

**86.32    *Restriction Orders        Judge can make one against medical advice***

*R v Talarico* 2013 EWCA Crim 2798 D pleaded to three counts of attempting to cause ABH. He carried out three random, unprovoked attacks on members of the public who were unknown to him. In a pub, D approached V from behind. He wrapped a cable round her neck and choked her. When the cable snapped he ran off laughing. Within minutes he made a similar attack on V2, a 6-year-old, with a belt. When V2's mother pulled her away the belt slipped off. A few minutes later D put a washing line around V3's neck. The line was pulled and V3 could not breathe. V3 managed to struggle free. D was arrested and transferred to a secure hospital. D was aged 42 at appeal and had two common assault convictions in 2004 and 2006. He received a penalty notice for domestic violence and was cautioned for putting his hand over a woman's mouth in the street. D was assessed as having a depressive psychosis. D said he heard voices telling him to choke or suffocate someone or even kill them. A Hospital Order was agreed. Two doctors considered a Restriction Order was not necessary as his illness was under control. The Judge said the offences were extremely serious and potentially dangerous and made a Restriction Order. Held. We agree with the Judge's comment about the offences. He was perfectly entitled to consider the risk that D may relapse if he reverted to alcohol and/or drugs and failed to take his medicine. The Judge was able to make a Restriction Order. However because of the latest medical report, the order could be removed.