

On the 6<sup>th</sup> September 2022 the jury convicted you by a majority of Wounding contrary to section 20 of the Offences Against the Person Act. That was an alternative to count 2 on the indictment. Prior to the start of the trial I had invited the Prosecution to consider this charge and was told that Mr Turpin had offered to plead to this charge but that plea was not acceptable to the Prosecution

## Facts

1. As of September last year, you and Joan Turpin were both aged 89. You had been married for nearly 70 years. Your marriage had been a happy one, and you had been a good and loving husband.
2. Your wife, Joan's health had deteriorated. She had lost her eyesight. She needed a catheter. You have no children and immediate family support was limited. The evidence suggests you were too proud to ask extended family for help. You had limited home care support. In short therefore your wife Joan was dependent on you for her care in a significant way.
3. At approximately 1:30am, on 22 September 2021, you stabbed your wife twice in the chest, once in the area of her right breast, once in the area of her right armpit. You also stabbed her twice to the upper abdomen. There were also cuts to the back of both her hands which were consistent with being defensive injuries. The injuries to Joan Turpin's chest caused her right lung to collapse.
4. Shortly after you stabbed Joan, you telephoned the emergency services. You told the operator "I can't take any more of it....She's been ill and it's got right on top of me." You said that "I tried to stab her and I've stabbed myself." Asked where Joan Turpin was injured, you said "by her heart." The Operator went on to say he would tell the you how to stop the bleeding. You said "No I don't want to stop the bleeding. We want to die."
5. Throughout the call, in the background, your wife was crying out for "help".
6. You hung up the telephone. The operator telephoned back. You answered angrily "what?". You went on to explain that "she's been ill, she's come home, all she's gone is got on my nerves....I've just burst. I've just gone."

7. Shortly afterwards, the operator called back and you spoke again. You told the operator “I don’t want nothing done now. I want to die. She wants to die.” Again, your hear wife is in the background crying out for help.
8. At the same time as refusing assistance or direction to stop the bleeding you were repeatedly urging the ambulance service to hurry up and attend at your property. I accept Mr Gledhill’s submissions to the jury in his closing address that your interaction with the emergency service was confused and demonstrates a lack of clarity in your thinking that night.
9. Following those calls, police officers and the London Ambulance Service went to your home. As is normal, they recorded the events using cameras worn on their uniforms. The officers were met at the door by you. The officers split up, going to both Joan Turpin and you.
10. Joan Turpin told the police “he’s hurt me”, that she could not breath and that “he stabbed me.” She explained that he said “he’s had enough.” She said that she went to sleep, and she woke up “and he started.” Joan Turpin also confirmed that you did not suffer from any mental health difficulties.
11. Whilst Joan Turpin was treated upstairs, you were spoken to downstairs. You told the police “I’ve had enough” and “I just can’t stand no more.”
12. Joan Turpin was recorded talking to the police whilst she was in hospital the next day. She explained that “he woke me up with the knife in my chest. Telling me he couldn’t take any more. It made him ill and then the knife went in. I was screaming for help.” She described you inflicting “little stabs” on her and expressed fear for you and described you as a lovely man.
13. You were arrested. You had not only stabbed your wife but you had also stabbed yourself to your abdomen. You had caused yourself some internal injury and had to undergo surgical intervention.

14. Some days later you were interviewed by police. You were assisted by a solicitor. You chose, as is your right, to answer “no comment” to all the questions asked of you, rather than take the opportunity to put forward any account as to what had taken place.
15. You gave evidence to the jury. Your evidence as to your actions and intentions was not clear. You told the jury that you had woken to your wife uncontrollably screaming. That in spite of your efforts she would not quieten down and that you had gone down stairs to find a knife to try to scare her to quieten her. You told the jury you had no recollection after that point. You disputed any suggestion of aiming for any particular or significant part of your wife’s body.
16. I am driven to the conclusion that you were acting under considerable stress in the early hours of the 22<sup>nd</sup> September 2021. As your wife Joan told the police you must have been as otherwise there is no sensible explanation for your conduct in attacking the person who you hold most dear. Whilst I cannot be sure that you were woken by your wife in the manner you suggested it is quite clear that you were overcome by the stress and responsibility of looking after your wife. In the early hours of the morning, when things often seem extremely bleak and hopeless you armed yourself with a knife. What you intended as a result of taking that knife into the bedroom is not clear. The jury’s verdict is that you were reckless as to whether you caused any injury to your wife from the use of that knife. They were not sure that you intended to cause her really serious harm or kill her. Your phone call to the emergency services showed confusion on your behalf.
17. From your wife’s medical notes, Professor Jason Payne-James noted she had the following injuries:
  - a. multiple stab wounds:
    - i. 1 in right axilla (armpit), between 3cm and 5cm in length;
    - ii. 1 in area of right areola (area around the nipple), 1cm in length;
    - iii. 2 x in epigastrium (upper part of the abdomen over the stomach) both 2cm in length;
  - b. A single skin /tear laceration on back of left hand 4cm in length;
  - c. A single skin /tear laceration on back of left hand 2cm in length.

18. The injuries to the chest had caused a collapse of the right lung.
19. Joan Turpin was admitted to hospital for treatment. The wounds to the axilla, areola and one of the wounds to the epigastrium were treated with sutures (stitched). She has recovered fully from those physical injuries.
20. Professor Jason Payne-James concluded that from the medical evidence provided Joan Turpin sustained four penetrating wounds on 22 September 2021 consistent with having been caused by a knife such as that shown in the exhibits.
21. The depths of the wounds (and thus the depth of penetration of the knife) are not recorded. As they required suture, all penetrated the skin thickness. Three of them did not go deep enough to enter abdomen or chest.
22. The wound which penetrated the chest cavity on the right is likely to have penetrated at least 2cm – even in a frail elderly individual. The force required to penetrate skin, even in the elderly and with a sharp knife is at least moderate.
23. There is no victim personal statement. That is not surprising given Mrs Turpin's repeated expressions of love and affection for you, her husband of nearly 70 years. Emma Staples, the care home manager where Mrs Turpin now resides, has made a statement in which she talks about the considerable psychological impact on Mrs Turpin. It is very hard to disentangle the extent to which that psychological impact is in part as a result of the enforced separation from you.
24. You are a man of impeccable good character. You were a butcher in Smithfield market for 30 years. Police investigations have supported Mrs Turpin's assertion that you have never raised a hand to her in all your years of marriage.
25. I have to have regard to the sentencing guidelines which provide a framework for assessing the appropriate sentence. They are a guide and not a rigid or inflexible system.

26. It is not disputed that in this case Mr Turpin's culpability for his offence is in the higher range— Mrs Turpin was plainly vulnerable due to her age and her ill health and Mr Turpin used a carving knife to stab her
27. The harm that Mr Turpin caused on the guidelines can be assessed as medium. He caused some physical injury but fortunately whilst it was grave for a period of time it was thankfully not life changing. I have already remarked that the psychological damage to Mrs Turpin has been significant as your actions have brought about your separation and attendant stress to her.
28. The starting point for an offence of high culpability causing a medium degree of harm is 3 years, with a range of 2-4 years.
29. I accept the starting point of 3 years. Your offence is aggravated by the fact that it was committed in a domestic context. You stabbed your wife repeatedly in her own home, when she was asleep in her bed. That would increase the sentence from the starting point to closer to the top of the range.
30. There are a number of mitigating factors. I have already referred to your good character, you are 90 years of age with an unblemished record, you have expressed remorse for your actions, your offence arose out of your responsibility of being a sole carer for your ill wife and your sense of not being able to cope with her deteriorating health. You have considerable health issues of your own. You have heart problems that have required surgery earlier this year. That surgery has caused ongoing problems. You were hospitalised during the course of the trial with an infection.
31. I am entirely satisfied that the mitigating factors and the wholly exceptional nature of this case are such that they substantially and significantly outweigh the aggravating feature(s) enabling me to reduce the sentence. The sentence however clearly passes the custody threshold.
32. Personal mitigation.

33. As a result of your actions in early hours of that September morning you have been separated from your wife. You spent just over two months in custody initially out of concerns that you might hurt yourself again. Your wife was placed in a care home. You have only been able to have telephone communication with her since Easter when there were fears for both of your health. You will never be allowed to live independently with your wife.
34. It is clear from all of the evidence, including the letter from your wife's nephew and the family friend Aimee Jefferies that your marriage was a wonderful one. I accept to a degree Mr Allen's observation that what happened in September last year was a tragic circumstance of age and love. I entirely accept your remorse for your actions and their consequences for your wife.

#### Sentence

35. I am not going to send you to prison today. You have had a taste of what prison life is like and I am entirely satisfied that the period you spent in custody was a significant punishment. The events of that September morning will never arise again. You present no risk to the public. I have had regard to the community and custodial guidelines – you clearly have strong personal mitigation.
36. Your actions though cannot go without punishment. What happened that September morning should never have happened. I have already indicated that the threshold for prison has been passed. Against that you have significant mitigation as I have already identified within the sentencing guidelines. That in my judgement reduces your sentence.
37. I also make some adjustment to the sentence to take account of the fact that you had offered to plead to the offence of which you were convicted as long ago as November of last year. The prosecution were invited to reconsider that position on the first day of trial. Had the prosecution accepted that plea a trial would have been avoided with the attendant stress on you and you would have received credit (a reduction to any sentence that the court would have passed) to reflect your admission.

38. In my judgement allowing for your significant mitigation and making some adjustment for your rejected offered plea I arrive at sentence of two years imprisonment.
39. I have already told you that you are not going to prison today because I am going to suspend that sentence which means that it will not take effect today. That sentence will be suspended for two years. That means if you commit no further offences (of any kind) in the next two years you will not go to prison. If you do commit an offence in that two year period you may go to prison for some or all of that period.
40. In addition to a sentence of imprisonment I am going to impose a curfew on you which will be electronically monitored. This means you must stay in your home address at night from 9pm to 7am. I take account of the fact you spent over 2 months in custody in considering the duration of that requirement. I determine that the curfew should be in place for the next 3 months. If you have any outdoor area the curfew will extend to you being able to use that area. The curfew will take effect from when your solicitors notify the court that you have been released from hospital.
41. I have to impose the statutory surcharge and I make a collection order.
42. I order forfeiture and destruction of the carving knife

HHJ Durran

21.09.22