



JUDICIARY OF
ENGLAND AND WALES

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MATTHEW TVRDON

CARDIFF CROWN COURT

6 JUNE 2013

SENTENCING REMARKS OF MR JUSTICE WYN WILLIAMS

1. Matthew Tvrdon you have pleaded guilty to one offence of manslaughter, seven offences of attempted murder, two offences of causing grievous bodily harm with intent, two offences of attempting to cause grievous bodily harm with intent, five offences of assault occasioning actual bodily harm, one offence of common assault and one offence of dangerous driving. Those pleas have been accepted by the prosecution, quite rightly in my view. The plea to manslaughter was tendered in respect of a count alleging that you had murdered a young woman named Karina Menzies. You pleaded not guilty to murder but guilty to manslaughter on the grounds of diminished responsibility; that means that at the time you committed the offence of killing Ms Menzies you were suffering from an abnormality of mental functioning brought about by a recognised mental illness which substantially impaired your ability to form a rational judgment in relation to what you were doing.
2. The events giving rise to these pleas took place on Friday afternoon 19 October 2012 over the space of approximately 30 minutes between about 3.30 and 4.00pm. During the course of his comprehensive opening Mr Murphy QC provided graphic detail of what you did. No useful purpose would be served by me repeating in detail what Mr Murphy said; the people in this packed court and the wider public through the media are now well acquainted with your actions. In summary, however, during that half an hour you used your van as a weapon. You used it to kill Karina Menzies. You ran her over quite deliberately while she and her two children were walking on the

forecourt of Ely Fire Station. There is compelling evidence that you ran over her not once but twice. She died from multiple injuries caused by your deliberate actions. You caused serious bodily injury to her child Tiana intending to do so and attempted to cause such injury, intending to do so, to her child Ellie. The children were then aged 3 and 8 respectively. You attempted to kill Mandy Morgan while she was walking along the pavement with her two children. They were walking along Crossways Road in the vicinity of Ely Police Station. You drove onto the pavement and struck Ms Morgan. You intended to kill her and you caused her very significant injuries. You also caused serious injuries to her child Deeroy intending to do so and attempted to cause such injuries to her child Kieanoh, again intending to do so. At the time these children were aged 9 and 8. Anastasia Jones was walking along Cowbridge Road West in the vicinity of the Reptile Centre when you deliberately drove into her intending to kill her. She suffered very significant injuries. She was walking with her partner Adam Lewis and their baby Amelia was in a pram. Miraculously, no significant injury was suffered by Mr Lewis or the baby although you have pleaded guilty to assaulting the baby causing her actual bodily harm and common assault upon Mr Lewis. Renee Selio and her two children, Jada Selio and Shaielle Selio were crossing the road on a pedestrian crossing in Grand Avenue in Ely when, quite literally, you drove straight at them. You have pleaded guilty to attempting to murder all three. Each of them was lucky to survive and Shaielle was even more fortunate in that her physical injuries were very minor. Jada was 10 at the time of this incident and Shaielle was 12. From Ely you drove to the petrol filling station at Leckwith Retail Park. You became involve in an altercation with three people Lisa Carpin, Shah Kamruzzan and Awtar Singh. You struck each of them with a crook look and caused each of them some injury. What followed next was captured in pictures shown in this court. Gill White stood in front of your van to confront you because you had struck her car. After no more than a few moments hesitation you mowed her down by driving the van directly at her. She was dragged some distance under the van. Her daughter Rebecca White was nearby and she ran after you and got to the front of the van. You then drove straight over her. By your plea you have accepted that you intended to kill both those women. Both suffered very serious injuries.

3. None of the victims knew you and the reality is that you did not know any of your victims although as I shall explain I accept that you probably believed that you did know the adults.

4. Your trail of destruction was brought to an end only as a consequence of determined action on the part of the police. The police chase and the measures taken to force you to stop your van were captured on camera and shown in court. I shall not attempt to describe what happened in words. I should record however, that during the course of your arrest you became violent and struck PC Brien with the crook lock causing him some injury. You were overpowered only after you had been sprayed with CS gas.
5. Mr Murphy introduced this case by telling me that it concerned a series of deliberate and horrific incidents. Having heard his detailed opening and seen CCTV footage and photographs I agree with that assessment. On any view you have committed a large number of grave crimes. In total there were 18 people directly affected by your actions but I have little doubt that they have impacted profoundly on many more. You have caused incalculable harm to many people.
6. There has been an extensive investigation in order to ascertain why it was that you behaved as you did. It is urged upon me by Mr Keleher QC, your leading counsel, that a clear answer has emerged. It is submitted on your behalf that at the time you committed these crimes you were in the grip of a very serious mental illness and that your actions are wholly explicable by that illness. It is to this issue that I turn next.
7. You have been the subject of very detailed psychiatric analysis. Two comprehensive written reports have been obtained on your behalf from Dr Frank Farnham, a consultant forensic psychiatrist of very significant experience. The reports are dated 18 February 2013 and 3 April 2013. The prosecution has commissioned a report dated 9 May 2013 from Dr Philip Joseph. He, too, is a very experienced consultant forensic psychiatrist. I have heard oral evidence from Dr John Crosby. Dr Crosby is a consultant forensic psychiatrist who works at Ashworth Maximum Security Hospital near Liverpool. He has been responsible for your care at that institution since your transfer from prison in January of this year. Each of those three agree that at the time you committed these offences you were suffering from a very severe mental illness known as paranoid schizophrenia. Their view is that you suffered a variety of symptoms as a consequence of this illness but in particular paranoid delusions and auditory hallucinations. In plain language the paranoid delusions from which you suffered made you believe that there were people conspiring against you to do harm to you and the auditory hallucinations were voices which at least possibly were commanding you to

act against the persons who you believed were persecuting you. In his report of 3 April 2013 Dr Farnham puts it in this way:-

“In my opinion Mr Tvrdon was, by virtue of a schizophrenic illness – a psychotic disorder with symptoms including paranoid delusional beliefs and auditory hallucinations, which were possibly commanding in nature, suffering from an abnormality of mental functioning, which arose from a recognised medical condition, paranoid schizophrenia. In my opinion his mental functioning was abnormal by virtue of both a general lack of contact with reality and specific paranoid delusions and possible command hallucinations. His delusional beliefs were that a group of people, some of whom work with him at HMRC had been “gaslighting” or otherwise psychologically bullying him over a period of 12 years and he felt compelled to act against them and to demonstrate physical aggression to prove that he was not a “pushover”.”

It is apparent, too, that on 19 October 2012 you probably believed that the adults whom you attacked were in some way connected to the group of people who were conspiring to do you harm.

8. In the light of the views expressed by Dr Farnham and Dr Joseph I am prepared to accept that your mental illness provides the explanation for your acts on that Friday afternoon. Without your serious mental illness I am satisfied that you would not have behaved as you did.
9. During the course of his opening I asked Mr Murphy QC whether he was prepared to offer a view upon your culpability for your crimes given that you were suffering from a serious mental illness when you committed them. Mr Murphy’s response was to submit that your culpability was high. He relied upon the terrible harm which you caused, the period of time over which the offences were committed and the fact that you had pleaded guilty to offences of attempted murder – offences which can be proved only if an intention to kill is established.
10. Neither Dr Farnham nor Dr Crosby has offered a view about your culpability for your crimes. However, this issue has been addressed, in terms, in an e-mail dated 30 May 2013 from Dr Joseph to the prosecuting authorities. In that email he expresses the clear view that your culpability should be regarded as low in the light of your very severe mental illness at the relevant time and the lack any evidence to suggest that you are aggressive when you are well.

11. I have reflected anxiously and with care upon Dr Joseph's opinion. Having done so I am prepared to accept that he is correct in his assessment. There can be no doubt about the diagnosis of severe mental illness in this case. As long ago as 2003 you were diagnosed as suffering from paranoia and the view was then expressed that you probably had a schizophrenic illness with depressive symptoms. In 2007 a similar diagnosis was made. As I understand it throughout the period 2003 to 2011 you were treated with appropriate medication for such an illness.
12. In October 2011 your condition was reviewed in outpatients. You were apparently advised to phase out your medication over a period of about a year. It is not entirely clear what you did but there is no reason to suppose other than that you accepted the advice then given. That means that in the period of about one year preceding October 2012 you were gradually taking less and less anti-psychotic medication. In judging your culpability I accept that it would not be appropriate to proceed on the basis that you failed to take medication made available to you. Rather, it seems at least likely that you ceased to take appropriate medication simply because you were advised so to do. There can be no doubt that the absence of medication during the period leading to October 2012 had a significant effect upon your health but I do not consider it appropriate to attach any blameworthiness to you for that state of affairs .
13. There is a substantial body of evidence from those who knew you well which demonstrates that in the days prior to 19 October 2012 you were behaving oddly and irrationally. That reinforces my view that on 19 October you were in the thrall of a serious illness.
14. You had no convictions of any kind recorded against you prior to the events of 19 October 2012. All the factual information supplied to me from those who know you suggests that when you are well you are non-violent and no threat to anyone.
15. With respect to Mr Murphy QC I do not consider that the incalculable harm you caused can be used to show that your culpability for your crimes must be high. In the sentencing guidelines which have been issued in respect of offences of violence a clear distinction is always drawn between culpability on the one hand and harm on the other. Further, I am not persuaded in the context of this case, at least, that the fact that you admit intending to kill a number of people is a sure guide to your culpability. That intent was formed while you were in the grip of the illness which I have described. There is

nothing before me to suggest that you were capable of forming that intent in the absence of such an illness.

16. To repeat, therefore, I am prepared to accept the view of Dr Joseph as to your culpability. That said I should make two things crystal clear. First your medical records have shown that you are capable of masking your illness. It is important for those who may treat you hereafter to appreciate that from the outset. Second I have no doubt that the tragic events of 19 October demonstrate that when you are in the grip of your illness you are capable of extreme violence; when your symptoms are severe you are a very significant danger to the public.
17. In the light of these conclusions what is the correct disposal in this case? The reality is that there are three alternatives. The first option is the imposition of an indeterminate sentence of imprisonment. The second option is the imposition of such a term but coupled with a direction under section 45A of the Mental Health Act 1983. The third option is a hospital order under section 37 of that Act together with a restriction order under section 41.
18. Mr Keleher QC, on your behalf, submits that this is a clear case for a hospital order under section 37 Mental Health Act 1983 coupled with a restriction under section 41. He submits that there are powerful reasons why such an order should be made. First, none of these offences would have been committed but for your very serious mental illness. Second, you are a serious risk to the public only by virtue of your mental illness. Third your risk can be best managed in the setting of a secure hospital where you will be provided with appropriate medical treatment. While the nature of your illness is such that you may suffer relapses it is not suggested that the illness is incapable of treatment. Fourth, decisions about whether you should ever be released are best made by a Tribunal which is expert in assessing your mental state. Fifth, should there come a time when it is considered appropriate that you should be released from hospital you can be made the subject of appropriate conditions to ensure that your mental health does not deteriorate and which would permit your recall to hospital in the event that you failed to abide by such conditions. Sixth and very importantly, the making of this order is supported unequivocally by Dr Farnham, Dr Joseph and Dr Crosby. If I make the order you will be detained at Ashworth.
19. I should also record that Mr Keleher submits that you have demonstrated true remorse for what you have done. On its own in a case of this kind this feature is of comparatively little weight in determining the correct disposal.

Nonetheless it is true that as your health began to improve after your transfer to Ashworth you began more clearly to appreciate the enormity of what you had done. That recognition caused you to have a significant relapse in your state of health and I am prepared to accept that you do have genuine remorse for your actions on 19 October.

20. Having reflected upon Mr Keleher's submissions overnight and all the decisions of the Court of Appeal mentioned in the current edition of Archbold and, in particular, the decision in I.A. [2005] EWCA Crim 2077 I have reached the conclusion that I should accept what Mr Keleher QC says and make a hospital order.
21. Section 37 of the Mental Health Act 1983 permits me to make a hospital order if the following conditions are satisfied, namely
 - “ 2(a) the court is satisfied, on the written or oral evidence of two registered medical practitioners, that the offender is suffering from mental disorder and that either –
 - (i) the mental disorder from which the offender is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and appropriate medical treatment is available for him;
 - (ii)
 - (b) the court is of the opinion having regard to all the circumstances, including the nature of the offence and the character and antecedents of the offender, and to the other available methods of dealing with him, that the most suitable method of disposing of a case is by means of an order under this section.”
22. I am satisfied that those statutory criteria are met in this case and, in particular, I am satisfied that a hospital order is the most suitable method of disposing of this case.
23. Section 41 of 1983 Act permits me to make a restriction order if having regard to the nature of your offences, your antecedents and the risk of you committing further offences if set at large it is necessary to make such an order to protect the public from serious harm. I am so satisfied in this case.
24. Having reviewed the options open to me, to repeat, I am satisfied that the making of a hospital order coupled with a restriction order is the most suitable way of disposing of this case.

25. I should explain, shortly, what that means in practice. I will make an order that you should be detained at Ashworth Maximum Security Hospital without restriction of time. You will be released from that institution only if a Mental Health Tribunal considers it appropriate that you should be released. Given the nature and severity of your illness and the harm which you caused when in the grip of that illness you should expect that you will be detained in hospital for a very long period of time.
26. In respect of all the offences to which you have pleaded guilty I make hospital orders with a restriction order as I have described.
27. I make the following further orders. First, I direct the forfeiture of your Clio motor car and the van. Second, I direct that you should be disqualified from driving for a period of 25 and that before you be permitted to drive again you should take an extended driving test.
28. I conclude these remarks by paying my own public tribute to three categories of persons affected by what occurred. First, I pay tribute to the stoicism and resilience of the family of Ms Menzies and all the other victims and their families. Second, I pay tribute to all those members of the public who sought to assist in their own way as events unfolded, particularly those who afforded care to your victims until the emergency services were able to respond. Finally, I pay tribute to those police officers who did all that they could to arrest you and members of the emergency services and hospital staff who were called upon to provide emergency care in very difficult circumstances.