

Attempted murder.

[2021]GRC026

**ROYAL COURT  
FULL COURT**

**12 July 2021**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Stephen Murray Jones OBE, Claire Helen Le Pelley,  
Jonathan Grenfell Hooley, Steven John Morris, David James Mortimer,  
Joanne Marie Wyatt, David John Robilliard, Marilyn Jasmine King,  
Felicity Jane Quevâtre-Malcic.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**Robin DUPONT**

**Advocate R J Calderwood appeared for the Crown  
Advocate C A Tee appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence in respect of one Count: the attempted murder of your wife, the maximum sentence is life imprisonment. You are now 57, you have old convictions ending in 1985 and a Caution in 2000 for possession of a bladed article.

The question of your mental state took-up a great deal of time from the offence on 19 February 2020 until today. A ‘not guilty’ plea was entered, and a possible insanity defence explored. To put the matter simply, after disagreement between experts, a joint Expert Report was prepared, which concluded that you were not insane at the time of the offence, which we will refer to in due course. We agree that you were properly entitled to explore this issue and you co-operated. The lockdown also added to the time interval.

We have heard the distressing facts of this case in some detail. You got two kitchen knives and attacked your wife in her sleep. She had 7 stab wounds to her shoulder and chest, 1 was 50 mm deep, also 2 stab wounds to the neck, 1 was 25 mm and defensive injuries to her hands. She, at first, thought it was a nightmare, you said various things including: “I’m sorry I can’t go without you. I can’t leave you here”. Your actions were described as being lacking in strong emotion. A pillow was applied to her face, but without great force. She rang 999 and you left the property. She was covered in blood and she took refuge with a neighbour. She was very fortunately, able to make a good recovery, albeit with scarring. She has declined to make a victim impact statement, as is her right, and has written letters supporting you.

You unsuccessfully tried to end your life by drowning and ended up in hospital yourself. You claimed to have heard voices saying, you should kill your wife. You admitted to the Police you used your mobile phone light to illuminate the room, “when I tried to kill my wife last night”.

The joint Expert's Report is accepted by both Prosecution and Defence. In summary, the conclusions from the Consultant Forensic Psychiatrist are:

- (a) you suffer from a recurrent depressive disorder and were suffering severely in the period up to the offence;
- (b) you were not suffering from auditory hallucinations at the time. The voice referred to was your own. There was no psychosis;
- (c) the severe episode of depression significantly impaired your thought process and clouded your judgment;
- (d) but despite this you were capable of knowing the physical nature and quality of your actions;
- (e) you were capable of knowing that what you were doing was morally wrong;
- (f) your severe depression did not prevent you from appreciating that what you were doing was legally wrong.

### **Sentencing Considerations**

In the Guernsey case of Jones (2011) a 15-year sentence was passed for an attempted murder and was upheld by the Court of Appeal. The facts are different, and it is not a guideline. Each case varies. English Sentencing Guidelines are helpful, but we have to sentence as a separate jurisdiction. On those guidelines the present case is indeed a serious one. The Prosecution observe that this was a premeditated attack with knives, which you had picked up earlier, and obviously serious injuries were caused, as well as the vulnerability of the sleeping victim, and a breach of marital trust.

We observe that weapons were used in an assault with serious bodily harm resulting. We have seen the photographs which speak for themselves. We do find the guidelines helpful, though we sentence on local, Bailiwick, considerations. Taking everything into account, we consider that we cannot dip beneath a starting point of 22 years, which could be rather higher - but this is not an arithmetical process.

We next turn to applicable mitigation.

### **Mitigation**

We note carefully your experienced Advocate's submissions, plus the large number (25) of references from third parties. Some of the observations, we are bound to say, fail to appreciate just how serious this attempt to kill your sleeping wife was. Your wife supports you. This is to your credit, but even that: i.e. the view of victims cannot deflect this Court from its duty to deal appropriately with very serious offences of violence. We treat you as effectively of previous good character and we give you some credit for your now inevitable plea, considering that your mental state has now been fully assessed and that you were entitled to have it examined. The Probation report makes it clear that a lot of work needs to be done with you and a treatment plan designed. The seriousness of the offence, the Probation Officer says, is such that she considers it paramount for further detailed assessment being needed over a lengthy period of time. An Extended Sentence Licence is sought which would provide supervision after your release for a period of 5 years.

Taking everything fairly into account, we afford you a merciful discount of rather over 40%. As we said and emphasise, every case is different and has to be looked at on its own individual facts. In considering the mitigation we also plainly cannot ignore your severe depressive state, but the mitigation only goes so far when the facts, as a whole, are considered. Exceptional leniency is plainly not called for, as the intention was to kill.

## **Sentence**

You are well-regarded by a number of people who have spoken up for you: your wife, as we have said, still supports you - but it is only through luck or providence that you are not facing a murder charge. You were sane and able to distinguish right from wrong. As we have said, the photographs speak for themselves. This is a most serious and worrying offence. You have been in custody, for the period we have referred to, since 19 February 2020 and the sentence will commence from that date. There are indeed considerable aggravating factors, as has been set out. We also point out that serious cases of this type are still, fortunately, uncommon in the Bailiwick and sentencing must reflect that.

Taking all these matters into consideration Mr Dupont, the sentence is 12 years' imprisonment with effect from 19 February 2020 with Forfeiture and Destruction Orders as requested.

## **Extended Sentence**

As indicated, the Probation Officer, in an admirably thorough report, has recommended an Extended Sentence.

On the facts of this case, having considered the recommendation and the grounds for making it, we agree.

Such a sentence is necessary for the prevention of further offences and to achieve your rehabilitation. You have a custodial period of 12 years and we attach a 5-year extension.

This means, Mr Dupont, that after your release you will be subject to 5-years supervision. If you commit further offences or fail to comply with the requirements of the Supervision, you could be returned to Prison for the period of the extension.

The standard conditions are in a Notice and will be given to you and you will receive that written Notice setting them all out. We consider that the circumstances of this case justify the two additional conditions, namely:

- 1) To comply with any requirements specified by your Supervising Officer for the purpose of ensuring that you address your offending behaviour problems.

And, noting that you and the victim intend to remain together, but also that this could change over the passage of time and the need in this case for risk assessment, to decide the nature of such contact, we deem it proportionate and justifiable to add:

- 2) Not to approach or communicate directly or indirectly with the victim of the offence without the prior permission of your Supervising Officer.

The members of the Court have heard the facts of this case in some detail and before concluding, we would like to express our thanks to the neighbour, Mr Crowley, for his assistance which I hope will be passed on.

The sentence is 12 years imprisonment from the date given, a 5-year Extended Sentence which is an extra period of supervision called for in the circumstances of this case and the Forfeiture and Destruction as requested.

**J R Finch, O.B.E.  
Lieutenant Bailiff**

**12 July 2021**