



IN THE CROWN COURT AT NORWICH

T20217094  
S20220211

R. v. CHANATORN CROGHAN

SENTENCING REMARKS

In December 2020 Mrs Vera Croghan (then aged 89) was living in retirement at 301 Unthank Road, Norwich, after having four children with her late husband Peter and pursuing a distinguished academic career at British universities. She maintained her independence and zest for languages, undertaking translation and interpreting and became a celebrated author, including the popular book “Teach Yourself Swedish”. Her daughter, three sons and granddaughter speak in their Personal Statements of Vera’s long and fulfilling life and the profound impact on their own lives of how she was killed. They are moving and powerful tributes to a much-loved lady who was intensely proud of her Swedish heritage.

In the early hours of 11<sup>th</sup> December 2020 a fire was deliberately started in the cupboard under the stairs of the house whilst Vera was asleep. A naked flame had been applied to combustible materials. No accelerant was used. A chair was put in front of the cupboard after it was set. The smoke alarm was activated at 4.50 am and a passer-by alerted the emergency services at 6.41 am. Vera’s body was found by firefighters on the floor of her bedroom. She died through the inhalation of fumes, especially carbon monoxide and she had surface burns to her arms, hands and face. The culprit for that wicked act was arrested nearby that

afternoon. It was Vera's grandson, this Defendant (then aged 19 with no previous convictions). It is to that very troubled young man that these Sentencing Remarks are now addressed.

**Chanatorn Croghan** – you were born on 16<sup>th</sup> September 2001 and are now aged 21. On arrival at the police station, it was plain from your presentation that you required a full assessment of your mental health. The chronology of your subsequent hospital transfers, both before and after you were charged with Vera's murder, is set out at paragraphs 5 to 14 of the Defence Note for Sentence dated 12<sup>th</sup> October 2022, which refreshes paragraphs 25 to 31 of the Prosecution Note for Sentence dated 6<sup>th</sup> April 2022 with the three most recent medical reports.

Whilst remanded in custody at HM Prison Norwich, you assaulted prison officers Wayne Blue and Sarah Beckett in two separate incidents whilst they were going about their duties on 21<sup>st</sup> March 2022 and 19<sup>th</sup> April 2022. You entered prompt guilty pleas when brought before the magistrates on 15<sup>th</sup> June and were committed here for sentence. You currently reside at Northside House, the local medium secure hospital unit and are escorted here by its nursing staff today.

On 14<sup>th</sup> September 2021 you pleaded guilty on Count 2 to manslaughter by reason of diminished responsibility and arson being reckless as to whether life would be endangered (Count 4). You were then still aged 19. Those pleas were in due course accepted by the prosecution after the most careful consideration, informed by the medical reports of the psychiatrists who had examined you. Counts 1 and 3 are left on the file, marked in the usual terms as to their closure.

There was a consensus amongst the report authors that at the time of the index offences you were suffering from an abnormality of mental functioning which substantially impaired your ability to make a rational judgment and to exercise

self-control. The only difference between the medical experts was the diagnostic label for your illness. Dr Ian Cumming opined that it was paranoid schizophrenia, but he deferred to the treating clinician Dr Toral Thomas, who concluded you had a psychotic disorder secondary to multiple substance misuse. It responded rapidly to anti-psychotic medication. Your mental illness endures since your return to Northside House on 10<sup>th</sup> August 2022 and its diagnosis has been reassessed as **hebephrenic schizophrenia**. That is now the prevailing and settled view amongst the recent report authors. There is no dissent amongst them.

The symptoms of your mental disorder in December 2020 were exacerbated by your voluntarily abusing drugs and choosing to disengage from the community mental health services that were readily available. You were an intelligent young man, capable of winning a place on degree courses at two universities. You did not prosper on campus. You were socially isolated and aggressive to fellow students. You had been told by doctors in summer 2020 what to do to avoid a relapse into drug-induced psychosis and you ignored that advice. Such deliberate actions heighten the level of responsibility you retained for this unlawful killing. If passing a custodial sentence, my Step 2 finishing point (after balancing the aggravating and mitigating factors identified in the Notes from counsel) would have been within the “Medium” range set out in the table in the Definitive Sentencing Guideline for Manslaughter by reason of Diminished Responsibility.

The weight of the accepted medical evidence in this case is such as to lead me directly to Step 4 of the Guideline for consideration of the available disposals under the Mental Health Act 1983. There is unanimity amongst the professionals that you are currently suffering from a mental disorder and it is amenable to treatment in hospital. The practical arrangements for a section 37 order are all in

place. It is not open to me to make a section 45A direction (a “hybrid order”) as you were under 21 at the time of your conviction for manslaughter and arson<sup>1</sup>.

I have heard today oral evidence as required by section 41 (2) of the Act, from reporting psychiatrist Dr Catherine Weeks, a Northside House colleague of Dr Thomas<sup>2</sup>. I have considered the statutory test in section 41 (1) and found that there is ample evidence to meet it. I have had regard to the very grave nature of the index offences admitted on Indictment T20217094, your antecedents and the risk of you committing further violent offences if set at large. I have considered the risk assessments in the medical reports and the Pre-Sentence Report by Daniel Devaux dated 8<sup>th</sup> April 2022. Without treatment and compliance with a prescribed medication regime, you have shown yourself to be a dangerous young man. You have twice recently assaulted prison officers whilst remanded in custody awaiting sentence. In my judgment, you pose a high risk of serious harm to the public, making it right that you be detained in the named medium-secure hospital under section 37 of the Mental Health Act and subject there to the special restrictions set out in section 41. I make concurrent orders in these terms in relation to all four imprisonable offences to which you have pleaded guilty on arraignment here and before the committing magistrates.

The special section 41 restrictions are without limit of time. They provide an extra level of long-term independent oversight for the protection of the public. They are designed to ensure that an offender in this category is not discharged from hospital without the most careful wide consideration. It is not left to local clinical discretion. Generally, a restricted patient is not discharged or granted leave of absence without the approval of the Secretary of State for Justice. In certain circumstances, a restricted patient may be discharged by a Tribunal.

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<sup>1</sup> See *Thomas’ Sentencing Referencer 2022* at page 469 and *Fort* [2013] EWCA Crim 2332.

<sup>2</sup> See the *Referencer* at page 465

The surcharge prescribed by regulations applies. The prosecution and defence Notes for Sentence, Victim Personal Statements, psychiatric reports, pre-sentence report and these Sentencing Remarks should be provided by the Court to the Ministry of Justice Mental Health Casework Section<sup>3</sup>, whose experienced staff will be responsible for managing the section 41 restriction in this case.

HH Judge Anthony Bate

14<sup>th</sup> October 2022

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