



**PUBLIC PETITION NO.**

**PE01565**

### **Name of petitioner**

James Dougall

### **Petition title**

Whole of life sentences for violent re-offenders

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to increase the maximum possible sentence for violent re-offenders who commit murder to be a whole of life custodial sentence.

### **Action taken to resolve issues of concern before submitting the petition**

Previously contacted the office of James Dornan, MSP for Glasgow, Cathcart to discuss the idea of increasing sentence terms who advised that raising a petition was the best course of action

### **Petition background information**

Currently, the charge of murder is required by law to carry a mandatory life sentence, the custodial element of the life sentence being split into two parts; a determinate period (the punishment part) which must be served in custody in order to satisfy the requirements for retribution and deterrence; and an additional indeterminate period during which the prisoner remains in custody for the protection of the public.

The court, when imposing such a sentence, must specify (in years and months) the part of the total sentence which is being imposed to cover the punishment part.

The completion of the punishment part, does not signal the automatic release of a prisoner. Prior to any release, the Parole Board for Scotland must be satisfied that continued confinement is no longer required for the protection of the public and if a prisoner is released that (s)he will be subject to lifelong conditions and supervision.

When deciding on the punishment part of mandatory life sentences the court is directed to take into account:

- the seriousness of the offence(s) for which the person is being sentenced
- any previous convictions
- any reduction of sentence which might be appropriate following an early guilty plea.

In the early hours of the 9th April 2014 an intruder carrying two knives forced his way into the home of Isabelle Sanders and her partner of nearly 30 years. The intruder stabbed Isabelle's partner three times in the chest and despite his age (85) and the

injuries sustained he luckily survived the attack. Isabelle, on the other hand, was brutally stabbed 37 times in the head, neck, chest, back, arm and hands and died of her injuries at the scene. The intruder then attempted to steal their car unsuccessfully and eventually left the crime scene with only 300 pounds cash, a laptop and a decanter of whisky. At trial, Paul McManus was found guilty of both the attempted murder of Isabelle's partner and the murder of Isabelle. He was also found guilty of assaulting a man on the 8th April 2014 and of a violent robbery on the 2nd April 2014. After the trial it was revealed that McManus has a number of previous convictions for violence including offences involving knives and at the time of these latest crimes had been out on licence for only 5 weeks.

To be released early from sentence McManus would have been assessed by the parole board and would have been judged to present a low risk to the public, he would also have had to agree to the terms of his licence i.e. not to commit further crime.

In a situation such as this where a previously violent offender flagrantly disregards the rehabilitation offered and the opportunity given to him through early release and then goes on to commit a violent murder then I believe that the Scottish Judiciary need to be given the option and the guidance to impose a whole of life punishment sentence.

Not least because the risk that this type of person presents to the public can never be considered to be acceptable. It would also provide reassurance to the general public that justice was being adequately served and that violent re-offenders will not be allowed to destroy other innocent lives.

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/37lifemeanslife>

#### Related information for petition

<https://www.facebook.com/theweeizzy?ref=ts&fref=ts>

#### Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

#### How many signatures have you collected so far?

0

#### Closing date for collecting signatures online

01 / 05 / 2015

#### Comments to stimulate online discussion

Currently, the charge of murder is required by law to carry a mandatory life sentence, the custodial element of the life sentence being split into two parts; a determinate period (the punishment part) which must be served in custody in order to satisfy the requirements for retribution and deterrence; and an additional indeterminate period during which the prisoner remains in custody for the protection of the public.

The completion of the punishment part, does not signal the automatic release of a prisoner. Prior to any release, the Parole Board for Scotland must be satisfied that continued confinement is no longer required for the protection of the public and if a prisoner is released that (s)he will be subject to lifelong conditions and supervision.

When deciding on the punishment part of mandatory life sentences the court is directed to take into account:

- the seriousness of the offence(s) for which the person is being sentenced
- any previous convictions
- any reduction of sentence which might be appropriate following an early guilty plea.

In the early hours of the 9th April 2014 an intruder carrying two knives forced his way into the home of Isabelle Sanders and her partner of nearly 30 years. The intruder stabbed Isabelle's partner three times in the chest and despite his age (85) and the injuries sustained he luckily survived the attack. Isabelle, on the other hand, was brutally stabbed 37 times in the head, neck, chest, back, arm and hands and died of her injuries at the scene.

After the trial it was revealed that the intruder had a number of previous convictions for violence including offences involving knives and at the time of these latest crimes had been out on licence for only 5 weeks.

In a situation such as this where a previously violent offender flagrantly disregards the rehabilitation offered and the opportunity given to him through early release and then goes on to commit a violent murder then I believe that the Scottish Judiciary need to be given the option and the guidance to impose a whole of life punishment sentence.