



JUDICIARY OF  
ENGLAND AND WALES

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-V-

DEVENDRA SINGH

STAFFORD CROWN COURT

25 JUNE 2013

SENTENCING REMARKS OF HIS HONOUR JUDGE SIMON TONKING

***Facts of the offence***

You have been convicted by the jury of an offence of murder. That offence was committed on 3<sup>rd</sup> September of last year, your victim being your wife, Charlotte Smith. Miss Smith was 42 when she died and you had been married for a little under 2 years.

There can be no doubt that at the time of your marriage, and for some time beforehand, you and Miss Smith had been in a deep and loving relationship and that this continued to be the case after you came to England in November 2011.

Equally there can be no doubt that during the course of last year, 2012, the relationship deteriorated - not through any significant fault on either side but simply because of the situation itself. This deterioration began when whilst Charlotte was working, you were not and, without friends or family in this country, you were entirely dependent on her - and although from April onwards, you were very generously provided with work by Charlotte's father, Mr. Pater Smith, Charlotte remained the main breadwinner. As time went on she also came to realise that, having enjoyed a very independent lifestyle for so long, marriage was putting serious restrictions on her life and was not something that, after all, she really wanted.

This is not to say that either of you stopped loving the other, but these difficulties led to strain, stress and argument which, try as you both did, you could not overcome.

By 3<sup>rd</sup> September Charlotte had made it clear to you, as well as to others, that she was unhappy and that, at the very least, she was unsure that she wanted the marriage to continue. For your part you were determined for the marriage to continue and were becoming increasingly upset with the situation: and, as the two psychiatrists who have examined you in the course of these proceedings have both concluded, you had become moderately depressed.

None of this however, whilst it provides the background to what happened on 3<sup>rd</sup> September, can begin to explain let alone excuse what you did on that day. During the daytime, having shut the shop you drank vodka, although not in such quantity

that it significantly affected you. When you got home, I am prepared to accept that you and Charlotte argued and that your argument became heated: your attack on her cannot have come out of the blue. Nor can I be sure that this argument did not lead to some kind of physical struggle between you.

What I do not accept however is that Charlotte took up a knife, held you by the collar and made to stab you with it: I reject this account (a) because of the implausibility of your account about this - in particular your inability to explain how you were able to disarm her without any injury to your hand - and (b) because of what I know of her character from those witnesses who described her.

I am also sure that she did not tell you that she had contacts and that she would arrange for them to come and finish you off since, in the context of the evidence about your relationship and her character, this is so far fetched as to be fanciful.

Instead, I am satisfied so that I am sure of it, that in the heat of the argument and the limited fight that you may have been having, you took up the ornamental elephant and, neither in revenge nor loss of control but in anger, you struck her with it and continued to strike her with it until, within a very short time, she lost consciousness and, very quickly, also lost her life.

This was a ferocious and brutal attack, predominantly to her head, using force which Dr. Bedryzski, an experienced pathologist, categorised as extreme and causing what he described as the worst head injuries that he has ever encountered. In the light of this I am satisfied that your intention, at that time, was to kill her. It was not an intention of longstanding but borne spontaneously of your anger, but it was your intention nevertheless.

### ***Impact***

As a result of your actions your wife lost her life – and she is now lost to her parents and to her many friends. I have read with care and compassion the victim personal statements of her father, Mr. Peter Smith, her mother Mrs. Irene Cork and a joint statement which they have made together with Miss Smith's stepfather. I have also read two letters written by those who knew her well.

These statements contain personal matters to which I deliberately do not refer in detail but it should be recorded that Charlie's death is not the first tragedy that her parents have had to suffer, losing their son to cancer 5 years ago. Now both their children are gone and, in essence, both of Charlie's parents, to whom she meant so much, have had their lives devastated and made empty and, as they say in a joint statement, words cannot express how it feels to lose her in such a brutal way.

### ***SENTENCE***

There is only one sentence which I can pass for this offence – and I do so now. It is a sentence of imprisonment for life.

### **Minimum term – considerations:**

Because this is a life sentence I must set a minimum term which you must serve before you will be eligible for release on parole, but you will only be released if the Parole Board decide that it is safe to do so.

The minimum term which I set is to reflect the seriousness of your offence, not the danger which you may present, and in assessing the appropriate minimum term I have considered the starting point in the light of the provisions laid down by Parliament in Schedule 21 of the Criminal Justice Act 2003. I have also been helpfully referred to 3 cases in which the Court of Appeal considered minimum terms in cases in each of which the appellant had murdered his wife.

### *Starting point*

It is common ground in this case that the starting point for the minimum term in your case is one of 15 years. But that is only the starting point from which I must move on to consider both the aggravating and mitigating factors in your case.

### *Aggravating factors:*

Your offence has no statutory aggravating factors, but it is aggravated by a number of other matters:

- the sheer ferocity of the attack which you perpetrated with what was a heavy and significant weapon;
- the fact that you fled the house knowing that, at the very least, your wife was unconscious and very seriously injured. In the event, even if you had summoned help, it is clear that she would not have survived but your thought at that time was entirely for yourself and not at all for her;
- what is more, having fled the house you pretended both to one of her friends and to her own father - by responding to text messages which they had sent to her mobile phone - that Charlotte Smith was feeling unwell but otherwise unharmed;
- you also left your wife's body at the house to be found by someone else: and in the event the person who found her was her father who, as a result, suffered very significant shock and distress.

### *Mitigating factors:*

Your offence has this/these statutory mitigating features:

- your actions, whilst they were sustained, were not pre-meditated;
- you were suffering from a moderate depressive episode which, to a limited extent, affected your rational judgement and made you, to adopt Mr. Karu's phrase "mentally fragile", but the amount by which it lowers your culpability is small;
- you have no previous convictions or cautions.

I also have regard to the facts that:

- despite your evidence that you do not know, or remember, what you did once your attack on your wife began, you have not contested the fact that you killed her and that you did so unlawfully;
- you are, I am satisfied, sorry for and ashamed by what you did.

For reasons I have already explained, I am satisfied that you do not have the mitigation of having had an intention only to cause Miss Smith really serious injury rather than to kill her. I am also satisfied that you were not provoked by her to do what you did nor were you acting, to any extent at all, in self-defence.

**Minimum term:**

Taking account of all of these factors and of the facts of the case, I am satisfied that the aggravating features outweigh the mitigating features in this case. The minimum term which you will serve is one of 16 years.

***Time spent in custody:***

From this is to be deducted the time which you have spent in custody on remand – namely 290 days – so that the actual minimum term will be one of 15 years and 75 days.

**Consequences of sentence:**

It is most important that you – and everyone concerned with this case – should understand what the minimum term means. The minimum term is NOT a fixed term after which you will automatically be released but the MINIMUM term after which you will be able to apply for release on parole. But it will be for the Parole Board to say, at that time, whether or not it is safe for you to be released: and until it is so satisfied you will remain in custody.

If and when you are released you stand to be deported automatically but if for any reason you are not deported you will be subject to licence for the rest of your life; and if for any reason that licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.

***I also paid tribute to the dignity and restraint which Miss Smith's parents showed throughout the trial and to the professional manner in which the case was conducted by the advocates.***