I am grateful to the defence for drawing to my attention the case of *AG's Reference (Hunye)* [2019]EWCA Crim 245. I given careful consideration as to whether the sentence I must pass could fall below the guideline sentences.
48. I fear that I would be failing in my duty if I were to pass a total sentence for all offences which was lower than the minimum set out in the guidelines for the offence in Count 5. So, with regret, I have concluded that I have no choice but to pass a sentence in line with the SC guidelines for Count 5 to reflect all the offences.

Count 5: 30 years imprisonment.

Count 3: 20 years imprisonment to run concurrently.

Count 2: 3 years imprisonment to run concurrently.

Count 4: No separate penalty.

Count 6: No separate penalty.

Count 7: No separate penalty.

Count 8: No separate penalty.

Total sentence = 30 years imprisonment.

Victim surcharge.

Forfeiture and destruction as sought by the prosecution.

49. You will serve two thirds of the sentence of 30 years imprisonment in custody. Thereafter you will be on licence for the remainder of the term. If you breach the terms of that licence or commit any further offence, you may be recalled to prison to serve some or all of the remainder of your sentence.

**HHJ Joanna Greenberg**  
**Wood Green Crown Court.**  
30<sup>th</sup> April 2024.