



# Judiciary of England and Wales

## IN THE CROWN COURT AT WOOD GREEN

His Honour Judge Law

3 July 2026

THE KING

-and-

BRIAN DARBY

Defendant

### Sentencing Remarks

#### Introduction

You may remain seated. You must listen with care to what I am about to say. These sentencing remarks will be made available to you, your lawyers, the press and public a short while after the conclusion of this hearing.

Brian Darby, you are now 80 years old as you were when you committed the offences for which you now stand to be sentenced. You pleaded guilty at Highbury Corner Magistrates' Court on 5 February 2026 to 14 offences committed on or before that date of making and distributing indecent images of children and publishing obscene articles. The maximum sentence for each offence is 5 years' custody. You were recalled on the life licence imposed following convictions for attempted murder and conspiracy to murder, for which you had been sentenced on 19 April 2002.

The facts have been set out by prosecution and I do not repeat them save to explain the sentence. You committed two different types of serious offending which are made worse because you did so while on licence. You downloaded and then distributed or shared pornographic images of children up to and including the most serious and vile category. You published online details of

your fantasies including raping and killing children and adults in the most appalling terms and had online chats with others with similar interests. In other words, you spread the contagion.

Very serious and lifelong harm is caused in the real world to children whose sexual abuse is captured in these images, the demand for which from individuals like you fuels the abuse. Your obscene articles were shared with like-minded individuals. The reality is that the full extent of the harm you may have caused and contributed to will never be known.

You made full admissions in police interview and accepted having a sexual interest in children and trying to conceal your online activities by using virtual private networks (VPNs). Of course the digital evidence as no doubt you knew was overwhelming. You said you could not control your actions.

A psychiatric report prepared by Dr Rassip, Specialist Registrar in Forensic Psychiatry, dated 13 June 2026 concludes that you are not suffering from any mental illness or psychiatric disorder.

The probation officer assesses you as of very high risk of further serious reoffending within two years in the detailed pre-sentence report (PSR). The author describes you as taking full responsibility for your behaviour but appeared emotionally detached and indifferent when discussing it. You did not appear to be embarrassed or ashamed and there has been no expression of insight or remorse.

### **Sentencing Council Guidelines**

I have taken into account the sentencing guidelines for indecent photographs of children, reduction for guilty pleas and totality.

The categorisation suggested by the prosecution is agreed.

The lead sentence will be for distribution of the Category A indecent image of a child which will be aggravated by the multiple offending. The starting point for distributing Category A indecent images is 3 years' custody with a range of 2 to 5 years.

There are no guidelines for the offence of publishing an obscene article.

The following aggravating factors apply:-

- Your previous convictions, particularly attempted murder and conspiracy for murder for which you received a life sentence . Although you do have previous convictions for sexual offences, they are now more than 40 years old and I give them limited weight. However, the attempted murder and conspiracy to murder offences for which you received a life sentence were themselves sexually motivated.
- The number of offences;
- Offences were committed on licence.

In terms of mitigating factors:-

- I have taken into account your age and physical health issues and recognise that you will find coping with your return to prison more difficult than someone younger and in better health. I also recognise that the custodial sentence required to reflect the gravity of your offending, in combination with your recall on life licence, may well lead to you spending the rest of your life in prison. That only reflects the gravity of your earlier offending and the consequences of committing serious offences on a life licence. Your current age and medical condition is not in my judgment a justification for reducing your sentence even as an act of mercy.
- I have also taken into account all the mitigating information that I have heard and read about you including the contents of the PSR and psychiatric report.

### **Reduction for guilty pleas**

Full one third credit will be applied for your early guilty pleas.

### **Dangerousness**

Because you have been convicted of offences listed in Schedule 18 of the Sentencing Act 2020 (the Act), I am required to consider the issue of dangerousness. The probation officer assesses you as posing a high risk of serious harm towards members of the public and children. The detailed PSR assesses you as presenting a high risk of committing further offences causing serious harm to members of the public. There is a pattern of offending that leads me to conclude you pose a significant risk of committing further specified offences which will cause serious harm to one or more members of the public. A combination of your entrenched interest in violent sexual material involving children and adults, your online dissemination of that material and fantasies, a pattern of offending demonstrated by your previous convictions for extreme violence and the present

offences, as well as the professional assessment before me satisfy me that the statutory test of dangerousness is clearly met.

In my discretion a life sentence is not justified under s.285 of the Act because sufficient punishment and public protection can be achieved by a sentence of significant length combined with the consequences of your recall on life licence and the sexual harm prevention order (SHPO) I will impose.

I note that you have relevant previous offences, namely attempted murder and conspiracy to murder listed in Part 1 of Schedule 15 of the Act and have committed a further relevant offence so that s.283 of the Act – second strike life sentence provision – applies. However the sentence condition in that section is not met because the court would not impose a determinate sentence of 10 years' imprisonment or more for these offences. The automatic life sentence provision does not therefore apply in your case.

I have considered whether a determinate sentence is appropriate. However, your previous convictions already mentioned are also listed in Schedule 14 of the Act. They satisfy the “earlier offence condition” in s.280(1)(e) of the Act. That means an extended sentence is available for the indecent images offences. I do consider that a standard determinate sentence would not fully address the risk you pose so that in my discretion I will impose an extended sentence under s.279 to protect the public in the future.

### **Totality**

In arriving at sentence which is just and proportionate to reflect the totality of the offending before me there will be a lead sentence for distribution of the Category A image of a child, which I regard as the most serious, aggravated by the presence of a number of other serious offences of indecent images. The nature and extent of the obscene publications charges relating to your expressed desires towards violent, sexual and sadistic acts against adult women are entirely different. They also echo the circumstances of the previous convictions that led to your life sentence. The number and seriousness of them entirely justify a consecutive sentence. I will respect the principle of totality by marking them with sentences which are adjusted downwards for that reason but consecutive to those for the images and concurrent to each other. As I am imposing an extended

sentence it is appropriate to impose the determinate sentences first with the extended sentence to run consecutively.

### **Ancillary orders**

I order deprivation of the relevant devices set out in the prosecution note under s.153 of the Act.

I make the Sexual Harm Prevention Order in the terms sought by the prosecution at Q3 on the digital case system until further order as I am satisfied that it is necessary and proportionate to protect the public, in particular children, from the risk of further sexual offending by you. If you breach that order you would commit a separate criminal offence.

You will be subject to the notification requirements of the Sexual Offences Act 2003 for life.

You will be told of any other restrictions on your employment by the Disclosure and Barring Service.

I make no order for costs given the custodial sentence I must impose and your recall on licence.

I impose the statutory surcharge in the appropriate amount.

### **Sentence**

Stand up I will now impose sentence. There will be determinate sentences as follows:-

Offence 6 – 1 year custody

Offences 7-14 - 1 year on each concurrent

The sentences for the indecent images will be as follows which will run consecutive to the determinate sentences for offences 6-14 but concurrent with each other.

Offences 4 and 5 – the sentence will be an extended sentence in each case composed of 3 years custody with a 2 year extension period concurrent.

Offences 1 and 2 – 6 months on each concurrent

Offence 3 – 1 year concurrent

The total sentence I have passed is therefore one of 6 years.

The extended sentence is made up of two parts – the custodial period which will be no more than the 3 years I have mentioned, and an extended licence period of two years making an extended sentence of five years duration in total.

It will be for the Parole Board to decide if you will ever be released again on your life licence. But I direct that a copy of my sentencing remarks is provided by probation to the Parole Board so that it can take them into account whenever they next consider your release on life licence. Any time spent on remand will be automatically deducted.

Subject to your life licence you will serve two-thirds of the custodial period of this sentence in prison before the Parole Board will consider whether it is safe to release you, and if so on what terms. Once released, you will serve on licence any part of the custodial period which remains, and you will then be subject to an extended licence for a further period of two years, making five years in all. If, when you are subject to licence, you commit another offence or fail to comply with the terms of your release, you are liable to be recalled to custody and may serve the entire sentence in custody.