



JUDICIARY OF  
ENGLAND AND WALES

**R v Daniel Crompton**

**In the Crown Court at Manchester**

**18 March 2014**

**Sentencing remarks of Mr Justice Turner**

Daniel Crompton you have been found guilty of the murder of Frank Worsley: an innocent and defenceless 87 year old man.

After an afternoon and evening of drinking and drug taking you ran out of money to fund further purchases of cocaine. You had already committed one despicable offence of burglary at the house of people known to you and whom you knew to be out. You used the proceeds from that burglary to buy cocaine.

After midnight, you decided that you would offend again.

Having had the opportunity to hear the evidence, I am satisfied that you formed the specific intention to carry out a second burglary to make more money to buy yet more drugs. I find that you chose Mr Worsley's house because the bathroom window was open. I reject your story that you were intending to break into your mother-in-law's house, which you believed to be unoccupied, and did not realise that you were in the wrong house until you first encountered Mr Worsley. You neither knew nor cared if the house were occupied, so great was your craving for further cocaine. The open window provided the opportunity. Your craving for drugs provided the motive.

The fact that you were already under the heavy influence of alcohol and cocaine dulled your senses to the likely consequences which, in this case, could hardly have turned out to have been more serious.

Your state of mind is amply evidenced by your reaction when Mr Worsley, still in his own bed and wakened by your intrusion into his bedroom in the middle of the night, told you to leave. You demanded to know where he kept his money.

Moreover, I am satisfied from the evidence that you proceeded to hit him in the face on more than one occasion when he refused to tell you in an effort to beat the information out of him. You used your fist wrapped in your top. I am in no doubt that the use of the top was solely to protect your hand and not to mitigate the harm to Mr Worsley.

This assault caused diffuse axonal brain damage and a sub-dural haematoma. The force of the blows was at a level to be expected to be consistent with such as would be likely to cause concussion. Regrettably, the treatment for the haematoma in hospital involved increasing the risk of the formation of blood clots by reversing the effects of the blood thinning drugs which Mr Worsley was taking for his heart condition. Clots formed and lodged in his brain causing two major strokes leading on to deterioration and death.

You on the other hand, while Mr Worsley was on his way to hospital, were busily spending the money you had taken from him on yet more cocaine.

But for your carelessness in leaving a handprint at Mr Worsley's address, you might have got away with it.

After your arrest, you showed no initial remorse and did not co-operate with the police choosing instead to offer no comment interviews.

Your attack on Mr Worsley was as brutal as it was cowardly. The jury has found that when you attacked Mr Worsley you intended to cause really serious injury. This attack caused Mr Worsley's death and so you are guilty of murder.

There is only one sentence for murder. It is life imprisonment.

But the law requires me to fix the period which must pass before you are eligible for release on licence, or to decide that you should never be released.

The minimum term which I will impose should not be confused with a determinate sentence of the same length. Because a determinate prisoner is released at the half way point in his sentence, a life sentence with a minimum term is the equivalent of a determinate sentence of double that length. So for instance, a 25 year minimum term is the equivalent of a determinate sentence of 50 years.

And there are two further important differences. A determinate prisoner knows that he will be released at the half way point. Someone sentenced to life imprisonment, as you will be, will have no guarantee of release once the minimum term has passed. It will be for the Parole Board at that stage to say if it will be safe for you to be set free. And, even then, freedom will be relative. You will remain on licence for the rest of your life. If you commit another offence or otherwise breach your licence, you may be re-detained.

Under paragraph 5(1) of schedule 21 of the Criminal Justice Act 2003 Act where the court considers that the seriousness of the offence is particularly high and the offender is over the age of 18 then the appropriate starting point is 30 years. Under Paragraph 5(2), cases which would normally fall within this category include a murder done for gain such as a murder done in the course or furtherance of robbery or burglary.

It is important to recognise that use of the word “normally” means that not every murder done in the course or furtherance of robbery or burglary automatically attracts a starting point of 30 years.

As the Lord Chief Justice observed in R v Cole [2008] EWCA Crim 1060:

“We are concerned that at the sentencing hearing there appears to have been a somewhat mechanistic or arithmetical approach in this case, an approach perhaps encouraged by the terms of Schedule 21. Schedule 21 is intended to provide general guidance to the assessment of the seriousness of an offence. The factors set out in paragraph 5(2) are factors which will normally lead the court to conclude that the offence was one of particularly high seriousness. If it does, then the section lays down a starting point for arriving at the minimum term of 30 years. But whether the court starts at 15 or 30 years, the sentencing exercise requires an assessment of the seriousness, having regard to the facts of

the particular case; and that can result, quite properly, in a sentence that is some distance from the starting point that has been taken.”

Further, the case of Bouhaddaou [2006] EWCA Crim 3190 emphasises the seriousness of murders committed in the furtherance of burglary.

In this case I am of the view that the element of gain in this case was not one which goes to the heart of the your culpability and bearing in mind the lack of premeditation and the relatively low sums involved I am not satisfied that paragraph 5(1) is engaged.

I take, therefore, the starting point to be that of 15 years but having done so must go on to weigh the aggravating and mitigating features.

Particular aggravating features:

1. The advanced age of your victim.
2. The fact that the attack took place in his home at night.
3. The fact that your selfish motive was gain. (Although the significance of this element does not serve to put the case in the 30 year category it still falls to be taken into account as a serious aggravating factor at the lower starting point).
4. Your previous convictions.

Particular mitigating features:

1. Lack of premeditation.
2. Lack of intent to kill.
3. Your relative youth.
4. The evidence of albeit late-flowering remorse when in custody awaiting trial.

The case of Cole, which I remind myself is not a guideline case and provides no more than a pointer, also involved a fatal attack perpetrated by a drug addict upon a pensioner living alone. The Court of Appeal raised the minimum term of 18 years imposed by the trial judge to one of 22 years.

The circumstances of that case were different to this in this case in a number of respects:

1. It involved a far more sustained and physically violent attack. There were 24 injuries to head and neck alone
2. The perpetrator disconnected his victim's telephone after the attack.
3. The murder had been preceded by a protracted and pitiless fraud perpetrated by the defendant upon his victim in the period up to the attack.
4. The defendant was older than you are.

Taking a starting point of 15 years, I find that the aggravating features outweigh the mitigating features in your case to the extent that the minimum term should be adjusted upwards to one of 18 years. On counts two and three the sentence is one of eighteen months imprisonment on each allowing for credit of one third for the guilty pleas. These run concurrently to each other and to the sentence for murder.

You will be given credit for such time as you have already spent in custody and will pay the victim surcharge.

You may take him down.