



## **ALLEN MORGAN**

### **SENTENCING REMARKS**

Luton Crown Court – 29 July 2024

#### **Introduction**

1. Allen Morgan, you fall to be sentenced for conspiracy to murder your wife, Carol Morgan, who was savagely killed on 13 August 1981, almost 43 years ago. Carol Morgan was born on 26 December 1944 and was aged 36 at the time of her death. You were born on 27 May 1950 and you were then 31: you are now 74.

#### **The Victim: Carol Morgan**

2. I start by saying something about Carol Morgan. She had previously been married to Richard Curtis and they had 2 children, Dean born in November 1966 and Jane born in September 1968. They lived in Swindon but the marriage did not last and they separated at the end of 1973 and subsequently divorced. Carol continued to live in the former matrimonial home at 15 Ravenscroft, Covingham, Swindon. Carol joined an organisation for single parents called Gingerbread where she met you, you moved in with her and the two children and you and Carol married on 26 March 1977. Without exception, all those who gave statements to the police attested to what a hard-working and lovely person Carol was, and in particular how devoted she was to her two children. She was also, it is apparent, committed to you and your marriage. Thus, after finding out about your affair with Margaret Spooner, she did what she could to repair your relationship. You and Carol resumed sexual relations in August 1981, as she confided to her uncle, and on 11 August 1981, 2 days before she was killed, Carol visited the CAB for advice about your marital problems: she made an appointment, and was due to see, a marriage guidance counsellor on 18 August. She had also been devastated to learn that the proposed purchase of a shop in Caddington was not economically viable and I have no doubt that part

of her disappointment was that this had represented an opportunity to make a new start, to patch up your marriage and to get you away from Linslade and in particular from your lover, Margaret. Carol was, by all accounts, a thoroughly admirable person: she did not deserve to die and I have no doubt that as she met her death, her final thoughts would have been with her 2 children, then aged 14 and 12.

### **The Circumstances of the Offence**

3. The background to this offence lay in your relationship with Margaret Spooner. You and Carol bought the Cornershop at 61 Finch Crescent, Linslade in December 1979 using in part Carol's share in the proceeds of sale of 15 Ravenscroft and partly with the benefit of a loan in the sum of £6,000 which was insured against both your life and Carol's life. In January 1980, Carol made a will leaving everything to you. Unfortunately, the Cornershop business was not particularly successful, mainly because of its location and because of the relatively low margin goods sold there. Your accountant, Mr Varney-McLeod, told the court that it was quite clear that there were concerns whether sufficient income for the family was being generated from the profits of the business and he described you as living hand-to-mouth. Your difficult financial situation was illustrated by the fact that Jane, Carol's daughter, described a cheque for Jackmans, one of the suppliers, bouncing on 9 August 1981 as there were insufficient funds for it to be met in the bank account. The second major factor was that you were not committed to your marriage. You described yourself in an interview with the press as a bit of a womaniser and for a significant time prior to August 1981 you had been conducting an affair with Margaret Spooner and, possibly, other women. In due course, Margaret Spooner's husband, Michael, discovered the affair and confronted you at the shop early one morning. He warned you to stay away from his wife. Thus, by August 1981, there was a culmination of a number of matters: your financial worries were growing, with no immediate way out, and you needed to make a decision as to where your relationships with Carol on the one hand and Margaret Spooner on the other, were going. It is apparent that divorce was not a viable financial option

and, on the jury's verdict, you decided on the alternative solution which was to get rid of Carol by having her murdered. Her life insurance would clear the debt on the business allowing you to sell the business and move north to start a new business using the proceeds of sale and it further meant that you were free to continue your affair with, and eventually marry, Margaret Spooner.

4. Accordingly, you arranged for Carol to be murdered when alone in the shop whilst you took Dean and Jayne to the cinema in Luton. Many witnesses stated how surprised they were that you did that when you were not known to be particularly close to your step-children or to have taken them out (at least without Carol also coming along) on other occasions. It was the prosecution case at the trial, and I find, that the trip to the cinema was organised by you to give yourself an alibi for that evening when you knew that Carol was to be murdered. It also ensured that the coast was clear for the murderer to perpetrate the crime. You left Linslade with the children at about 5 PM and shortly after 7 PM a man was seen walking from 61 Finch Crescent carrying two plastic bags. It seems likely this was the murderer although he was never identified. A door from the shop leads to a storeroom and office with stairs leading up to the family flat. There is a separate entrance to the flat from Linslade Crescent leading into a small hallway with the stairs straight ahead, the door to the storeroom on the right and the door into the shop premises on the left. Nobody saw the murderer enter the premises but it appears likely that Carol was in the store room where the murderer proceeded to batter her to death using a weapon such as a machete. He is likely to have brought that weapon with him for the purpose of killing Carol. In the days before the murder, you had made a number of withdrawals from your building society account totalling £900, a large sum of money in those days for someone who was living on the financial edge and it is likely that that sum was part of the payment for the murder. The murder was particularly brutal: Dr Carey, the pathologist, stated that there had been multiple blows, probably between 10 and 15, some of which were inflicted whilst Carol was lying on the floor and may already have been dead. The damage was such as to have left parts of her brain and skull scattered around the storeroom floor. This seems to have been something beyond merely a murder committed in the course of robbery, although robbery

of cash and cigarettes does appear to have taken place, but was a crime where the primary motivation was Carol's death, consistent with being part of an agreement or conspiracy in advance - of which you, Alan Morgan, were the instigator. You discovered Carol's body upon your return from the cinema with the children at 10:45 that night. It was a matter of pure fortune that the body was not discovered by one of the children with the additional psychological trauma which that would have caused.

5. This murder prompted a huge police investigation at the time under the leadership of Detective Superintendent Prickett. An index card system was used to cross-check leads and enquiries generating over 200,000 index cards and 6,000 actions. 1,204 suspects were interviewed and over 600 witness statements were taken. As a result of a witness seeing a man with two plastic bags getting into a green Ford estate car, 28,500 vehicles were checked to see if that car could be traced. The very best forensic experts at the time were recruited to investigate the crime and try to identify the perpetrator. Despite everything that Mr Prickett and his team of 60 or more detectives could do, the murderer was never caught. Only one person knows the identity of the murderer, and that is you, Mr Morgan. That is the secret which you have harboured for the last 40 years. The law has now caught up with you and you must pay due punishment for your part in this crime, but the murderer remains at large if, indeed, he is still alive.

### **Victim Impact**

6. I have had read to me victim impact statements by Pamela Smith, Carol's cousin, and Jane Scales, Carol's daughter. Pamela Smith describes the devastating effect upon the family of Carol's death, and particularly on Carol's parents, Charles and Nellie Palmer. They are both now dead, and so it is through Pamela that the impact of Carol's death on them is described. Carol was their only child, Dean and Jane were their only grandchildren, and they, Carol's parents, were understandably devastated by her death. That devastation was multiplied manifold by what then happened in relation to their grandchildren. You, Allen Morgan, took the children away to the north of

England and, as I find, induced them to write letters to their grandparents saying that they had new lives now and didn't want any contact with their grandparents anymore. These were grandchildren to whom they were particularly close and, as Pamela says, it absolutely broke their hearts. She says that those letters destroyed what was left of their world. I quote from her statement:

"They had lost their only child and now they were losing their two grandchildren and neither got over their huge loss. It was just tragic. ... It was really wicked of whoever made Dean and Jane write those letters to their grandparents, truly wicked."

There is only one truly wicked person who has been in this court, and that is you, Allen Morgan.

7. Jane Scales, in her statement, has described the impact on her and on her family first of the legal process – the arrest of the two people she thought of as mum and dad and the trial, and secondly of your conviction for the murder of her mother. As to the first of those, she says that the prolonged reinvestigation into her mother's death of over 4 years has had an overwhelming effect on her, her partner and her daughter. It has opened up a number of emotional questions surrounding her relationship with her family, why they moved away and why she and her brother stopped seeing their grandparents. She says that the investigation has made her question the truth around her mother's death which she thought she knew and understood. She says, and I quote:

"It made me feel as though my life has been a lie, and that the people that I trusted most in the world may have been capable of a terrible betrayal of that trust."

Those doubts have, of course, been reinforced by the jury's verdict and your conviction. As Jane says:

"After Allen was convicted of conspiracy to murder, it has caused me to face up to the fact that a jury had unanimously decided that he was guilty of being involved in my mother's death. The man that I had spent almost my entire life calling Dad has lied to me for my entire life. I am struggling to come to terms with the reality of this, quite simply because it is just too difficult to comprehend that it could be true. I now have to go through

a period of adjustment, where I try to piece together what has happened to me and how I move forward with the rest of my life. ... Knowing that Allen is guilty of being involved in such a horrific crime, and how much my mother suffered is very upsetting for me and my family. ... it has been an incredibly distressing, and confusing period of my life that has made me doubt everything I knew about my mother and my stepparents.”

It is clear from the fact that you continue to deny your involvement in Carol’s death, as described in the Pre-sentence Report, that Jane will not get any assistance from you in understanding what happened to her mother and therefore achieving any kind of closure.

8. In sentencing you, I have read and taken into account the contents of the pre-sentence report. Given that you continue to deny your part in Carol’s murder and take no responsibility for your involvement in the offence, it follows that there is no remorse which can be relied on in your favour. The author of the PSR says that throughout her interview with you,

“There was no regret or remorse demonstrated, just vigorous assertion of how badly he had been treated by this whole process.”

She says that

“Throughout the interview, he failed to recognise the impact of his actions on others, particularly his first wife and her young children.”

So far as Carol’s parents are concerned, I note the following passage in the PSR:

“Mr Morgan took it upon himself to distance the children from their grandparents, claiming at the time he did not want the children involved in their grief. He claims he had never stopped them and blamed them, that is the grandparents, as they never made any attempts to contact him or the children. When describing this Mr Morgan had no insight into how the victim’s parent may have been impacted by his actions or how they would have felt after losing their daughter in most horrific circumstances, there was no empathy for them or any other member of the victim’s family whatsoever. Mr Morgan had lost all contact with them and was unaware of the family’s whereabouts.”

Claiming to blame the grandparents for not making any attempt to contact you or the children is, of course, a grotesque distortion of the truth as demonstrated by the statement of Pamela Smith to which I have referred.

### **Sentence**

9. As I have no doubt you have been advised, the mandatory sentence for an offence of murder is imprisonment for life and the sentence for conspiracy to murder is also life imprisonment. My task, in addition to pronouncing the sentence of life imprisonment, is to set the minimum term to be served. In so doing, the law is clear that I must not pass a sentence greater than would have been passed had you been sentenced at the time of the offence, as provided in para 10(a), Schedule 22 of the CJA 2003. I also take into account the guidance published by the Sentencing Council “How sentencing of historic offenders works” which sets out the basic position when an offender is sentenced which is that it should be according to the law at the time the offence was committed, not the law at the time when they are sentenced. In 1981, the tariff for the minimum term to be served by those convicted of murder was set by the Home Secretary, after consultation with various bodies.
10. In accordance with the decision in *Sullivan & Others 2004*, the best guide to what would have been the practice of the Secretary of State is the letter sent to judges by Lord Bingham CJ on 10th February 1997, and I accordingly take as the starting point for a normal or average or unexceptional murder committed in 1981 the term of 14 years. I must then adjust that starting point to take into account the aggravating and mitigating factors.
11. Mr Panayi KC, for the prosecution, submits that, although not in force at the time of your offence, the sentencing regime set out in Schedule 21 to the CJA 2003 can and should be taken into account. He suggests that the correct approach is for the sentencing court to consider the sentence that would be passed for a conspiracy committed today by applying the schedule 21 criteria and then making a nuanced and careful adjustment, if one is needed, to ensure that a greater sentence is not passed than would have been imposed in 1981.

However, I do not consider that it assists me to have regard to the sentencing regime and in particular the starting points referred to in Schedule 21: the represents starting points which are significantly higher than those which pertained in 1981 and such regard would risk my passing a sentence which is significantly longer than that which would have been passed in 1981. I prefer the approach advocated by Mr Aylott KC.

12. I turn, then, to the mitigating and aggravating features. The aggravating features I take into account are:

- The fact that this offence was a planned killing which entailed an exceptional degree of planning and preparation. This included:
  - i. Finding a person prepared to carry out the murder.
  - ii. Finding a pretext to leave Carol alone in the shop premises by taking the children out to the cinema, ostensibly as a “treat” for working in the shop, an act which amounted to a cynical abuse of the trust which Carol placed in you as her husband;
  - iii. Evidence of the unaccounted cash withdrawals which began on 27.7.81 over two weeks before the murder;
  - iv. The steps taken to ensure that the offence appeared to be a burglary including leaving cash in the desk drawer as payment for the murder and ordering large quantities of cigarettes the day before the killing.
- The fact that this was a killing for gain, whereby the insurance on Carol’s life would clear the debt on the business and allow you to start a new life with Margaret Spooner in Yorkshire;
- The brutality of the killing, which shocked all those who attended the scene: this incorporating the use of a weapon such as a meat cleaver was used;
- The fact that Carol was effectively attacked in her own home, the shop premises and home of the family all being in the same building;
- Carol’s vulnerability, being left alone in these premises that evening.



13. So far as mitigating facts are concerned:

- The principal mitigating factors are your age and health. These include your physical frailties, your type 1 diabetes and your diagnosed dementia and memory loss. In your letter to me, you refer to your loss of vision in one eye, your crumbling spine and your reliance on assistance. I understand how difficult it has been and will continue to be for you in prison and I take all these matters into account, and also the fact that, in consequence, you will in reality be spending the rest of your life in prison. I have taken into account all that I have read and has been said by Mr Aylott KC on your behalf.

14. The time served on remand to be deducted amounts to 40 days. Although it is probably academic, I am enjoined to inform you that as soon as you have served the minimum term which I am about to specify, you will be eligible for early release by the Parole Board, but you will not in fact be released unless and until the Parole Board considers it safe to do so. If you are released, you will be subject to licence for the rest of your life. If you break the terms of your licence you are liable to be returned to custody to continue serving your life sentence.

## **Sentence**

15. Allen Morgan, please stand up. For conspiracy to murder, I sentence you to imprisonment for life. Taking into account the aggravating and mitigating factors to which I have referred, the minimum term to be served shall be 22 years less the 40 days that you have already served, namely 21 years and 325 days. You may go down.

