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IN THE COURT OF APPEAL

CRIMINAL DIVISION

CASE NO 202100765/A1

[2021] EWCA Crim 1885



Royal Courts of Justice

Strand

London

WC2A 2LL

Thursday 4 November 2021

LORD JUSTICE HOLROYDE

MR JUSTICE JULIAN KNOWLES

MR JUSTICE HENSHAW

REGINA

V

RAYMOND HOADLEY

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MR G CARTER-STEPHENSON QC appeared on behalf of the Appellant.

MS C CARBERRY QC & MR N HEARN appeared on behalf of the Crown.

**J U D G M E N T**

1. MR JUSTICE HENSHAW: On 22 January 2021, following a trial before HHJ Gold QC at Lewes Crown Court, the appellant was convicted of the murder of his wife, Jacqueline Hoadley. On 22 February 2021 the same judge sentenced him to life imprisonment with a minimum term of 26 years less 233 days spent on remand. This is a very sad case for all concerned and the bereaved have the Court's sympathy.
2. The appellant appeals against sentence by limited leave of the single judge.
3. The appellant and his wife had been married for 25 years and during that time they had fostered and, more recently, adopted children with special needs. The appellant had struggled with his mental health for some time and on 10 April 2020 had taken an overdose of his adopted son's medication; and had been admitted to a psychiatric ward and spent two or three weeks there receiving treatment. The appellant had not moved back into the family home thereafter, and he and his wife separated.
4. In the period leading up to the offence the appellant told friends that he was frustrated with Jacqueline as he had wanted a divorce and had wanted to sort out their finances. The appellant had told another friend that he had drawn up a financial agreement but Jacqueline was refusing to sign it, and the appellant felt vulnerable because of this.
5. At around 2.00 pm on 5 July 2020 a carer for one of the appellant and his wife's adopted children arrived at the family home. After letting herself in she could hear an alarm for a food pump for one of the children. As the carer got to the top of the stairs she could see that Jacqueline Hoadley's bedroom door was open, and when she checked on Jacqueline Hoadley she could see blood. The police were subsequently summoned and attended the scene quickly followed by the ambulance service, who found no sign of life. Jacqueline Hoadley had suffered catastrophic injuries including seven stab wounds to the right side of the face and neck, one of which had severed the carotid artery and jugular vein. There were also areas of blunt force injury to her face and chest, along with defensive injuries to her hands. An alert was thereafter put out for the appellant's vehicle and the appellant was subsequently located and detained by the police.
6. The appellant was subsequently interviewed by the police and was noted to have cuts on his wrist and little finger along with a swollen left hand. In interview the appellant gave an account of his movements and denied committing the offence. However, forensic evidence including DNA evidence, witness accounts and CCTV evidence indicated that the appellant had been involved in the offence, and he was convicted by the jury.
7. The appellant was aged 62 when he was convicted and sentenced, with no previous convictions.
8. The judge described the offence as a brutal and premeditated murder. The appellant had gained entry to his wife's home while she had been asleep in bed, and had stabbed her repeatedly. It was clear from the defensive injuries that Jacqueline had been awake during at least part of the attack. The attack took place only a few feet from where the appellant's severely disabled adopted daughter had been sleeping in an adjacent bedroom. Having committed the murder the appellant carried on his life as normal. He had, the judge said, spun a web of lies when he had been interviewed by the police, to avoid liability for his actions. Jacqueline Hoadley had dedicated her life to improving the lives of disabled children and society had lost a truly good person.
9. The judge imposed the mandatory life sentence for murder and had to decide the minimum term that the appellant would serve. The judge was satisfied that the offence should properly be classified as a murder for gain. There had been evidence of the

appellant's obsession with money, and that a few days before the murder the appellant had persuaded Jacqueline to sign a document which ensured that the appellant would benefit to a very substantial extent in the event of her death. The appropriate starting point was therefore 30 years' imprisonment.

10. The offence was aggravated by having been carefully planned and by the fact that the appellant had murdered Jacqueline in her own bed adjacent to a bedroom occupied by her disabled adopted daughter. Whether the weapon that had been used in the offence had been brought to the scene or picked up within the property had little bearing on the overall gravity of the offence.
11. As to mitigation, the judge took into account the deterioration in the appellant's mental health in the weeks and months preceding the murder. The appellant had spent time receiving in-patient treatment at psychiatric units following actual or threatened suicide attempts and had been required to leave the matrimonial home as a result. The judge also had in mind that the appellant was a 62-year-old man with no previous convictions, and had spent a number of years caring for disabled children with his wife.
12. Bearing in mind all these matters the judge concluded that the appropriate minimum term was 26 years' imprisonment less time spent on remand.
13. The appellant sought leave to appeal on the grounds that: (1) the judge was wrong to conclude that the murder was committed for gain, so the starting point for the minimum term should have been 15 years' custody rather than 30; and (2) the starting point should in any event have been lower taking into account this Court's observations in R v Narendra Taylor [2007] EWCA Crim 1564 about cases of mixed motives.
14. The single judge granted permission on ground (2). The appellant has not renewed his application as regards ground (1).
15. As to ground 2, Taylor was a case where a man had murdered his wife for reasons of, in his own words, "lust, greed and selfishness". He stood to gain substantially in the event of his wife's death, and the murder was long premeditated and carefully planned. He pleaded guilty at a late stage. The judge set the minimum term at 27 years less time spent on remand. The Court of Appeal held that it had been rightly conceded before the judge that the appropriate starting point for the minimum term was 30 years' imprisonment, pursuant to what was then paragraph 5(1) of schedule 21 to the Criminal Justice Act 2003, read with paragraph 5(2)(c) which refers to "a murder done for gain (such as a murder done in the course or furtherance of robbery or burglary, done for payment or done in the expectation of gain as a result of the death." The Court in Taylor went on to say this:

"20. It is to be noted that the definition of 'a murder done for gain' includes a number of circumstances. The last: 'done in the expectation of gain as a result of the death', in a domestic context is apt to include those cases where the husband murders his wife in the knowledge, and so in the expectation, that he will thereby not only achieve other ends (e.g. to satisfy lust and selfishness) but also, if not discovered, that he will make a significant financial gain. Such cases are, in our view, ordinarily to be distinguished from those where professional criminals kill for gain, or where they kill in the course of executing a serious offence of violence and dishonesty such as robbery. Cases of mixed motives will not ordinarily require a minimum term

as long [as] that appropriate in such cases. In this case the only mitigation allowed by the judge was for the belated plea – for which he discounted the minimum term by three years. That was a generous perhaps over-generous discount. But, in our view, he could and should have discounted the starting point by reference to the mixed motives that were present here. There is no reason to believe that there was uppermost in the mind of this appellant the financial gain that he would make upon the death of his wife. No doubt he expected it, but it was not, on the view which we have formed about the facts of the case, the primary motive for this offence.

21. Accordingly, although it was a wicked murder, carefully planned and premeditated, although a sophisticated and determined attempt was made to cover it and blacken the name of his wife, nonetheless the judge should have discounted the starting point by more than he did. To reflect the mitigation for the belated plea and the factors which we have identified, in our view, the appropriate minimum term here was 25 years less time spent on remand. To that extent this appeal is allowed."

16. The appellant in the present case made submissions by reference in part to Taylor through his counsel, Mr Carter-Stephenson QC, for whose written and oral submissions we are very grateful. We are also most grateful for the submissions made on behalf of the Crown by Ms Carberry QC and Mr Hearn.
17. The appellant in his grounds submitted first, that the agreement made in 2020 did no more than restate the position which had already been set out in his and his wife's wills since 2016, dividing the assets between the parties, so that they could plan for their separate futures and enable the appellant to buy a new home so that he could share custody of the children. Further, the evidence indicates that his concerns about money stemmed from obsessive feelings of financial insecurity rather than greed. The appellant also highlights the seriousness of the mental health problems he had been experiencing in the period leading up to the murder. It is, in addition, fair to point out that given the appellant's age, the minimum term may well result in most or even all of the remainder of his life being spent in custody.
18. The appellant draws attention to the section of the prosecution's note for sentencing about Taylor, which said:

"17. The motive for this murder is complex; it was clearly partially financial - and the evidence suggests gain was a pre-eminent feature - however, other motivating features may have included anger as a reaction to the breakdown of the Hoadley's marriage, the loss of the marital home and the defendant's primary care role in relation to [the children].

18. The standard of proof that the court should apply when deciding whether aggravating factors exist to lift the starting point for the minimum term to 30 years is the same standard as that to be applied by the jury when reaching their verdict: R v Davies [2008] EWCA Crim 1055..."

19. The appellant points out that, unlike the defendant in Taylor, he had no previous convictions; was very considerably older than the defendant in Taylor; he had not had a

- long-term affair with a third party; he had not admitted to "lust, greed and selfishness" but, on the contrary, had previously led a blameless life; he did not commit a carefully planned and long premeditated murder; he did not recruit a third party to assist; and he did not forge a letter to seek to evade liability, or conceal the body to create an impression of kidnap. In any event, the appellant submits that by analogy with Taylor the adjusted starting point in his case should have been 25 years less 4 years' discount for mitigation.
20. The Crown points out, first, that the evidence of financial motive was not limited to the April 2020 agreement between the appellant and his wife but showed that the appellant had a long-standing fixation with money of which numerous examples can be cited.
  21. Secondly, the Crown notes that the first two sentences from paragraph 20 of Taylor, which we have quoted, makes clear that the 30-year starting point does apply to cases arising from a domestic context such as where a husband murders his wife in the knowledge, and so expectation, that he will thereby not only achieve other ends such as to satisfy lust and selfishness but also, if not discovered, that he will make a significant financial gain.
  22. Thirdly, the Crown points out that in Taylor the sentencing judge had discounted the 30-year starting point by 3 years for the defendant's late guilty plea. Although the Court of Appeal thought that discount was perhaps generous, it is evident from the Court of Appeal's end point of 25 years after credit for plea that only a limited discount was given to reflect the mixed motives in that case. That is so notwithstanding the fact that, as indicated in paragraph 20 of the judgment, the Court of Appeal considered there to be no reason to believe gain to have been uppermost in the defendant's mind. In the present case there was no guilty plea. Nonetheless, after weighing up the aggravating and mitigating factors, the sentencing judge discounted the 30-year starting point by 4 years in order to arrive at the minimum term of 26 years.
  23. In his eloquent and cogent oral submissions before us this morning, Mr Carter-Stephenson has stressed a number of aspects of the case. He reminds us that this was a 25-year marriage, in the course of which both the appellant and his wife had been devoted to caring for children. He highlights one child whose life expectancy had been considerably extended by the devoted care which the appellant had provided to him. The defendant ultimately gave up work to help care for children whose needs in effect required round-the-clock care. It was the appellant who provided most of the physical care to the children, in which he showed enormous patience.
  24. We were reminded of evidence from the witnesses at trial, including to the effect that the appellant had been a devoted parent and had been brilliant with the children and done all of the housework. The witnesses also made clear the extent of the appellant's mental health problems, particularly in the weeks and months leading up to the murder. These included not only thoughts of suicide but an attempted suicide. The witnesses felt that, the appellant having led an exemplary life, the stresses and strains had simply become too much for him. Eventually, when the appellant emerged from treatment in hospital following a suicide attempt, he found himself in a situation where his wife no longer felt able to live with him, his contact with the children had been very much reduced, and he felt he had no money of his own nor control over finances.
  25. We have also heard very helpful submissions this morning from Ms Carberry QC on behalf of the Crown, touching concisely on three main points. First, that the judge, over the course of a three-week trial, was made fully aware of the background to this matter, including the dedication and sacrifices which the appellant and his wife had shown; and

the fact that the judge recognised this in the course of his sentencing remarks. Secondly, that the trial judge had been fully aware of the appellant's mental health difficulties, having seen, amongst other things, in-patient records and the evidence of the witnesses. No psychiatric evidence had been relied on at trial or at the sentencing hearing. Thirdly, in relation to Taylor, the Crown reminds us that there had been a guilty plea in that case and it was a case of mixed motives properly so considered. We have already noted that the Court of Appeal did not consider gain to have been uppermost in the defendant's mind in that case.

26. Having considered all these submissions very carefully, we are nonetheless unable to conclude that the judge erred in principle or imposed a manifestly excessive sentence. We agree with the Crown that there were significant aggravating features here, over and above the appellant's financial motive. These included the brutal nature of the murder itself; the suffering for the victim which it must have involved after she awoke and tried to defend herself; the fact that the murder was premeditated and occurred at the appellant's wife's home (as to which see R v Ainsworth [2006] EWCA 2311); that it occurred at night, when the appellant knew his wife would be in bed, close to the disabled child in the adjacent bedroom; and the fact that the appellant evidently not only risked the murder being seen by the child, but also left her overnight at risk of running out of nutrition from the food pump: in stark contrast, of course, with his and his wife's previous care for the children.
27. It follows that the 26-year minimum term at which the trial judge arrived already reflected a very substantial discount to reflect a combination of the appellant's potentially mixed motives and his personal mitigation. We see no error in the judge's approach and consider that the minimum term he fixed was a fair one. We accordingly dismiss this appeal.

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