



JUDICIARY OF  
ENGLAND AND WALES

**The Queen**

**-v-**

**Angela Whitworth**

**Sentencing remarks of Mr Justice Spencer**

**Central Criminal Court**

**Friday 21<sup>st</sup> October 2016**

1. Angela Whitworth, you may remain seated for the time being.
2. I have to sentence you for the murder of your daughter Sarah. She was only 20 months old when you deliberately smothered her to death on 15<sup>th</sup> May 2013 at your home in Bicester. You killed her because you believed the family court was not going to let you take her to Kenya to live with you there, but instead was going to let her reside with her father in this country. It was a thoroughly wicked and selfish act. For murder there is only one sentence, life imprisonment. That is the sentence I shall pass upon you shortly. But I also have to decide what minimum term you must serve before you are eligible even to be considered for release on parole.
3. You are now 44 years of age. You were born and brought up in Kenya, in a caring and loving family, from a distinguished tribe, although you experienced the unhappiness of your parents eventually separating. In 1996 you came to the United Kingdom on a student visa and settled here. You embarked on training to be a nurse. You did not follow that through but you worked for many years as a care assistant.

4. You have frankly admitted to the psychiatrists who examined you that over the years you were dishonest and manipulative in several ways, and had no compunction in telling serious lies when it suited you. When your visa was about to expire you married John Whitworth in 2000 as a means of staying in this country, but it was a marriage in name only. You divorced in 2004.

5. In 2006 you met Sarah's father, Nabil Dahane on a dating site on the internet. He was a Moroccan national, 7 years younger than you. The relationship blossomed and you were married in 2007. You lived together for 4 years or so but there were difficulties in the marriage and no doubt there was fault on both sides. In 2010 you became pregnant. You had set your heart on motherhood for a long time. When Sarah was born on 17<sup>th</sup> September 2011 she was a much loved and much wanted child. It is quite clear however, that you developed an all consuming desire to take Sarah with you to Kenya to start a new life there.

6. As a result there were proceedings in the family court which became bitterly contested. In January 2012 Sarah's father applied for contact and a prohibited steps order to prevent you from taking Sarah to live abroad. You applied to the family court for permission to remove her from the jurisdiction permanently so she could live with you in Kenya. There were problems over contact. You were required to surrender Sarah's passport. In November 2012 the family court found that you had wrongly denied her father contact for a period of 3 weeks. There was naturally a concern that if you were permitted to take Sarah to Kenya with you permanently you would not facilitate contact between father and daughter.

7. The strains and stresses of this contest over Sarah's future took their toll on you emotionally. In October 2012 you saw your GP, and you were prescribed an anti-depressant. You saw him again in November and January. You underwent some cognitive behavioural therapy and seemed to be better. But there was a deterioration again and on 1<sup>st</sup> March 2013 the dosage of your anti-depressant was increased. That was the last time you saw your doctor. You stopped taking your medication, either because you did not want to or because you felt you did not need to take it.

8. You had been receiving considerable support from the health visitor, Helen Parkinson. When she saw you on 21<sup>st</sup> February 2013 she noted that you were very distressed and angry with Sarah's father and resentful that you were being prevented from going home to Kenya with Sarah. By now you had a new partner who was living over there. Helen Parkinson was concerned that you seemed so angry and asked you directly if you had any thoughts of harming yourself or Sarah. You said you had no such thoughts and appeared shocked even to have been asked this. When Helen Parkinson saw you a week later you were much calmer. You gave the impression throughout of being a loving mother with your child's best interests at heart.

9. By early March 2013 Sarah was seeing her father for contact three days a week, including an overnight stay. It was no doubt galling for you that he had a new partner who lived in the same street as you. The final hearing in the family court to determine Sarah's future was due to take place on 17<sup>th</sup> June 2013. Sarah's interests were represented independently by a guardian appointed by the court. Her report was filed on 14<sup>th</sup> May. It was sent to your solicitors. You had been awaiting it anxiously. The guardian's view was that it was unlikely that you would facilitate contact in Kenya, no matter what steps were put in place and her recommendation was that a residence order should be made for Sarah to be cared for by her father. She was settled and thriving in this country and the loss of her relationship with her father would be detrimental to her. If on the other hand you decided to stay in this country, the recommendation in the report was for a joint residence order.

10. That report was e-mailed to you by your solicitors shortly before 3pm on 15<sup>th</sup> May. You telephoned your brother to help you read the report because your laptop was broken and you could not read it properly on your mobile phone. During that call your brother could hear Sarah in the background. Over the next hour there was a series of calls between yourself and your brother. He did his best to reassure you that all was not lost, and that the court would not necessarily take Sarah from you.

11. The last call with your brother ended at 4.08pm. One minute later you telephoned Kenya Airways to book a flight to Kenya that night for yourself only. You could not have taken Sarah with you even if you had wanted to, because you had no passport for her. The call was recorded and I have listened to it. Sarah can be heard in the

background, so she was still alive at that stage, as you now accept. There is no trace of emotion or distress in your voice, even though you were about to murder your daughter and were, you say, planning soon to kill yourself when you arrived in Kenya. Adopting the description of one of the psychiatrists who has listened to the call, you sounded calm, logical, rational, organised, collected and in control. You also booked a return flight for 29<sup>th</sup> May, in fourteen days time, to avoid suspicion that you would be anything other than a visitor to Kenya.

12. Sometime soon after the call, you killed Sarah. It is plain from the medical and scientific evidence, and from what you told the psychiatrists, that you smothered Sarah to death by placing a black plastic bin bag over her head and holding it there until she stopped breathing. It would probably have taken 5 minutes or so for her to lose consciousness. There is no evidence of injury, although she would surely have struggled. She must have been terrified and bewildered in her last moments of life. You left her body lying among the bed clothes and made your escape. You drove to Heathrow airport arriving at 6.30pm and caught the flight to Kenya. Evidence from passengers on the plane does not suggest you were showing any signs of emotional distress during the flight.

13. Next morning you were supposed to have taken Sarah to meet her father outside Tesco's in Bicester at 9 a.m. for her contact visit. In fact she was to have 4 days staying contact with her father, the longest period ever. He was naturally concerned when there was no sign of you or Sarah at the appointed time. He feared that you had abducted Sarah. He reported the matter to the police. Very soon afterwards the police received a call from your brother's wife. You had phoned your brother a few minutes earlier from Kenya, to say you had arrived safely and that you had done something wrong or bad: you told him Sarah was dead. The police went to your house in Bicester and found Sarah's body.

14. One can only imagine the desolation and distress Sarah's father must have felt on discovering that his beautiful precious daughter was dead, at the hands of her own mother. I have read his moving victim personal statement. He has flown over from Morocco for today's hearing. It is clear that Sarah was a delightful little girl, with her whole life stretching before her. However strongly you felt about the way the justice

system was likely to treat you when the custody case came to court, you knew perfectly well you had no right to end her life as you did. The consequences for her father have been devastating, both physically and emotionally. He has suffered post traumatic depression. He was unable to work for a year and has suffered severe financial hardship. His life in this country fell apart, and he returned to Morocco. He cannot contemplate a new relationship and another child.

15. You have told the psychiatrists that your intention was to kill Sarah and then to kill yourself, but that you wanted to die in Kenya hence the flight to Kenya that night. It is true that within two days of your arrival in Kenya you did administer noxious substances to yourself by drinking weedkiller and pesticide. A member of your family had killed himself in that way some months earlier. The chemicals made you ill but did not apparently endanger your life to any serious extent. You were discharged from hospital next day. I remain sceptical as to how genuine an attempt this was to take your own life, but that hospitalisation led your family to look after you closely.

16. You soon set about creating a new life for yourself in Kenya, and you subsequently moved to Uganda. You changed your name. You were effectively in hiding. I did not detect in the material before me any significant evidence of remorse over the period of 3 years before you were eventually arrested and extradited to the United Kingdom to face trial. I was therefore impressed by what you have said today through your counsel about the way you now feel about the pain and suffering you have caused to Sarah's father, and all the family, your sense of self-loathing, and your belief that you deserve to be sent to prison for ever and never released. The best evidence of your remorse, however, is that to your great credit you have pleaded guilty to murder. Some defendants in your position might have sought to advance a partial defence of diminished responsibility hoping that the jury would convict of manslaughter rather than murder. By contrast you have accepted full responsibility for your actions. You will receive maximum credit for your guilty plea.

17. It is common ground that under schedule 21 to the Criminal Justice Act 2003 the appropriate starting point for the minimum term for a murder of this kind is 15 years, which is equivalent to a 30 year determinate sentence. I have to consider and weigh

up the aggravating and mitigating factors in order decide what the minimum term should be.

18. There are two very serious aggravating factors identified in paragraph 10 of the schedule. First, your daughter was particularly vulnerable because of her age. She was only 20 months old, and entirely dependent upon you. Second, to kill her as you did was the most fundamental abuse of trust. It was a complete betrayal of your responsibility as her mother. Those factors require a significant increase from the starting point.

19. I have considered carefully to what extent there was planning or premeditation of this killing. Parliament has said that a *significant* degree of planning or premeditation will amount to an aggravating factor. It is plain from some of the material you had been accessing on the internet in the previous year or so that you had been considering the possibility of killing yourself and your child if the custody case ultimately went against you. There was, however, no settled intention to do so at that stage, of that I am sure. I am satisfied that it was your discovery of the recommendation in the guardian's report and the prospect, as you saw it, of losing Sarah if you returned to Kenya, which caused you to decide to kill her.

20. You made that decision very swiftly but in a calm and calculating fashion. Sarah was still alive when you spoke to your brother and when you booked your flight. You had deliberated for quite some time that afternoon on what you were going to do and how you were going to do it, and escape justice. Whether or not you genuinely intended to kill yourself as well, I am driven to the conclusion that your attitude was that if you were not going to be able to have Sarah, no one would have her. That was an utterly wicked and selfish stance to take. Whatever cultural excuse you seek to put forward you are an intelligent woman who had lived for many years in this country and knew perfectly well what was acceptable and what was unacceptable behaviour by any civilised standards.

21. I am prepared to accept that your behaviour was impulsive and out of character. You had no history of violence or abuse towards Sarah, or any other human being. I am also prepared to accept that the stress under which you had been living for several

months as the family court litigation unfolded provides some explanation for your behaviour, but no excuse. You had been mildly depressed but not even so depressed as to need to seek further treatment or even to take the tablets that had been prescribed.

22. I have considered carefully all the reports from the psychiatrists, and from Professor Mezey and Dr McNerny in particular. I have also considered the report from the neuropsychologist, Dr Watts. There is a dispute between the psychiatrists as to whether you were suffering from an emotionally unstable personality disorder, with traits of an anti-social personality disorder, as Professor Mezey and Dr Watts contend. There is no need for me to reach a conclusion on that issue because I accept that to a degree you were suffering from at least a mild mental disorder, described by Dr McNerny as an adjustment disorder characterised by a depressive reaction with accompanying anxiety, which was an understandable emotional response to considerable stressors at the time, but which did not amount to a serious mental illness. It is not the label attached to the mental disorder which is important but the practical impact of the disorder on your behaviour that day and the extent to which it lowered your degree of culpability. I note the chaotic state of the house at the time, which is some indication of the mental turmoil you had been going through in the days leading up to the killing. Nevertheless, I am quite sure, and by your plea you accept, that you were in your right mind at the time and knew perfectly well what you were doing. Your ability to understand the nature of your conduct, to form a rational judgment, and to exercise self-control was not substantially impaired, whatever the classification of your mental disorder.

23. I turn to the mitigating factors. Whilst I do not find there was a significant degree of planning or premeditation as an aggravating factor, equally I cannot find that there was a lack of premeditation such as to amount to a mitigating factor under paragraph 11 of the schedule. The killing was not a wholly impulsive act and nor was your escape to Kenya. You went about it in a calculating and methodical way. The mental turmoil to which I have referred, amounting to a mental disorder, does afford you some mitigation, but not a great deal having regard to all the circumstances I have outlined. I do not consider that this can properly be regarded as a case with the mitigating factor that the offender was provoked, for example, by prolonged stress, in

a way falling short of a defence of provocation or loss of control. I note that you had made it clear to the health visitor back in February, when she specifically asked you whether you would consider harming yourself or Sarah, that you rejected any such notion. You knew that however bad the stress of the custody battle nothing could justify taking your daughter's life.

24. For the same reason I reject the suggestion that it is a mitigating factor that you believed the murder of your daughter was an act of mercy. There are very occasionally tragic cases where a parent genuinely cannot bear to see his or her child suffering from some life-destroying illness or disability and where the parent has become convinced that it would truly be an act of mercy to end the child's life. This is not such a case. Sarah was a fit and healthy child. She had a good relationship with her father. What you could not bear was the thought of her living with him rather than with you, when you believed that it was your entitlement to have her living with you come what may, regardless of Sarah's best interests let alone the rights and wishes of her father.

25. I take into account your otherwise good character. I take into account your remorse. I give you full credit for your guilty plea, which in the case of murder cannot be more than one-sixth of the minimum term, in accordance with the Sentencing Council guideline. I shall also deduct from the minimum term to be served the number of days you have spent in custody on remand, both in Uganda following your arrest on 9<sup>th</sup> March this year and in this country following your extradition. The total number of days is 227.

26. I have taken into account everything your counsel has so eloquently said on your behalf, both in his written submissions and in his oral submissions today. I have looked at and taken into account the authorities cited to me and quoted in Mr Morley's sentencing note. But each case turns on its facts and none can be regarded in any sense as a guideline case.

27. Weighing and balancing the aggravating and mitigating factors, I have concluded that the appropriate minimum term, before credit for your plea and time spent on remand would be 18 years. Giving you one-sixth credit for your plea, the minimum



term is reduced to 15 years which is the equivalent of a 30 year sentence, From that there will be deducted the 227 days you have served on remand.

Please stand up

28. Angela Whitworth, for the murder of your daughter I sentence you to imprisonment for life. You will serve a minimum term of 15 years, less the 227 days you have served on remand since your arrest in Uganda. It will be for the parole board to decide whether and if so when to release you after you have served that minimum term. If and when you are released you will remain on licence for the rest of your life.