



JUDICIARY OF
ENGLAND AND WALES

In the Crown Court at Teesside

23 May 2014

R

-v-

Christian Darko

Sentencing remarks of the Hon Mr Justice Walker

Christian DARKO, you have been found guilty of the murder of Rose Doughty. Your only defence to that charge was an assertion of a mental disorder giving rise to diminished responsibility. That defence has been rejected by the jury.

Rose Doughty had turned 72 on 22 November last year. She was described by one of her children as a lovely woman, who was kind hearted and would speak her mind. Everything that I have heard in this case bears that out.

Rose Doughty lived in the flat above you, and showed you nothing but kindness. Yet on 23 November last year you brutally murdered her, using a knife to stab her in the neck and abdomen, and then applying pressure to her neck so as effectively to strangle her. There were at least 3 separate actions of the knife. You did all that in order to steal £30 from her.

How did that come about? You wanted money from her. There was no good reason for you to have needed money. You were receiving weekly benefits. However, as was your habit, you squandered much of your benefit on lottery tickets. On 22 November you told Rose Doughty that you had no money for electricity. She came to your aid with tea and a flask. She let you use her phone. But that was not enough for you. Previously she had lent you money and your promises of repayment had either been unfulfilled or took a long time to be fulfilled. She was not going to lend you money willingly again. By the morning of 23 November you had made a decision. Your decision was that you would take a knife from your flat, and threaten her with it in her flat, in order to get money from her. That decision did not cause you to kill Rose Doughty. It was only later, and in circumstances that I shall describe, that you formed a murderous intent.

That morning you repeatedly went to Rose Doughty's flat door. You were planning to get money from her. In accordance with the decision I have described, you

planned to threaten her, and for that purpose you were carrying an orange bag containing the knife. We know from the CCTV that your initial trips were unsuccessful. She did not answer your knocks and you went back to your flat. It does not matter why. You were allowed in on your fourth attempt at 10 minutes past 10 that morning. We know that you spent a minute and a half there, came out with the bag, and went into your flat. Within a minute you had left your flat, leaving the bag behind, and had gone into Rose Doughty's flat again, this time walking straight in without knocking. Just under half an hour later you came out, locked the door behind you, and pushed the keys through the letterbox. By that time, perhaps not long after 10 past 10, perhaps later, you had found that Rose Doughty was made of sterner stuff than you expected. She had no intention of giving money to a 41 year old man with a knife. You then killed her brutally in the way that I have described. She was still in pyjamas and a dressing gown. You dragged her body to one side to get it out of the way, and you took £30 from her purse.

Then you tried to cover your tracks. You washed the knife and you washed your clothes. You went to the supermarket, made some purchases including an electricity top up, and used it to get your electricity back on. You then went to another neighbour's flat with a view to pretending you'd been there all along. At this point I accept that you started to have feelings of concern about what you had done – concern for yourself rather than for Rose Doughty. You told your neighbour you were in trouble. Any feelings of concern, however, did not stop you from pretending to be anxious to help Rose Doughty's granddaughter when it must have been obvious to you that she had found her grandmother's body. It was not until the following afternoon that you told Dr Jafari something close to the truth about what you had done.

Rose Doughty's physical and mental suffering must have been substantial. Death brought an end to her suffering, but not that of her family and friends. In their dignified impact statement her family have described the terrible anguish and sense of loss arising from her death. They, like all right-thinking members of the public, are shocked by the brutal murder of their mother and nana. It has had a devastating impact on their lives. I hope that this trial and its outcome, along with the fact that you have now on several occasions expressed your remorse, may enable them to achieve a degree of closure.

Everything that could possibly be said on your behalf has been said by your counsel. I take full account of it, and I take account of all the psychiatric and psychological reports that I have seen.

Parliament has said that the sentence for murder must be life imprisonment. It has also said that I must determine a minimum term, and that if, as here, a murder is done for gain, then the appropriate starting point for the minimum term is 30 years.

The circumstances in which you took a knife to the scene and used it are such that even if this murder had not been committed for gain, there would have been a starting point of 25 years. Accordingly your use of a knife is a matter which I consider can properly be regarded as encompassed in my starting point of 30 years.

The three separate stabs and the application of pressure to the neck are such as inevitably show an intention to kill at that time. That is not an aggravating factor under the statute. If there had been an absence of intention to kill that would have been a mitigating factor, but that is not the case here. As to premeditation, Parliament has said that its presence is an aggravating factor and its absence is a mitigating factor. I shall turn to mitigating factors shortly. I must consider the extent to which premeditation on your part aggravates the seriousness of what you did. In that regard, there was premeditation in deciding to use the knife as a threat. I do not think it warrants an increase in the minimum term.

There is, however, a significant aggravating factor. You killed a vulnerable person, a woman in her seventies who was alone in her home. I consider that this increases the seriousness of what you did, and I will reflect that when deciding on the minimum term.

I turn to mitigating factors. You have no previous convictions. That is of little weight in a murder of this gravity, but I allow for it none the less. Your counsel has submitted that the evidence suggests a mental disorder or disability which, although not sufficient for diminished responsibility, nevertheless lowered your culpability. I accept that the evidence shows that all was not well with you, and that you were socially inadequate. That was a factor in your planned decision to threaten with a knife. But when it came to the crucial decision, what to do when your first plan failed, I do not consider that your social difficulties played any part. Nothing in those difficulties prevented you from abandoning your plan. Nothing in those difficulties caused the brutal attack which you carried out. There was no lowered culpability in this respect.

Importantly, however, when you went beyond threatening Rose Doughty and did the things which killed her, those things were not pre-planned and were not premeditated. Parliament has said that I must regard that as a mitigating factor and I give effect to that when arriving at my decision on the minimum term. I also give some credit for the remorse that you have shown. Moreover, while it would not be right to treat you as someone who has pleaded guilty to murder, it is right to give you substantial credit for your acceptance from a relatively early stage that the elements of murder were made out and that your only defence was diminished responsibility.

You are entitled to credit for the days you have already spent in prison on remand: the formal order of the court will take account of this. The statutory victim surcharge provisions apply. So do the statutory provisions which automatically bar you from engaging in regulated activity with vulnerable adults and with children. Accordingly the Disclosure and Barring Service will include you in the barred lists.

When I come to the minimum that you will serve I make it plain that I am not ordering that you are to be released at the end of it. That will be a matter for the Parole Board. Only when the minimum term has been served, will the Board be entitled for the first time to decide whether it is safe to release you. If the board

does release you then you will remain on licence and liable to recall for the rest of your life.

The sentence for murder is, as it must be, imprisonment for life.

Christian Darko, for the reasons I have given the minimum term in your case will be 27 years. You must now be taken down.