



IN THE CROWN COURT AT LUTON

7 George Street
Luton LU1 2AA

40AD1060225

Before:

HIS HONOUR JUDGE SIMON
The Honorary Recorder of Luton

THE KING

Prosecution

- v -

ROGER WORBY

Defendant

Ms C Carberry KC for the Prosecution

Mr L Selby KC for the Defendant

SENTENCING REMARKS
15 December 2025

Preface

1. Roger Worby, please remain seated.

2. On 2 May 25 at the Plea and Trial Preparation Hearing, you pleaded not guilty to murder but guilty to the manslaughter on the grounds of diminished responsibility of your late wife, Margaret Worby. I hope that I will be forgiven for referring to her simply as Margaret from now on. Following assessment of you and the production of reports by three consultant psychiatrists, the Crown indicated last month that the plea to manslaughter was acceptable. In reaching that conclusion I know that the most careful scrutiny will have been given to all the available evidence and information, as well as taking account of the views of those whom it is appropriate to consult.
3. Your case was, therefore, set down for sentence today. This case has benefitted from a broad continuity of leading counsel on both sides, to whom the Court is grateful for all their industry behind the scenes as well as their carefully crafted sentencing notes for today and their oral submissions.
4. I adopt Mr Selby's opening point. To describe this case as tragic, may evoke different reactions from those who hear or read these sentencing remarks, but by their end it is to be hoped that all will see exactly why I also characterise it in this way.
5. Before venturing further, it is important to recognise the limitations of the criminal justice process. Nothing this court says or does can repair the emptiness in the hearts of all those who knew and loved Margaret. Whatever the outcome of these proceedings it will do little to alleviate their pain and their loss which continues every day. It is to be hoped that the conclusion of the criminal proceedings will bring some closure in respect of this heartbreaking episode. I know that listening to all that has been said in court will have been very difficult for those present and I apologise if during these sentencing remarks I have to make further reference to matters that are difficult to hear. It is also very important to emphasise that the length or type of any sentence imposed is absolutely no reflection on the value of the life lost in this case, which is in fact incalculable.

Factual background

6. I turn briefly to the facts of the offence, which have been opened by Ms Carberry KC and which do not need extensive repetition.
7. You and Margaret had been married for 56 years. By all accounts you were devoted to each other, described by others as “joined at the hip” and “an elderly lovely couple”. There are no children from your marriage and you have no siblings. Margaret has a brother, Stephen Hoyer, and he and some of his family have attended the hearing today. You and Margaret both worked for a living and in retirement lived in Dunstable without financial or other worry.
8. However, all that changed in late December 24 into January 25 when you became convinced that you had committed a form of fraud through online transactions. A confluence of communications from different sources, and information gleaned from television documentaries, fed this concern to the point that you were equally convinced that you and Margaret would be sent to America to be charged with fraud and incarcerated. The nature and degree of this worrying prospect and ruminations about it over time caused you to suggest a suicide pact with Margaret. Professor Fazel records your description of Margaret’s reaction, which was that Margaret did not wish to be left alone, so did not try to talk you out of it, but that you thought she would pull out at the last moment.
9. Overnight between 22 and 23 January this year, you went ahead with the plan discussed earlier that evening with Margaret. You took a hammer from your workshop adjacent to the bedroom and put it by the side of the bed. Two knives from the kitchen were put into the workshop. A discussion ensued in bed about what to do, your plan being to render Margaret unconscious and then cut her throat, followed by killing yourself. Margaret remained reluctant to agree the detail of that plan. When the time came to use the hammer, it missed the intended part of Margaret’s head and the incident unfolded as the Crown set out in opening, including the self-harm for which you were taken to hospital before later being taken to the Police Station. You have been in custody since then, that is just short of eleven months.

10. It is unnecessary for me to recount any more of the distressing details because the central question for the Court is what level of responsibility you retained at the time for Margaret's death. For that assessment I must turn to the psychiatric evidence and set it out in a little detail.

Psychiatric evidence

11. Dr Pratish Thakkar is a consultant forensic psychiatrist at Rampton High Secure Hospital and Honorary (Clinical) Assistant Professor in the School of Medicine of the University of Nottingham. He undertook an assessment of you on 21 February 25 and reported on 21 March 25. His conclusion, following consideration of the evidence and his interview with you, was that you suffered an acute and transient psychotic disorder at the material time, the main symptom being your delusions about the fraud and extradition. The illness, which Dr Thakkar described as completely overwhelming you, was completely abrupt in onset, developing rapidly, but in due course rapidly resolving. He related this to the ICD-10 definition of acute and transient psychotic disorders. He explained that psychosis affects how a person thinks and their perceptions, including that they may find it difficult to determine what is real and true. In his professional opinion, the partial defence of diminished responsibility was available as a result.
12. Dr Thakkar provided an addendum report dated 13 May 25, following his receipt of your medical records. A review of these did not cause him to alter his opinion in any way.
13. Dr Iain Kooyman is a consultant forensic psychiatrist and Associate Medical Director for the Forensic Service in South London and the Maudsley NHS Foundation Trust. He was instructed by the Crown, following service of Dr Thakkar's report. Dr Kooyman conducted his assessment on 3 July 25 and reported on 10 July 25. From a comprehensive review of the available information and evidence, Dr Kooyman thought it likely that you were suffering from the early stages of dementia, noting that although you seemed quite adept at masking your cognitive deficits, your confusion about recent events became increasingly clear during his interview with you. At the time of assessment, you were showing evidence of a broader cognitive impairment,

more than just as the result of aging. In Dr Kooyman's opinion there had probably been a significant deterioration since January 25.

14. Dr Kooyman opined that in addition to the cognitive decline, you were most likely suffering from generalised anxiety in the month or months prior to the incident. Applying ICD-11 (which is being phased in for use in the UK), Dr Kooyman was not convinced that you were suffering from an acute and transient psychotic episode because he did not consider that you were delusional within the definition. Rather than psychosis, he considered it more likely that you were suffering from over-valued paranoid ideas arising from catastrophic thinking. Dr Kooyman addressed the question of whether the partial defence of diminished responsibility was available based on his alternative diagnosis and concluded that it would be available. Importantly, within this assessment it was Dr Kooyman's view that you likely feared for how your wife would cope without you and that you did intend to kill yourself as well, but lacked the physical or psychological strength to do so. He noted the description of you in the evidence as a very honest man and the absence of any indication that you had invented this story as a false explanation for the killing.
15. Dr Kooyman provided an addendum report dated 15 September 25, offering what assistance he felt able to in relation to the level of retained responsibility. He observed that there appeared to be no objective evidence to support or refute your claim of a suicide pact. Even if the Court were to assume that you did not have Margaret's consent to end her life, this remained a complex issue and he set out possible scenarios. His clear opinion, however, was that in all the possible scenarios, your actions were heavily impacted by your impaired judgment as a result of your mental disorder. Your mental disorder was undiagnosed and therefore untreated and there was no evidence of the consumption of alcohol or illicit drugs.
16. As a result of the differential diagnoses, the Crown and the Defence invited the Court to commission a third expert psychiatric report, an invitation that was accepted and Professor Seena Fazel was instructed. He interviewed you on 31 October 25 and reported on 3 November 25, noting that there was consistent evidence indicating that

you were suffering from mild neurocognitive disorder. Overall, Professor Fazel was of the opinion that your concerns about criminal proceedings in America were probably abnormal, over-valued ideas rather than delusional. Nonetheless, this did constitute an abnormality of mental functioning, which caused substantial impairment of your ability to form a rational judgment. It was also Professor Fazel's opinion that the neurocognitive disorder provides an explanation for your conduct. Thus, he agreed with the earlier assessments that the partial defence of diminished responsibility was available, noting that in practice there was not much difference between the two earlier diagnoses.

17. Professor Fazel had been instructed specifically to assist the Court with the level of your retained responsibility. He said this in his report, "Overall, my view is that the level of retained responsibility is low but there is some uncertainty to this view due to the lack of corroborative information about Margaret Worby's views".

18. Insofar as the suicide pact is concerned, I adopt the various relevant observations in the expert reports, augmented by the evidence of lay witnesses including Mr Hoyer and two neighbours, one of whom was a close friend, (supported by others referred to by Mr Selby) which are to the effect:

- a. That there is no objective evidence either to support or refute your claim of a suicide pact;
- b. That there is no evidence of what Margaret thought about the risk of your being extradited to America, but that she may have believed it;
- c. That you may have mistakenly but genuinely believed that Margaret agreed to the suicide plan;
- d. That it is possible that you made the decision on your own, but believed that you were acting in Margaret's best interests;
- e. That you have no history of violence or offending and there is no evidence of the use of alcohol or drugs;
- f. That you had a very long, close and loving marriage with Margaret, being described as 'joined at the hip' and as doing everything together;

- g. That you would be described by those who knew well as quiet, mild-mannered and calm;
- h. That there is nothing to suggest that you have deviated from your independently evidenced character trait of being very honest, in order to deceive everyone about your actions.

19. This is not a case where you require treatment in hospital. It is therefore particularly important to consider the level of retained responsibility and all other factors affecting sentence.

Submissions

20. Ms Carberry KC for the Crown submits that the planning involved in preparing the hammer and the knives and your actions of tidying around after the event and calling 999 demonstrate purposeful behaviour. She suggests that, bearing in mind the expert's conclusions, the Court may consider the level of retained responsibility as falling between the medium and lower.
21. Mr Selby KC on your behalf submits that on the basis that you genuinely believed that there was a suicide pact, and taking account of all the evidence, the Court should settle on Lower as the correct level of retained responsibility.
22. For my part I do not view the bringing of the hammer into the bedroom from the neighbouring room, the placing of the knives in the workshop, the tidying up afterwards or the fact that the table was laid out for breakfast as in any way inconsistent with your acting entirely in accordance with the reality created in your mind as a result of the mental disorder. If there was a suicide pact, whether Margaret agreed, acquiesced, did not herself fully understand and/or you genuinely misjudged her stance, the required implements would have to be prepared somehow. This incident did not arise suddenly; the belief about having committed fraud, extradition and what you and Margaret might be better off doing had been on the agenda for days, if not longer. The table laid for breakfast is nothing more than evidence of what

one neighbour called “an old school couple”, who, especially post-Covid, had a relatively mundane and routine way of life, anchored to the home setting.

23. The Court is certainly not in a position to make a finding to the criminal standard as to the exact nature of any discussion and/or agreement between yourself and Margaret. A review of the possibilities helpfully set out by Dr Kooyman supports the likelihood of there being genuinely in your mind, whilst acting under the effect of the mental disorder, some agreement. There is no evidence to suggest that this is a false narrative created after the event; indeed, all the evidence points away from that as a possibility including general assessments of your character as well as the reliability of the psychometric testing undertaken by the experts. In this regard I also note the observation by Mr Hoyer in his statement on being informed about a suicide pact, that “I kind of wasn’t surprised, but only in the fact that if one was going to go the other wouldn’t want to be far behind”.
24. In the absence of convincing evidence to the contrary, I must pass sentence on the basis that at the very least you genuinely believed that there was an agreement with Margaret. With those observations in mind, it is difficult to see why the Court should depart from the thrust of the opinions of Dr Kooyman and Professor Fazel that retained responsibility in your case is in the Lower category. Other key considerations are the fact that your mental disorder was undiagnosed and therefore untreated, as well as the absence of abuse of substances, legal or illegal.
25. The starting point for a Lower level of retained responsibility is seven years’ custody with a range of three to twelve years’ custody.
26. It is a fact that a weapon was used and that Margaret was particularly vulnerable due to her age. There was also plainly mental and physical suffering experienced by Margaret in the circumstances of what happened, though not that any of this was intended by you. These are among the potential aggravating factors in the offence-specific guideline. However, the extent to which they increase sentence in this very fact-specific offence is, in my judgment, limited, if they increase it at all. They are all inextricably linked to the unusual and more fundamental facts of the offence.

27. Insofar as factors reducing seriousness and reflecting personal mitigation are concerned, you have nothing recorded against your name, having led a pro-social, productive and blameless life for almost 84 years before this incident. Mr Hoyer described you as a very gentle and honest person who would just tell the truth. There is much evidence of your positive character and exemplary conduct. You were married to Margaret for 56 years and the two of you were described as doing everything together, one might say inseparable. You told the 999-operator, “it’s my worst ever nightmare, we were so much in love and now it’s come to this”. There can be no doubt that your remorse is genuine and heartfelt. Though you were mentally unwell at the time, you must still live with the knowledge that you were responsible for Margaret’s death.
28. The expert evidence suggests that you have suffered further neurocognitive decline since January 25.
29. Although not raised directly in mitigation, I was struck by one particular line in Professor Fazel’s report that whilst in custody you reported receiving no visitors. The Court is entitled to and does take into account that further time in prison will be particularly difficult for you.
30. I ask rhetorically just how the Court is properly to quantify the breadth and significance of the factors reducing seriousness and your mitigation and reflect them in a downward trajectory from the starting point? The range for the Lower level of retained responsibility plainly encompasses cases where the starting point of seven years is capable of being reduced to a notional sentence of three years, before credit for plea.
31. The issue of dangerousness simply does not arise on the facts of this case, which represent a distinct and unique convergence of circumstances that will not be repeated.

32. Standing back and assessing the highly unusual – though not in this Court’s experience, unique – factual matrix, I have concluded that this is indeed the type of case that rests at the lowest end of the sentencing range, that is a notional sentence of three years.
33. However, there is one further important principle before addressing credit for guilty plea. In any system of justice that is worthy of respect there must always be room for mercy. Justice and mercy are not incompatible. The months that you have spent in custody on remand have taken their toll, but they have in my judgment, simultaneously satisfied the punishment purpose of sentencing as set out in section 57 of the Sentencing Code. This approach is consistent with Step 5 as set out in the guideline. None of the other purposes are pertinent to the fact-specific circumstances of this case.
34. Applying that additional principle, I reduce the notional sentence of 36 months to 32 months’ custody. Credit for your guilty plea must then be applied. Fitness to plead required to be considered at the outset of proceedings. The question of whether or not the partial defence of diminished responsibility was available could only be answered by obtaining an expert psychiatric opinion. Following receipt of Dr Thakkar’s report, you pleaded guilty to manslaughter at the PTPH, which was in the circumstances the first possible opportunity. That satisfies the exception at paragraph F1 of the Guilty Plea Guideline.
35. The notional sentence of 32 months’ custody is therefore properly reduced by one third, which rounded up is 11 months. This reduces the sentence to 21 months’ imprisonment. Although this is a sentence that could be suspended, it would be wrong in principle to do so. This is because the custodial element has already been served and suspending the sentence now could amount to double punishment. There are also no requirements to attach to such a sentence that might justify a course.
36. Mr Worby, please remain seated. The sentence of the Court is 21 months’ imprisonment. You will serve up to one half of your 21-month sentence in custody, less time spent on remand, before you are released on licence. When you are released, you will be on licence and then post-sentence supervision for a total of 12

months after that. You must comply with the terms of the licence and supervision and commit no further offence or you will be liable to serve a further period in custody.

37. The statutory surcharge applies in the appropriate amount and I make a collection order in addition.

38. I repeat my thanks to counsel for their professionalism and care in approaching this sensitive case and to the experts for their very focussed and helpful reports.

39. I end by paying tribute to the family of Margaret Worby who have demonstrated far-sighted and utterly commendable compassion and humanity in the face of personal tragedy. The Court extends its condolences for their loss.