

BEFORE THE PROFESSIONAL CONDUCT COMMITTEE OF THE  
ROYAL COLLEGE OF VETERINARY SURGEONS

RCVS

v

DR ALBERTO GIACOMO FIOLETTI MRCVS (Respondent)

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DECISION OF THE DISCIPLINARY COMMITTEE ON FITNESS TO PRACTISE AND  
SANCTION

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**The Conviction**

1. On 8 December 2023, at the Bournemouth Crown Court, the Respondent was convicted, following a not guilty plea, of the offence of Murder contrary to common law.
2. On 15 January 2024 at the same Crown Court, the Respondent was sentenced to life imprisonment with a minimum term of 15 years.
3. The certificate of conviction appears at page 10 of the Inquiry Bundle.

**The Facts underlying the Conviction**

5. The transcripts of the sentencing proceedings at Bournemouth Crown Court appear at 12-50 of the Inquiry Bundle.
6. The Committee accepts that the Judge's sentencing findings and remarks, form the basis on which the Respondent was convicted and sentenced.
7. As appears from the transcript, in sentencing the Respondent, Her Honour Judge Evans KC made (amongst others) the following findings: the Respondent "had a history of threatening self harm when relationships would come to an end and being emotionally manipulative towards those with whom you were in a relationship and on occasions those with whom you worked; represent[ed] a significant danger to any female with whom you find yourself in a relationship; carried out a ferocious attack upon her with that knife; the number and depth of the stab wounds, at least seven of them, ... demonstrates that your attack upon Stephanie was brutal and I am sure that in that

moment your intention was to kill her; You had behaved in a controlling manner towards her on 5 May, so I am in no doubt that this was offending in a domestic context, which makes your offending more serious and is a significant aggravating feature. At the current time there is no doubt in my mind that you represent a significant danger to any female with whom you find yourself in a relationship”.

## **Fitness to Practise – Stage 2**

8. At this Second Stage of the Proceedings, the Committee has to consider and determine whether, the facts found to be proved render the Respondent unfit to practice veterinary surgery.
9. The Committee has had full regard to the Advice given by the Legal Assessor which it accepts. Accordingly, when considering whether a conviction renders a Respondent unfit to practice, the Committee has applied the same test as it is required to do when assessing whether the behaviour amounts to disgraceful conduct in a professional respect.
10. Disgraceful conduct in a professional respect means conduct which falls **far** short of that which is to be expected in a member of the veterinary profession. This is a test which was approved in the decision of the Privy Council in McLeod v. RCVS [2005].
11. There is no burden or standard of proof involved in the Committee’s determination of the issue of fitness to practice - it is a matter for the Committee’s judgment.
12. The Committee accepts that for a conviction to render a person unfit to practise as a veterinary surgeon, it need not relate to conduct in his professional practice. This is confirmed by the contents of the Disciplinary Committee’s Procedure Guidance (August 2020) which provides (paragraph 25):  
  
*“A conviction may be related to professional or personal behaviour and whether it renders a respondent veterinary surgeon unfit to practise is a matter of judgment for the Disciplinary Committee. Behaviour unconnected with the practice of veterinary surgery can cause concerns about the protection of animals or the wider public interest.”*
13. In its Written Submissions the College has set out a number of propositions of law which the Committee endorses and accepts. These are set out immediately below.
14. The “*wider public interest*” referred to in the Procedure Guidance of 2020 includes upholding the reputation of the profession of veterinary surgeons and maintaining public confidence in the profession. A veterinary surgeon may be unfit to practise as a result

of conduct which is of such an egregious nature that it has the potential to bring the profession into disrepute and undermine public confidence in the profession.

15. As observed by Lord Clyde in the case of Roylance –v- General Medical Council [2000] 1 A.C. 311, serious professional misconduct may arise where the conduct was “*quite removed from the practice of medicine but is of a sufficient immoral or outrageous or disgraceful character*”.
16. Further, the Privy Council in the case of Kirk v Royal College of Veterinary Surgeons [2004] UKPC 4, Lord Hoffmann stated (para.33): “*veterinary surgeons as professionals have wider duties than the care of animals. They are expected to conduct themselves generally in accordance with the standards of professional men and women and failure to do so may reflect upon the reputation of the profession as a whole...*”
17. The Committee has taken into account aggravating and mitigating factors at this Second Stage, but only in so far as those factors relate directly to the circumstances of the conviction itself (and are not, for example, purely personal mitigation). In this case the Committee considers the following to be relevant aggravating factors at the unfitness to practise stage (paragraph 39 Procedure Guidance):
  - a. *Actual injury to an animal or human (here the victim, Ms Hodgkinson)*
  - b. *Risk of injury to an animal or human (here Ms Hodgkinson)*
  - c. *Causing serious harm to ... the public*
  - e. *Offences involving violence and/or loss of life.*
18. The Committee considers that each of these aggravating factors is present in this case. The Committee also agrees with the Sentencing Judge’s findings as to the presence of other aggravating factors, which are to be found in the following passages of the Sentencing Transcript:

*“The impact on the whole family is beyond description and they will never get over the loss of Stephanie. You knew when you killed her that she had two young children to whom she was devoted. Regrettably there is little that this court can say or do that can in any way compensate or seek to compensate for the loss of Stephanie’s life. That will be a loss borne by her family and friends, and particularly her two sons for the rest of their lives. The damage that you have done in taking the life of Stephanie Hodgkinson is immeasurable and will be enduring.*”

*You, Alberto Fioletti, were diagnosed at a young age with an emotionally unstable personality disorder. It has never been in dispute in this case that you suffer from that disorder and that it is of a severe nature. You have engaged in treatment over many years to try to effect some change in your behaviour, but you have never succeeded, and you remain unable to sustain intimate relationships. You have a low tolerance to rejection and apparent inability to exercise self restraint, and you have demonstrated over the years dangerous and impulsive behaviour and severe episodes of self harm. You had a history of threatening self harm when relationships would come to an end and being emotionally manipulative towards those with whom you were in a relationship and on occasions those with whom you worked. Much of that behaviour resulted from your emotionally unstable personality disorder and is a manifestation of that disorder. But as Dr Cumming said, there is a slightly malign aspect to that in wanting to hurt people. You are an intelligent man who has had enough therapy over the years to know how your behaviour will affect other people. You are aware of your issues and aware of the manner in which you can react in some circumstances.*

*On Friday 5 May you were at Stephanie's home, and you began a serious argument between you about what you now accept was an entirely trivial matter. Stephanie had spent some time speaking to a friend on the doorstep, which she was more than entitled to do, at a time when you felt that she should be studying. You entirely overreacted and reverted to the sort of behaviour that you had displayed in previous relationships, threatening her that you would kill yourself and that it would be her fault. You displayed on that occasion elements of coercive and controlling behaviour against Stephanie. That argument took place in her home and her children would have been present. It is a relatively small space and no doubt the children would have been aware of it.*

*... Stephanie allowed you into her home where she was alone before your arrival. She was disinterested in your cards and flowers. This upset you and you tried to call your mother. You could have decided to leave, but you did not. You insisted that Stephanie read your card. She did, but she then told you that she did not love you but she cared for you. When she rejected you, you said that you felt emotionally overwhelmed, lost, abandoned and humiliated. In my view you were also angry with her. As Dr Cumming said, anger, even overwhelming anger, is a facet and potential for any person given the right triggers and circumstances. You punched her to the face and that would have been a significant blow looking at the facial injury which was caused either by the blow or as she fell. You then picked up a large kitchen knife that Stephanie had been using to cut vegetables and carried out a ferocious attack upon her with that knife. As you told the ambulance operator you killed her because she did not want to be with you anymore.*

*The number and depth of the stab wounds, at least seven of them, with some of them penetrating 12 to 15 centimetres into her body, together with the blood splatter evidence in the home demonstrates that your attack upon Stephanie was brutal and I am sure that in that moment your intention was to kill her. She had no chance to try to defend herself and no chance in any event, alone as she was, against a determined male attacker armed with a large knife.*

*However, you are a highly intelligent man and you know that on occasions in relationships you would behave in an emotionally manipulative manner in your relationships with others. Despite knowing that, you chose to attend her address that day knowing there was every chance she would tell you that the relationship was over and that she would react to that.*

*Insofar as the aggravating features are concerned there are no statutory aggravating features, but firstly, the use of a knife, albeit picked up at the scene in the moments before you stab Stephanie. Secondly, that it was an attack of significant ferocity and Stephanie will have felt extreme physical and mental distress, and whilst it is apparent that she died not long after receiving those stab wounds, in that short time before she died she would have experienced extreme physical and mental suffering. Thirdly, the attack took place in her own home where she was entitled to feel safe, and fourthly, it took place in a domestic context whereby Stephanie had been in a relationship with you, she trusted you and allowed you into her home. You had behaved in a controlling manner towards her on 5 May, so I am in no doubt that this was offending in a domestic context, which makes your offending more serious and is a significant aggravating feature.”*

[The Sentencing Judge also added]

*“At the current time there is no doubt in my mind that you represent a significant danger to any female with whom you find yourself in a relationship”.*

As regards Mitigating Factors the Sentencing Judge said:

*“Insofar as the mitigation is concerned, firstly your mental disorder is a statutory mitigating factor. You are a highly intelligent man and you have always recognised your mental illness and sought therapy to try to overcome your difficulties, but never with any success. You were suffering from an abnormality of mental functioning. Dr Cumming said there is no doubt as to the depth and severity of your condition. It was undoubtedly a factor in the killing, albeit it did not substantially impair your ability to form a rational*

*judgement and or to exercise self control. The fact that you were suffering from that mental disorder at the time of the killing does affect your level of culpability. You continue to be motivated to seek help whilst in custody and you are compliant with your medication. A further statutory mitigating factor is that your actions were not premeditated in any way. Thirdly, you admitted from the outset when on the telephone to emergency services that you had killed Stephanie. Fourthly, you have expressed what I judge to be genuine remorse that you expressed at the time of the killing and you have continued to express up to and during the trial and in your interview with the probation officer and your letter to me. Fifthly, you are a person of previous good character. You excelled academically and qualified in veterinary medicine at the top of your class and were, by all accounts, a skilled and talented surgeon. Your good character is, however, tempered to some degree by your previous controlling and coercive behaviour in relationships. Fifthly, you are making and will continue to make a positive contribution in custody, as has been described to me in various letters from prison staff".*

18. The Committee has also had regard to the decision in The Council for the Regulation of Health Care Professionals v General Dental Council (Fleischmann) [2005] EWHC 87 (Admin) (which is referred to at paragraph 49 of the Disciplinary Committee Procedure Guidance) where Newman J stated: "*I am satisfied that, as a general principle, where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise. Such circumstances could arise in connection with a period of disqualification from driving or time allowed by the court for the payment of a fine. The rationale for the principle is not that it can serve to punish the practitioner whilst serving his sentence, but that good standing in a profession must be earned if the reputation of the profession is to be maintained.*"
19. In this case, the Respondent is subject to a 15 years minimum term of imprisonment and will therefore remain in custody until 2038 at the very least. Only then will he be eligible to apply for parole.
20. In the context of disciplinary proceedings, public interest has also been defined as having two additional components: namely, (1) the promotion and maintenance of public confidence in the veterinary profession; and (2) the promotion and maintenance of proper professional standards and conduct in the veterinary profession.

21. The College has contended that the Respondent's conviction impacts on the reputation of the profession in terms of ensuring that the public's confidence in the profession is maintained. The offence of Murder is the most serious in the calendar of offences. Such acts are by their very nature abusive and run counter to the primary tenets at the very heart of the profession of veterinary surgery.
22. The Committee has considered whether there are any relevant mitigating factors. The Sentencing Judge identified 5, as set out in paragraph 20 above, and the Committee has taken them into consideration, to the appropriate extent.

### Conclusion

23. The Committee has considered whether the Respondent's conduct, as found by the Trial Judge, is of such an egregious nature that it has the potential to bring the profession into disrepute and undermine public confidence in the profession; whether his conduct as proved by his conviction "*is of a sufficient immoral or outrageous or disgraceful character*" as to amount to serious professional misconduct; and whether such aggravating factors as it has found proved warrant a finding that, in the Committee's judgement, this Respondent is unfit to practice veterinary surgery.
24. The Committee considers that, when consideration is given to the ferocity of the attack on Ms Hodgkinson and the number of stab wounds she suffered, when taken together with the finding by the Sentencing Judge, who presided over the Trial, that the Respondent "*represent[ed] a significant danger to any female with whom you find yourself in a relationship*", members of the public would find it abhorrent for a veterinary surgeon to have acted in this way and would be concerned at the risk the Respondent posed to some members of the public.
25. This Committee considers that the offence of Murder is so inherently deplorable and shocking that it must constitute conduct falling **far** short of that to be expected of a member of the profession; and is certainly liable to bring the profession into serious disrepute and undermine public confidence in the profession.
26. The finding of the Committee is that the Respondent is unfit to practise veterinary surgery.
27. It will now proceed to consider Sanction.

### **Sanction – Stage 3**

### **Facts underlying the Respondent's Conviction**

28. The Sentencing Remarks and Findings of the Crown Court Judge at the Hearing at Bournemouth Crown Court on 15 January 2024 set out all the material factors which now fall to be considered, as regards the seriousness of the Charge of murder of which the Jury found the Respondent Guilty, following a Trial.

### **Factors taken into Account**

29. The Committee at this Sanction Stage may take into account aggravating and mitigating factors. The College invited the Committee to consider the following as relevant aggravating factors which were present in this case:

*“a. Actual injury to an animal or human*

*b. Risk of injury to an animal or human.*

30. The Committee also had regard to the following passage in the “Available Outcomes and Sanctions” section of the Guidance:

*“77. Removal from the register may be appropriate where behaviour is fundamentally incompatible with being a veterinary surgeon, and may involve any of the following (the list is not exhaustive):*

*- Serious departure from professional standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons...*

*- Causing serious harm (or causing a risk of serious harm) to animals or the public, particularly where there is a breach of trust;*

*- Offences involving violence and/or loss of human life;”*

31. The Committee has also had regard to the decision of the Administrative Court in The Council for the Regulation of Health Care Professionals v General Dental Council (Fleischmann) [2005] EWHC 87 (Admin) (referred to at paragraph 49 of the Disciplinary Committee Procedure Guidance), where Newman J substituted an order for erasure and stated:

*“I am satisfied that, as a general principle, where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise. Such circumstances could arise in connection with a period of disqualification from driving or time allowed by the court for*



*the payment of a fine. The rationale for the principle is not that it can serve to punish the practitioner whilst serving his sentence, but that good standing in a profession must be earned if the reputation of the profession is to be maintained."*

32. In this case, the Respondent is subject to a life sentence with minimum terms of 15 years imprisonment. He will not be able to apply for parole until 2039.
33. The misconduct in this case relates to a savage, sustained and ferocious attack with a weapon on a defenceless woman in her own home. His victim trusted him to be in her home. He knew that she was the mother of two young sons, of whom she had custody, and to whom he knew she was devoted. He would have known that the effect of his attack on her would have devastating consequences for her sons and her other close relatives – and it did. This conduct constitutes disgraceful conduct of the most egregious and reprehensible kind.
34. The Committee also considers that the misconduct raises serious concerns about the reputation of the profession in the eyes of right-thinking members of the public. This was abusive and controlling conduct of the worst kind and conduct of which the Respondent had been guilty of in past relationships, as the Sentencing Judge found. Such acts by their very nature run contrary to the very essence of the practice of the profession of veterinary surgery, which is intended to protect and enhance the welfare and well-being of animals and of work colleagues.
35. The College submits, and this Committee agrees, that when consideration is given to the conduct described by the Sentencing Judge and which underly this conviction, there can be no doubt that members of the public would find it abhorrent for a veterinary surgeon to have acted in this way.
36. The Committee considered carefully all of the submissions of both the College and the mitigating factors which the Sentencing Judge accepted, including the Respondent's long standing mental health issues.

### **Approach Adopted**

37. The Committee accepted the advice of the Legal Assessor. The Committee has, therefore, had in mind that the primary purpose of sanction is not to punish, but to protect the welfare of animals, maintain public confidence in the profession and declare and uphold proper standards of conduct. The sanction which it applies must be proportionate to the nature and extent of the conduct, and must weigh the public interest with the interests of the Respondent.

38. The Committee is satisfied that the aggravating factors, which the College identified and relied on and which are identified above, are present in this case. These factors and their seriousness have been addressed in the Committee's Decision on Stage 2 – Unfitness to Practise Decision at paragraph 17. They do not warrant further repetition here.
39. As regards mitigating factors, the Committee has identified and considered the following:
- The Respondent has no previous criminal convictions;
  - The Respondent's unblemished career as a veterinary surgeon. The College has no matters recorded against him;
  - The Respondent's mental health issues referred to by the Sentencing Judge, noting also that the Judge considered that they were capable of being managed by him;
40. When it comes to the question of sanction, the Committee has considered first whether it wishes to exercise its power to postpone judgement for a period not exceeding two years. For the reasons already identified in the Decision not to Adjourn this Hearing, the Committee decided that this is not appropriate in this case. The Committee also has no doubt that this case is too serious for it to resolve to take no further action.
41. The Committee did not consider that a reprimand or a warning as to future conduct is appropriate. Such a sanction is insufficient to reflect the gravity of the offence and does not properly address the issue of the public interest and/or the reputation of the profession and the College.
42. The Committee next considered whether a long period of suspension to run concurrently with the Custodial Sentence imposed by the Crown Court was appropriate. Given the minimum term of imprisonment imposed, which extends to 2038, any order of suspension would need to extend well beyond the standard period of no more than 2 years. The Committee is additionally concerned that, even after a long period of suspension, the Respondent's return to the Register would be automatic and would occur without any ability for the College to review his fitness to practise. Therefore, the Committee did not consider suspension was an appropriate sanction in this case.

## **Decision**

43. The Committee has reached the conclusion that the Respondent's behaviour is fundamentally incompatible with being a veterinary surgeon (Para 77 of the Sanctions

Guidance 2020) namely a grave offence of unprovoked violence of the most serious kind. The Respondent's behaviour was so serious that removal of professional status and the rights and privileges accorded to that status is considered to be the only means of protecting the wider public interest and of maintaining confidence in the profession.

44. The Committee therefore will direct the Registrar to remove the Respondent's name from the Register forthwith.

**Disciplinary Committee**  
**6 June 2024**