



JUDICIARY OF
ENGLAND AND WALES

IN THE CROWN COURT AT BOURNEMOUTH

THE QUEEN

-V-

KARL ADDO

4 DECEMBER 2013

SENTENCING REMARKS OF MR JUSTICE BURNETT

On Monday afternoon, on the first day of what was to be your trial for the murder of Sergio Marquez, you entered a plea of guilty to manslaughter by reason of diminished responsibility. The unanimity of view amongst the psychiatrists in this case is that you suffer from paranoid schizophrenia and that the influence of that illness had the effect of reducing substantially your responsibility for the killing of Mr. Marquez. In those circumstances, after careful thought and having explained the position to the family of Mr. Marquez, the Crown accepted your plea. It has been recognised in many cases, a number of which have been drawn to my attention by both Mr Pascoe QC and Mr Nsugbe QC in their helpful written and oral submissions, that sentencing in these circumstances poses acute difficulty.

Mr. Nsugbe QC submits on your behalf that a hospital order under section 37 of the Mental Health Act 1983 with an indefinite restriction on your release pursuant to section 41 meets the justice of this case. I should say immediately that the technical requirements necessary for a disposal under the Mental Health Act have been met. Additionally, very recent reports from your treating clinicians at Broadmoor, where you have been for the last year, confirm the nature of your illness and that a bed continues to be available there. The submission made on your behalf is supported by written and oral evidence, from Dr. David Morton. I also have reports from Professor Greenberg. Mr. Pascoe Q.C. has properly recognised the limits of his role on behalf of the Crown on questions of sentence. Nonetheless, Dr. Richard Badcock, who prepared a report for the Crown and also gave oral evidence, suggested that this was a

case which called for a prison sentence alongside a Mental Health Act disposal. In other words he raised the possibility of a sentence contemplated by section 45A of the Act. Mr. Pascoe has reminded me of the need to consider dangerousness, and by implication to consider the question whether a life sentence alongside an order under section 45A is appropriate. It is common ground that you are dangerous. Mr Nsugbe's submissions were directed towards that issue and recognised the very real choice available to the court.

I must touch upon the facts of this deeply tragic case, upsetting though it will be for Sergio Marquez' mother and family. He was a bright 23 year old Spaniard who was living and working in Bournemouth. In particular, he wished to improve his English and so his general prospects not least because of the very difficult economic position of Spain in recent years. He shared a flat in Lansdowne Road, Bournemouth with two Spanish friends and with you. You did not know them before you moved into the flat in May 2012. The flat was owned by Mr Lui. You behaved in an anti-social way towards your flatmates. Mr. Marquez eventually wrote you a note asking you to change your ways, which you resented. The upshot was that the landlord asked you to leave. The date agreed for you to leave was 17 July 2012, the day on which you killed Mr Marquez.

At lunchtime that day you and Mr. Marquez were alone in the flat. Your landlord was trying to contact you but you did not respond. He was able to contact Mr Marquez who told him you were in the shower.

At 14.11 Mr. Marquez sent a text to Mr Lui saying you had finished. Mr Lui then spoke to you briefly to make arrangements to collect the key that evening.

Although you later said that your imminent eviction and Mr Marquez' part in it were coincidental, that is highly improbably.

At about 15.30 a neighbour heard raised voices and an argument which went on for perhaps 15 or 20 minutes. It included the words "please Karl, please Karl". The neighbour heard you laughing.

It is at about this time that you killed Mr. Marquez with multiple stab wounds in what was a frenzied and deeply violent attack from which he tried to defend himself. You then decapitated and disembowelled him.

Your flatmates returned expecting to be let in by Mr. Marquez. There was a birthday party planned for one of them. When they could not raise him on his phone, a builder gained entry to the flat via scaffolding. He encountered you in the flat. Your clothes were covered in blood although he did not realise that at the time. The builder left the flat and you closed the door after him. When your flatmates came up they could see you through the letterbox going back and forth to the bathroom, apparently trying to wash your clothes and filling a rucksack. You opened the door and ran past them. They then encountered the nightmarish scene you had created.

The police soon caught you. You said that you did it because you were attacked. I make clear immediately that there is no support for that whatsoever. Amongst the things you took with you when you fled the scene were Mr. Marquez' computer and phone.

I have read and take into account the deeply affecting statement provided by Mr Marquez' mother, parts of which were referred to by Mr Pascoe. The brutal killing of this young man has had a profound and lasting impact upon his mother and family.

I do not propose to rehearse the psychiatric evidence in great detail. It is contained in the comprehensive reports of the three psychiatrists I have mentioned. Both Mr. Nsugbe and Mr. Pascoe have summarised its effect in their written material. There is a long psychiatric history dating back to your teenage years which includes references to previous violent action. At the end of September 2011 you were admitted voluntarily to a psychiatric unit under section 2 of the Mental Health Act. You were recommended for detention under section 3 but immediately absconded. In October 2011 a tribunal ruled that you should be detained, but you had disappeared. You undoubtedly lack insight into your condition but from time to time have recognised the need for help. In June 2012 you made contact with a GP with a view to a urological investigation but you did not seek any psychiatric help. The reality is that you knew that you had psychiatric problems and you chose to deny yourself treatment

after October 2011. That may not have been the calculated decision of a rational person, but you must have appreciated the risks you were running for yourself and others.

I have already noted the unanimity of view amongst the doctors concerning your underlying condition. It is very serious. It has manifested itself in a belief that there existed a gang, with special powers, who had harmed you in the past and remained a threat to you. The psychiatrists conclude that you became convinced, at least on 17 July, that Mr Marquez was a member of that gang and that is why you killed him. The mutilation was to ensure that he could not recover from his injuries. You gave a detailed account of what you said occurred to two of the psychiatrists which included an elaborate description of an attack upon you. To the third you denied the killing altogether. Whilst your mental illness and irrational belief in the existence of the gang and the threat it posed to you provides an explanation for your conduct, I do not understand the psychiatrists to be saying that you had at the time, or since, a genuine belief that Mr Marquez actually attacked you, as opposed to a belief that he would do so. That question was explored in evidence with Dr Morton. It is one thing to have a delusional belief that someone is going to attack you. It is another to have a delusional belief that one was attacked. I conclude that part of your account was a construct, first apparent when you were arrested, to deflect responsibility. It was an elaboration which when set alongside your attempt to flee shows some insight into your understanding of what you had done at the time and your underlying culpability. It remains a mystery why, having concluded irrationally that Mr Marquez posed a threat to you, you remained in the flat with him for so long and did not leave.

The psychiatrists considered not only the question of manslaughter but also whether you were fit to take part in any trial and the defence of insanity. By your plea you accept culpable responsibility for the killing of Mr Marquez, albeit diminished responsibility. As Dr Morton observed in his report, you knew what you were doing when you stabbed him to death. You knew that the act of killing was wrong, even though you had convinced yourself of a conspiratorial threat from the gang. I am unable to accept Mr Nsugbe's submission that you have no, or almost no, responsibility for what occurred. I consider that whilst substantially reduced, your responsibility remains significant. Mr Nsugbe recognised the force of recent

authority, which has supported the imposition of a life sentence alongside a hospital order in cases with some common features. Such sentences provide some added protection for the public and play a part in maintaining public confidence. Importantly, and in the context of a dangerous offender, they reflect an element of punishment beyond the question of treatment.

It may be, as Dr Morton suggested, that the reality of your medical condition is that you are likely to remain in a secure hospital for a very long time indeed, perhaps for ever.

But given the significant underlying culpability which the entire circumstances of this case suggest, I am satisfied that the appropriate sentence is one of life imprisonment, together with a direction under section 45A of the Mental Health Act 1983 that you be removed to Broadmoor Hospital and an indefinite restriction under section 41.

I must set a minimum term. I accept Mr Nsugbe's submission that were this a case of murder the statutory starting point would be one of 15 years, albeit with aggravating features, and that a significant allowance must be made for the substantially diminished responsibility. The weighing of aggravating features and mitigating features referred to by Mr Nsugbe in a case of this nature is difficult, as is the assessment of your underlying culpability. In particular, the aggravating features of using knives and the post death injuries you inflicted are tied up with your mental illness. But I accept that there must be a substantial reduction in what would be the starting point had you been convicted of murder. The prosecution accept that your guilty plea should attract a full discount of one third. This is because until recently you were not in a position to give instructions to your lawyers. Furthermore, the psychiatric position, including whether a defence of insanity should be run, was under investigation. Taking all into account my conclusion is that the minimum term should be one of six and a half years. The time spent on remand will count towards that minimum term. The result of the sentence I have imposed is that the public now has the double protection provided by the Mental Health Act and the involvement of the Parole Board. You will be detained for at least six and a half years but will not be released unless the relevant authorities conclude that it is safe to do so. Given all that

I have heard, you must recognise that there is a real possibility that such a conclusion will never be reached.

The Hon Mr Justice Burnett

4 December 2013