

DHR ANGELA

In this case, The Subject, was charged with murder and appeared in Crown Court. At the plea hearing the prosecution made it clear that they would accept a plea of manslaughter. Subsequently this was the entered plea.

The Judge, in the case, summed up and in deciding the sentence considered the mental health of The Subject, at the time of the offence. The Judge came to the sentencing decision of 21 years. Attached to this was a section 45A under the Mental Health Act. This meant The Subject would go straight to hospital and after suitable treatment, transferred to prison to finish the sentence.

An appeal was lodged, against the sentence and arguments made in favour of a change to the sentence. The Judge, presiding at the appeal, overturned the conviction and ruled under section 37/41 of the Mental Health Act. This determination was made as it was agreed that The Subject was not in control at the time of the offence.

The Subject was transferred to a suitable medical facility. The Subject could be released, from the facility, at a time the medical professionals consider the treatment to have achieved the desired outcome. At this time a request will be made to the Secretary of State for Justice, whom has to agree to the release. If The Subject is, subsequently released, they are considered to, no longer be a danger to the public.