



JUDICIARY OF
ENGLAND AND WALES

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-v-

NICOLA EDGINGTON

CENTRAL CRIMINAL COURT

4 MARCH 2013

**SENTENCING REMARKS OF HIS HONOUR JUDGE BRIAN BARKER Q.C.
RECORDER OF LONDON**

The professionals who have examined you over the years have revealed a troubled and difficult history. During the trial we have reviewed the findings in considerable detail. The central aspects I must re visit.

On November 4th 2005, aged 25, at the invitation of your mother, you returned from London to Forrest Row. Having spent some of the evening with your brother you returned to her home where she was living alone. There had been a running dispute as to the welfare of your young children and within a short time of arriving you stabbed her to death with a large kitchen knife. You were remanded to HMP Bronzefield and then unsurprisingly spent some months being assessed at the Bracton Centre prior to sentence. You were diagnosed as suffering from paranoid schizophrenia with a prominent mood component at the time of the killing, and your plea of diminished responsibility was accepted at the Lewes Crown Court on October 23rd 2006. Orders were made under s.37 & 41 of the Mental Health Act 1983. No further signs were detected and your treatment with anti-psychotic and mood stabilising medication continued.

It is clear from the evidence that we have heard that you were considered a suitable candidate for a return to the community within a comparatively short time and by January 2009 a discharge plan had been drawn up. In September 2009, with the concurrence of all including the MoJ, you were conditionally discharged. Your medication was to continue, you lived in approved accommodation and you had regular meetings with the consultant psychiatrist, your community psychiatric nurse and the forensic social worker. It is quite clear that you had considerable support and understanding throughout this period.

You travelled to Jamaica twice in connection with your children and in early 2011 became pregnant, and by agreement the taking of sodium valporate ceased. After a

miscarriage you obtained a part-time job and at the end of September you contacted your brother on Facebook. It is perhaps no surprise that this attempt was greeted with less than enthusiasm.

Two years have now gone by since the discharge, and on Friday October 7th you reported sick to your employers and a relapse of some sort occurred over the following weekend. By Sunday evening you were calling the police complaining about crackheads in your flat and on 03.30 Monday morning you were in a cab making some attempt to get to hospital for treatment. You were taken back to the cab office and the employees were sufficiently alarmed by your behaviour and requests to go to hospital, that they called the police. Local officers arrived, assessed the situation and promptly took you to the busy A&E of the Queen Elizabeth Hospital. There they waited with you and once you had registered at 04.45 they returned to their duties.

It is apparent that you were attempting to contact the Bracton Centre and your carers on your mobile but had no success. Your demeanour and aggression was clearly a cause of concern. Within 30 minutes you were seen by the triage nurse and arrangements were made to transfer you to the adjoining psychiatric unit Oxleas House. Meanwhile you had made a number of 999 calls indicating that you were dangerous, were having a breakdown; that you were being ignored, had done a murder before and could end up hurting someone if the police did not come.

You were assessed at 05.30 by a nurse from Oxleas, your records were obtained and after being escorted over you arrived at the Centre at 06.40.

You, at your own request, were left in an internal garden area to smoke. The plan was to admit you and records were investigated. Dr Idowu, the Senior House Officer, told us that as became more aware of your complex history and the conviction, his view was that you needed further investigation, to be detained if necessary and that you were a possible danger.

You then decided to leave the closed unit, and where you had asked to be. You said later that 'they were just tapping keyboards, I told them I was going to hurt someone, this all their fault.' It was unfortunate that at this time the shift was changing, and one of the doors was apparently faulty. You remained briefly in reception before walking through and out onto the street. Once the staff realised this, Dr Idowu was notified and he immediately dialled 999 and notified the police of his concern.

Much of the rest of the story is captured by one CCTV camera or another. You can be seen boarding a bus outside the unit with your freedom card, changing at Kidbrook Station and journeying on to Bexley Heath Town Centre. No unusual behaviour is noticeable on the two buses and you continue to make calls. At 08.13 you got off and within minutes entered Asda. You can be seen making enquiries, selecting a large kitchen knife and paying at a self-service till. You entered the ladies' toilet and discarded the wrappings. You left the store, walked to a nearby bus stop and immediately attacked Kerry Clark with an overarm blow aimed at her chest. She was a complete stranger and listening to music while waiting for her bus. Fortunately she reacted with speed and bravery and grasped the blade with both hands. Your aggression forced her to the ground but she managed to retain the knife and kick you off. You demanded the knife back before slipping off as members of the public began to assess and react. A number of observers called the police including Mr Nicholas Morris who followed you and was able to give the police a running commentary and later warn a passer-by of impending danger

Having gone over the road, you entered a butcher's shop and while the employee's back was turned stole his large working knife. You set off towards the Bowling Alley, crossing a major junction in doing so.

Mrs Sally Hodkin, another complete stranger, had changed her usual route to work and was walking into the town centre. You went directly to her, attacked her violently without pause and left her on the grass. She suffered a number of incised wounds, delivered with severe force to her neck and head. In the view of the pathologist, Mrs Hodkin's death was swift.

You then went to the shops at the junction, telling the shopkeeper that you thought you had hurt someone and killed them. By this time officers, directed by Mr Morris, were arriving and you were arrested. You made further limited admissions and after being taken back to the QEH for an injury to be dressed, you were booked in to Lewisham Police Station. Professionals there took the view that your condition was deteriorating and you were later seen by medical staff who had arrived from the Bracton Centre. It may well be that both before and after you were experiencing some form of transient psychosis. You were charged in the early hours of the next morning and on October 12th you were transferred to Russet Ward at Ealing Hospital where you remained until trial. You have subsequently claimed complete amnesia.

The psychiatrists that subsequently examined you accept that you were suffering from an abnormality of mental functioning, but disagreed as to what it was. The jury concluded on all the evidence that any such abnormality did not substantially impair your ability to form a rational judgment or to exercise self-control during the crucial period and did not provide an explanation for the crucial conduct.

In Russet Ward you continued to receive anti psychotic medication but showed no signs of psychosis. What the records show is aggression, intimidation, disruption, anger and emotionally instability particularly when your demands were not being met, and a regular feature was blaming everyone else for your situation. Dr Joseph's view is that early and continuing diagnosis after your mother's death of paranoid schizophrenia is understandable, but when your behaviour after your arrest for these matters is added to the overall picture the dominant characteristic above your mental health difficulties is a borderline personality disorder with the ability to form rational judgment.

However we look at things, both before and after, your actions from deciding to leave the security of the Oxleas Unit to the stabbing of Mrs Hodkin were a consistent and calculated course of criminal conduct. What I conclude from the full spectrum is that you are manipulative and exceptionally dangerous

I am moved by the words of Mr Hodkin and his family describing the personal suffering arising out of the death of Mrs Hodkin. Everyone in the family and his friends from that moment on has been struggling to understand their loss, and the fact that she has gone for ever. Nothing that we can do, or say, can turn back the clock, and while over time Mrs Hodkin's family and friends may get used to her death, they will never get over it, and she will not be forgotten.

I have not been asked for pre-sentence reports and I note the recent medical report indicating that there is no need for hospital treatment. I have listened carefully to what

has been said helpfully on your behalf by Mr Cooper. In particular he submits that you had a significant condition and at the time that you were a woman in crisis trying to comply with directions in the care plan.

He submits that there was little premeditation and it should be relevant that she was not given the help that she was seeking due to failure by the various authorities. In addition he submits that the court should adopt a 25 year start time for the murder and that there are mitigating features in relation to the attempted murder.

I disagree that responsibility for these acts can be laid at the door of others. You made a choice and the fact is these were terrible acts, and you must take responsibility for what you did. I cannot ignore the fact that you have killed before and that overall you have come as near as can be to having three deaths at your hands.

The penalty for murder is mandatory; it is life imprisonment. Parliament in 2003 set out the procedure. I have to determine the minimum term that you must serve before you may be considered for release on licence.

Looking at the overall circumstances, although in accordance with the amended schedule 21 of the CJA 2003 the starting point in this case could be one of 25 years, in my view this offence falls within paragraph 5 namely 'particularly high' despite not being one of the non-exhaustive examples; and thus in my judgment the appropriate start point is 30 years.

I next have to consider whether there are any aggravating or mitigating features which might increase or decrease the minimum term to be specified

There are a number of aggravating features including premeditation, and a determination to overcome failure in order to achieve your ends. Additionally, the fact that you obtained two knives for only one conceivable reason and the fact that you chose the ideal location to rearm yourself. These attacks were unprovoked and random

The main mitigating feature is that you suffer from a mental disability, but on the particular facts of this case there is no convincing case to conclude that the abnormality reduced your culpability to any significant extent. I have been referred to various authorities with regard to sentence, although each turns very much on their own facts.

In addition you have been found guilty of attempting to kill Kerry Clark. The fact that you failed was only due to good fortune and swift reaction.

I have a variety of sentencing options in relation to this offence. In view of the more serious conviction, I intend to treat that offence as an aggravating feature and reflect it in an increase to the minimum to be served in the life sentence

In my view the cumulative features means that I have to raise the minimum term. What you did could not have been more selfish. The Hodkin family have lost a loved and central member; meanwhile Kerry Clark is lucky to be alive and has had to wrestle with the disruption and long term turmoil that your actions generated. For all that you have to take responsibility.

Taking all factors into account the minimum period of your life imprisonment term will be one of 37 years.

For the attempted murder I have concluded that you represent a significant risk to the public under s.225 and that a life sentence is appropriate. I have considered the guidelines. A period of 20 years is the notional determinate term. I am required to take into account the days served and reduce the appropriate figure by half. The exact sentence will be calculated.

On the information I have the period for each of you is 510 days
But if this period is mistaken this court will order an amendment of the record for the correct period to be recorded

The law says this means that it is only after you have served the minimum period for count two, the murder of Mrs Hodgkin; that will then be eligible for consideration for release by the Parole Board in their discretion.

If and when released you will be on licence for the rest of your life.

I wish to acknowledge the patience, dignity and suffering of the Hodgkin family and Kerry Clark and hope that they will be able to move forward, at least to some extent, in their lives

I also wish to pay particular tribute to Nicholas Morris. By following and commenting he ignored his own safety and demonstrated public spiritedness of the highest order. I would hope that senior officers would be able to recognise his actions in some appropriate way.

I also wish to acknowledge the actions of all officers who responded during the course of these unhappy and difficult events, and the investigating officers for their extensive preparations.

Finally my thanks to all counsel for their help, and to those jurors who have returned my thanks again for your service to the Court and to the community.

HH Judge Brian Barker Q.C.
The Recorder of London.