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AT THE CROWN COURT IN LIVERPOOL

Queen Elizabeth II Law Courts,
Derby Square,
Liverpool.

Monday, 15th May, 2017

BEFORE:

HIS HONOUR JUDGE WRIGHT

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ILAVARASAN RAJENTHIRAM
AND VINOOTHAN RAJENTHIRAM

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MISS J. E. REANEY appeared on behalf of the prosecution.

MR. A.J. COPELAND appeared on behalf of Ilavarasan Rajenthiram MR. F.P. KAZANTZIS appeared on behalf of the defendant, Vinothan Rajenthiram

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SENTENCING OBSERVATIONS

Monday, 15th May, 2017

HIS HONOUR JUDGE WRIGHT: Both defendants can remain seated during the sentencing remarks. The provisions of the Sexual Offences Amendment Act 1992 apply. Therefore no matter relating to the victims may be reported if it is likely to lead to their identification.

varasan Rajenthiram and Vinothan Rajenthiram you've been convicted by the jury of committing serious sexual offences against young girls. You Ilavarasan Rajenthiram were convicted of 15 counts of

sexual activity with a child, 3 counts of sexual assault and 2 counts of doing an act tending and intended to pervert the course of public justice. You Vinothan Rajenthiram were convicted of one count of rape, 4 counts of sexual activity with a child, 4 counts of sexual assault and one count of doing an act tending and intended to pervert the course of public justice.

Both of you worked in local convenience shops selling sweets, cigarettes and alcohol as well as other goods, first of all in a shop owned and run by a friend of your fathers and latterly in shops owned and operated by your family. The shop owned by a family friend was in Birkenhead as was one of your family shops. Those two shops were relatively near to at least one secondary school attended by girls and so it was not surprising that pupils from those schools living close by would call into the shop before or after school for sweets, crisps and the like for themselves or would go there on errands for their parents.

You both used or rather abused your position in the shops to target teenage girls. You groomed them carefully, systematically finding out their names, getting their mobile phone numbers or user names for modern media such as WhatsApp, Snapchat, Facebook. They were subjected to highly sexualised comments and behaviour. You befriended them with your conversation, texts, media messages as well as gifts of free sweets, phone top ups, serving them cigarettes to win their trust and confidence.

Once you built up their trust you invited them to go for drives, to listen to music, chill out and occasionally consume alcohol. The final step was to take them back to an unoccupied flat and provide them with alcohol and so it was you created that heady environment for young teenagers, one free of adult or parental supervision with the added catalyst of alcohol. This was no doubt calculated to disinhibit or make them more compliant to your sexual desires. It was really all about your sexual gratification, not friendship, not being mates but sexual gratification.

You were both considerably older than your victims and you no doubt targeted young girls because in their early teenage years they were naïve, immature and no doubt impressed by the attentions of an older man. As one witness said it made her feel good about herself that an older man was attracted to her. They were no doubt impressed you had at your disposal cars such as BMW's, family shops, flats and you had relative affluence. You were also able to provide them with a refuge off the streets free from parental supervision. Against this background of grooming and disinhibited by alcohol some of your victims went along with your sexual wishes. Some fallaciously believed that they were in relationships but they were just your sexual playthings. Some may have begun to realise when they found out that you were seeing other girls behind their backs.

Ilavarasan, your first victim was [Person A]. She had her first sexual experience with you. She was 14 and you were 19. You groomed her so well she believed she was in a relationship with you, that you cared for her. You had frequent sex with her, penetrating her vagina and mouth with your penis, whether this was as she described a quick blow job in the back of your car or sex in the flat. Indeed on one occasion she performed oral sex on you in the back of a car while another victim sat in the front seat of the car with earphones on. She to her disbelief saw what was actually happening but

despite the bitter ending of her relationship with you because she found out that you were seeing another girl, she still had feelings for you.

She contacted you many years later when she found out there was an investigation ongoing and she was sympathetic towards you. However, you ended up blaming her for your predicament and when that didn't work you tried to emotionally blackmail her with the effects of it on your family. It was only then that it began to dawn on her what had really happened. You were on police bail then but you asked her not to speak to the police. This was a calculated damage limitation exercise in an attempt to prevent the police finding out your catalogue of crimes. As a result of your offending she feels shame and guilt, feels betrayed, unable to share her feelings with anybody and your conduct will no doubt have a potentially profound effect on her future life, career and relationships.

I turn now to the offences involving [Person B]. She too was only 14 years old when you were 24 years old. Although initially she said she was 17 you knew or realised she was much younger than that and indeed you were told by others that she was only 14. In spite of knowing this and despite a warning from [Person C] you allowed your own sexual gratification to over-ride any scruples about her age. Scruples, not because of the significant age difference but because of the potential criminal consequences. You kissed her on one occasion then on another got her to perform oral sex on you during which you ejaculated into her mouth. It was her first sexual experience. Vaginal penetrative sex did not take place only because she came on her period that night. So far as the impact on her is concerned, it seems to me that she's still coming to terms with what happened. She thought she was in a normal relationship but it was of course an admirable one because of the age difference.

You've also been convicted of sexual assaults on [Person D], [Person E] and [Person F]. These were in reality unwelcome advances as you attempted to groom them for more serious sexual offences or they were an opportunistic prelude to such offending. [Person D] was 15 and you were 21. Whilst in the flat after she had been drinking you got closer and closer to her, put your hand between her legs and tried to kiss her. She pushed you off and told you she had a boyfriend which was untrue because she didn't want to do what you wanted to do but this was no misreading of sexual signals but it was the final step in your grooming of her that was rebuffed. Your grooming behaviour consisted of going on drives and providing alcohol and that meant of course that she spent a lot of time missing school and that affected her educational attainments and no doubt thereafter her career prospects she also suffered from from anxiety and flashbacks.

[Person E] was 16 and you were 23/24. You tried to groom her, you made comments about the size of her breasts enquiring about her sexual experience and all this while she was in the shop. On one occasion in the shop you seized the opportunity to grope her by running your hand over her bottom. It was brazen sexual behaviour. As a result of this she's felt uncomfortable, has some anxiety and wariness. That has all improved with the support of her mother.

[Person F] was 15 and you were 24. She was the former girlfriend of Jay who worked in your shop. You

got him to invite her along to a flat. There was alcohol and after a few hours you no doubt hoped that she would be disinhibited and no doubt made to some extent compliant. In a darkened room you grabbed her wrists and tried to pin her on the bed and kiss her. She tried to escape but the door appeared to be locked and she shouted for assistance from her former boyfriend. He came back in and her ordeal ended. A dark room, a strange flat, a strange man and no doubt she thought what might have happened. It must have been a terrifying experience and she's had to live with the psychological impact of what might have happened.

Finally I turn now to deal with [Person G]. Both of you have been convicted of committing serious sexual offences against her so she's been doubly abused by the pair of you. Vinodhan, she was 14 and you were 21 when you befriended her. She was a troubled and vulnerable young girl, vulnerable not only because she had only her mother to look after her and her mother was a chronic alcoholic, social services were involved with the family as a consequence of that. She was also vulnerable for other reasons, some of which have been dealt with in the section 41 application.

She came to the shop you worked in and you befriended her. She spent considerable time there and you groomed her. Her mother found out about this and went to the shop to try to stop it. She failed. [Person G]'s absent father was enlisted. He went to the shop to warn you off his daughter in forceful terms. You ignored that too. You concealed your relationship from [Person G]'s mother by getting her to open a Facebook account in a false name which her mother would not be able to access unlike ordinary text messages.

So it was that in a flat after alcohol had been provided you kissed her, she kissed you but you wanted more. You pulled her pants down and vaginally raped her despite her protests and you ejaculated. She started crying, she wanted to go home but you apologised and persuaded her to stay. Thereafter you had an entirely consensual sexual relationship, penetrating her vagina and her mouth with your penis on numerous occasions and this ended when she was around 15.

However, evidence remained of your relationship in the Facebook account in the false name. When the investigation began in 2016 you accessed that account, deleted that incriminating material and further tried to cover your tracks by changing the name of the account. You were then of course on police bail and it was after this when she was 15 that you Ilavarasan began a relationship with her. You were 21. After a grooming period you engaged in consensual sexual activity, penetrating both her vagina and mouth on numerous occasions up to her sixteenth birthday. The sex continued thereafter but of course she could now fully consent to such activity but of course you had groomed her well before hand.

Finally, when the investigation began which led to these proceedings you met [Person G] while you were on bail and sought to persuade her not to give the police any information that might get you into trouble. That is of course not to tell about the sexual activity when she was only 15 and you well

knew that it was wrong.

[Person G] was already vulnerable for reasons that I have touched upon. She feels especially guilty because you both manipulated her into getting her friends involved with the pair of you. Although she attributes her attempted suicide and family breakdown in relationships and mental health problems to you both, it may well be that the reality is that you've significantly contributed to pre-existing problems. The media messages passing between her and [Person H], her former support worker, give some insight into the impact on her of your offending. These were sent well before there was any investigation into your respective conducts against her. Vinothan, I've already dealt with your offending against [Person G] but she was not

your only victim. Sharon was only 14 or 15 when you were 20 to 21. You befriended her in a shop belonging to your father's friend. She was groomed with sweets, top ups and drives and then taken to a flat and provided with alcohol. You slapped her bottom and tried to kiss her but she pushed you off and hit you. Your response was to eject her from the room and lock her out leaving you, [Person A] and another man in that room. You refused to take her in but then you relented after she threatened to ring her parents or the police. Not surprisingly she's now suspicious of men and their motives.

I turn now to consider [Person F]. She was only 15 when you were 21 to 22. She went to the shop you worked in and you made her feel uncomfortable. You grabbed her breasts asking what size she was. She complained to her mother so her mother complained to you and your response was to laugh in her face. On another occasion you touched her breasts and so her brother went into the shop to remonstrate with you, indeed, he offered to fight with you but he was pulled away by his mother. Did this deter you? No.

The fourth time this happened [Person F] was so distressed she complained to a youth club worker. The youth club worker went to the shop to complain. She was female. What was your arrogant response to her? Do you want a grope and you laughed at her too. Complaint was then made to the police but ultimately and perhaps understandably [Person F] did not want to go through the ordeal of giving evidence so nothing was done then. As a consequence [Person F] has felt nervous and frightened and she's depressed and has self harmed and is on medication. She has difficulty with relationships and feels uncomfortable when going into local convenience shops.

Finally, when this investigation began [Person H], a former girlfriend, she was 16 then, contacted you because she found out that the convenience shop was closed.

By this time you had of course been arrested and interviewed concerning [Person B] and were on police bail. You were no doubt fearful she might provide information to the police that might link you or indeed your brother to offending against other girls in the past and that is why you asked her to lie to the police about whether she knew you.

So against that I have to consider the guidelines. The guidelines of course have to be followed but it seems to me in the circumstances of this case where I am dealing with the multiplicity of offending the over-riding and overarching principle has got to be one of totality. So far as the offences of sexual activity with a child are concerned, clearly category 1A applies where there was penetrative activity and indeed there was grooming and alcohol although it may or may not be questionable as to whether significant age disparity existed, starting from as little as 5 years in relation to [Person A] or up to 10 years in relation to [Person B]. There was ejaculation and there's been an attempt to dispose of or conceal evidence.

So far as the sexual assaults are concerned, category 3A applies in my judgment where there's been grooming and alcohol or occasionally the presence of others. So far as the allegation of rape is concerned, the prosecution submit in relation to that one count that category 2A applies, there being severe psychological harm. It may be in my judgment that this case is borderline category 2A, category 3A but as I've already indicated I'm dealing with numerous offences and therefore the precise delineation may not be so crucial.

Relating to the allegations of doing an act intending or attempting to pervert the course of justice, I have regard to the nature of the offending that has been sought to be concealed, the effect of the actions whether they were successful or not, the lack of or degree of persistence and whether this came about opportunistically or not.

In relation to each defendant there being convictions in respect of schedule 15 offences I have to consider the question of dangerousness. In relation to you, Ilavarasan, I've considered the pre sentence report which indicates that there's a high risk of serious harm to female children, I've had regard to the sustained conduct of offending over a number of years and in relation to you Mr. Copeland has submitted that this provision can only really bite if there was some evidence that the sole cause of serious psychological harm was your actions. I reject Mr. Copeland's submissions. I'm concerned with whether there is a future risk. The test is whether there is a significant risk of causing serious harm by the commission of further specified offences. Of course, regard is had to what has happened in the past but I have to look to the future.

In your case, I'm satisfied that there is a significant risk of you causing serious harm by the commission of further specified offences.

So far as sentence is concerned, I've got to consider, there clearly being determinate sentences in the first instance, as to whether in the light of my finding of dangerousness that there ought to be extended sentences. In that regard having assessed you as being dangerous with the risk that I've already identified, I have to consider whether the passing of a determinate sentence, albeit with those that concern penetrative activity there being an extended licence period attached to them, that would be

sufficient to meet the risk that you pose in the future and I've come to the conclusion that even with the extended licence period for offenders of particular concern and having regard to any potential sexual harm prevention order that that risk cannot be adequately met in the circumstances and accordingly I'm driven to the conclusion that there has to be an extended sentence in your case.

I'm mindful of the consequences and complications that come about by a multiplicity of extended sentences and therefore I'm going to structure the sentencing in a way that I hope makes it more simple and so it is that in relation to you, I'm going to start with perhaps what may seem to be the more minor matters.

In relation to the sexual assaults against [Person D], [Person E] and [Person F] in my judgment this isn't a case of precisely what happened, which part of which anatomy touched which part from which anatomy, context is all important and I hope that I have set out those contexts that makes these serious offences. In relation to [Person D], there will be a sentence of 1 months imprisonment, in relation to [Person E], 1 months imprisonment consecutive to that and in relation to [Person F] a sentence of 4 months imprisonment, all those sentences being consecutive and therefore making up a sentence of 6 months imprisonment. So far as the offences against [Person A] is concerned which as I've said was when she was 14 and then 15 and reflect not less than 36 offences of penetrative activity, looking at the matter in the round the conclusion that I've come to having regard to totality the sentence in respect of each of those offences should be one of 6 years concurrent with each other. That sentence will of course be consecutive to the 6 months that I've already imposed. So far as that sentence is concerned, ordinarily you might expect it to be an extended sentence but in the discretion vested in me I'm not going to do that because the extended sentence will be the final sentence that's imposed.

So far as [Person G] is concerned, she was 15 at the time and the convictions on counts 17, 18, 19 and 20 reflect penetrative activity taking place on not less than 26 occasions. Of course, I've already identified the aggravating features of grooming, alcohol and significant disparity in age. The sentence on that again having regard to the overall totality and the fact that this is going to be a consecutive sentence will be one of 6 years imprisonment.

Finally, I turn now to [Person B]. In relation to that, count 35 deals with the allegation of kissing, there will be a sentence of 1 month imprisonment in relation to that. In relation to count 37 that dealt with you touching her breasts under her clothing on her skin and trying to put your hand inside her knickers, there will be a sentence of 3 years imprisonment in relation to that, that will be concurrent and finally, in relation to count 36, the penile penetration of her mouth, I've already dealt with the alcohol, the grooming, the significant disparity in age, the ejaculation and indeed attempts to conceal evidence by deleting material on your mobile telephone with photographs taken and contact details, the sentence again bearing in mind totality will be an extended sentence of 10 years. That will comprise 6 years of custodial term and 4 years extended licence and so the

net effect of those sentences is one of 22½ years comprising 18½ years custodial and a 4 years extension period.

The notification provisions will apply, they will continue indefinitely. Having regard to the dates of offending there will be of course no statutory charge in relation to these matters and having regard to the fact that there's an extended sentence being imposed there will be no need for a sexual harm prevention order. Now, Miss Reaney, in relation to this particular defendant is there anything else that I need to deal with? I've made a restraining order already.

MISS REANEY: Well, yes. Then there's nothing further, thank you. HIS HONOUR JUDGE WRIGHT: Vinothan, you were assessed in the pre sentence report as having a high risk of causing serious harm to children. There was reference to your lack of victim empathy and lack of understanding of the consequences of your actions. Mr. Kazantzis on your behalf has pointed out that there's been no conviction since 2012 although he concedes that there was behaviour in relation to [Person I] that was not indicted and that occurred in May 2013 but it is clear to me on the evidence before me that your interest in young teenage girls didn't end back as 2012 and 2013. You were still interested at the end of 2015 to 2016 and that's clear from the sequence of events chart and the fact that you were showing interest in young teenage girls then may not have actually come about to criminal offending but you were still interested and so in your case I've got to consider whether there's a significant risk of you causing serious harm by the commission of further specified offences. You're older than your brother. I'm satisfied in your case that there is such a risk and therefore I'm going to consider whether determinate sentences are sufficient even coupled with a sexual harm prevention order and an extended licence period for offenders of particular concern, whether that's sufficient to meet the risk that you pose in the future and having regard to the nature of sentences that will be passed.

I've come to the conclusion that they would not be sufficient and not only are you dangerous but there needs to be an extended sentence in your case and again I'm going to structure the sentences in the same way as for your brother, the extended sentence will come last.

Now in relation to the allegation of rape, Mr. Kazantzis submitted that this was not category 2A but category 3A. They question whether [Person G] was a victim who was particularly vulnerable and your lack of knowledge of her in the circumstances. Now she was 14 at the time, she was spending significant periods with you in the shop and particularly at night time when you would have realised she should have been at home and therefore there was an absence of any parental supervision. Bearing in mind her background it may be and looking at this on balance more favourably to you that this again crosses the borderline between whether this is 2A or 3A but of course, as I've said, the overarching principle here has to be one of totality but in relation to her, having raped her, having groomed her and she was not compliant on that first occasion, she became compliant but of course girls have to be protected from themselves and you'd groomed her. So in relation to counts 13, 14, 15 and 16 there are going to be concurrent sentences which I

will take into account when fixing the sentence in respect of the rape.

So in relation to the sentences the sentences that I impose are as follows: on count 39, the attempting to pervert the course of justice, the allegation relating to [Person H] against whom you did not commit any offence since she was 16 at the time, there will be a sentence of 1 years imprisonment; on counts 21, 23 and 25 relating to [Person F] and the incidents in the shop of touching her breasts, there will be sentences of 9 months imprisonment concurrent in respect of each count, that will be consecutive to the 1 year already imposed; on count 9, the allegation in relation to Sharon, there will be a sentence of 3 months imprisonment consecutive and so therefore the total sentences so far amount to 2 years. In relation to counts 13, 14, 15 and 16, sexual activity with a child, the sentence I impose in respect of those is 8 years concurrent with each other but they will be concurrent with the sentence imposed on count 11 and I take those into account when fixing the sentence under count 11 and that sentence will be one of a 16 year extended sentence comprising 12 years custodial period and a 4 year extended sentence. You too will be subject to notification provisions indefinitely.

I've made the restraining order. Miss Reaney, is there anything else in relation to this particular defendant?

MISS REANEY: Your Honour I assume makes no sexual harm prevention order in the light of the finding of dangerousness.

HIS HONOUR JUDGE WRIGHT: No, not in the circumstances. It seems to me that the extended licence provisions that follow on from the extended sentences will enable the authorities at that stage in the light of the context of the [inaudible] to determine what conditions are appropriate in orderx to deal with any risks that the defendants may then present.

MISS REANEY: Your Honour, yes, and forgive me, going back to Ilavarasan

Rajenthiram for a moment, I'm not sure that I noted if your Honour passed sentence in respect of the administration of justice offences, the last two. HIS HONOUR JUDGE WRIGHT: Oh, I see. A section 40 you're referring to? MISS REANEY: Your Honour, yes. There would be counts 40 and 41. HIS HONOUR JUDGE

WRIGHT: Section 40 and 41, I'm very sorry, yes. The sentences in respect of both of those will be 12 months but I've already taken those into account in fixing the sentences for the substantive offences and so they will be 12 months concurrent with the particular complainant sentence that's been imposed.

MR. COPELAND: Your Honour indicated that on the last occasion. HIS HONOUR

JUDGE WRIGHT: Yes.

MR. COPELAND: That's why I didn't address your Honour upon it this morning. MISS REANEY: Thank you. That I think does complete the sentencing exercise for the indictment.

HIS HONOUR JUDGE WRIGHT: Thank you.

