

IN THE CROWN COURT AT OXFORD

St Aldates
Oxford

Before HER HONOUR JUDGE SMITH

R E G I N A

- v -

ZSOLT SZALONTAI & OTHERS

MR S TRIMMER appeared on behalf of the Prosecution

Details of counsel appearing on behalf of the Defence not supplied

SENTENCING REMARKS
17th APRIL 2015, 15.35-16.11

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REPORTING RESTRICTION SECTION 39 OF CYPA 1933 APPLIES

A JUDGE SMITH: The defendants can all remain seated. You have all been convicted by the jury of sexual offending in a variety of ways, and this has exposed a culture of sexual behaviour with girls and young females for self-gratification, and a callous attitude towards young women and those girls.

B In your case, Mr Hassan-Sule, this attitude has persisted for many years. The earliest of the charges on the indictment are those that concern [Person A]: you befriended her on Facebook in 2010, very shortly after the birth of your first son, who had been born to a 15 year old girl. You were 16 when you met [Person A1], and she was 13. You knew her young age, and you told her that you wanted her to be your girl, that you loved her, and you led her to believe that she was in a relationship with you. Counts 17 to 21 reflect the sexual activity you had with her from that young age, which included digital penetration, oral and vaginal intercourse, when she was 13, 14, and 15, and count 22 reflects similar activity when you were over 18.

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D In May 2011, you befriended [Person B]: her aunt went out with your brother, and you knew well her age from that aunt. Again, you conversed with her over Facebook, and you told her she was the girl for you and you should be together, and shortly after her 14th birthday, in May 2011, you took her to your home to watch a DVD, and had sexual intercourse with her. You did so on two further occasions, and count 26 is a specimen count to reflect that. When you moved house, she decided not to continue with this activity.

E In 2011, you formed a relationship with a woman of mature years, she became your girlfriend, and she bore you a son in October of 2012. Despite this, you decided to befriend another underage girl, [Person C], and she was just 14, or just before her 14th birthday, when you contacted her on Facebook, and, in an all too familiar manner, you told her that you loved her, and she believed that she was in a real relationship with you. You had sexual intercourse with her when she was 14, and count 10 reflects the first occasion that occurred, count 12 reflects an occasion in your car, and, when she was 15, count 13 reflects that behaviour. An aggravating feature in her case is that you had sexual intercourse with her without protection. In your interview, you denied having any sexual relations with her, and no doubt would've so continued to have denied it but for the fact that she gave birth to a child in October 2014, and DNA testing of that child showed that you were his father.

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H During this period, and through football and college, you came to meet your co-defendants: Mohamed and Said Saleh, Mr Hova, and Mr Manase. You put on charity events to raise money for your football club, and these were known as "fiddy events". This raised your profile among young people in Bambury, and you saw yourself as a celebrity. Your co-

A defendants assisted you in organising some of those events, and you became a group - this is with the exception of Mr Szalontai - and this became a sexually promiscuous group: not with activity with your own regular girlfriends, but activity with girls who were young, vulnerable, and lacking maturity.

B One such as [Person D], [Person C]'s friend. She'd had a difficult home background, she was failing at school, and drinking to excess, in need of attention, and wanted to be liked. In the latter part of 2012 or the early part of 2013, when she was 13 or 14, you saw her near People's Park with two friends, in your car with Mohamed, Said Saleh, and Mr Hova. Her friends left her, and you took her in your car, with your co-defendants, to another park, **C** Spiceball Park, where in that car each of you had sexual intercourse with her. Following that, you drove back to your home, and, whilst she was in the car, scrubbed the back seat of the car. You were all aged 18 or over. She described all of you as being forceful with her. It's right to say that three of you wore condoms, but you, Mr Hassan-Sule, did not, and she described you as being really rough with her.

D She told the court she believed you had planned this, but she wanted to be liked, and saw your activities as normal. She further described in her evidence an occasion when she went to your house and present there was also Mohamed Saleh, Said Saleh, Mr Hova, and Mr Manase. She said she would be subjected to sexual activity downstairs whilst you, Mr Hassan-Sule, had sex with [Person C] upstairs. You then came downstairs and moved the others out of the way and had sex with her on the sofa, with the others present: that, she said, **E** happened on more than one occasion, and count 3 is a specimen charge to reflect that. She further described on one occasion when visiting your house she was on her period and you became angry with her, so you, Mr Manase, went upstairs with her and had sexual intercourse with her in Mr Hassan-Sule's bed.

F On another occasion, Mr Manase, Mr Hassan-Sule, you were outside a kebab shop, and she went with you both to your home. She was taken to the bedroom, she was put over the bed, where you, Mr Manase, had sex with her from behind, whilst you, Mr Hassan-Sule, put your penis in her mouth, and she described how that forced her to choke and gag. Those are counts 7 and 8.

G Count 11 concerns an occasion when [Person C] and [Person D] were at your home address, Mr Manase, together with Mr Mohamed Saleh, and, whilst there was some activity taking place on a bed between you, Mr Manase, and [Person D], you, Mr Mohamed Saleh, removed [Person C]'s leggings and, wearing a condom, embarked on sexual intercourse with **H** her. She did not want it, she told you to stop, and you did.

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Counts 9 and count 15 concern an incident at People's Park when [Person C] had called you, Mr Hassan-Sule: you drove up in your car, you saw she was with [Person D] and [Person E], and when you saw that you contacted your friends, and that included Mr Hova and Mr Manase, who then came to People's Park. After their arrival, you drove away:

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[Person E] went and sat on a bench, and was then, as she described, pestered, firstly by you, Mr Hova, to suck your penis, and then by you, Mr Manase, made the same request and exposed your penis to her. She refused on both occasions, and she was asked why she had come out if she was not going to do anything. Count 9 concerns [Person D]: on the same

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day, in the same park, you both exposed your penises to her, and she was subjected to the same requests. Count 16 is another occasion when you, Mr Manase, met [Person E] in the park: there you tried to kiss her, and again made the same request of her to suck your penis.

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Count 14 concerns [Person F], a friend of [Person D]'s: she was just 16. She and [Person D] had met you, Mr Hova and Mr Hassan-Sule, in the park. You, Mr Hova, had not met her before, but immediately began talking sexually to her in a car; she made it clear she was not interested in such activity. [Person D] agreed to go back to Mr Hassan-Sule's house, and on arrival they went upstairs together with [Person F1]. She was requested to wait in a bedroom whilst [Person D] and Mr Hassan-Sule went into another. After a very short time, you came upstairs and spoke to her, and you then started rubbing her legs; she protested, but you did not stop, and when you spoke in an aggressive tone to her she became fearful. She was concerned because she knew that you were not alone in the house, and, though you knew she did not want any sexual activity, and she had been pushing you away and saying "No", you removed her leggings and had sexual intercourse with her, without her consent.

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She was 16, and therefore still a young person, and she was in a vulnerable position at the time. Also, she was concerned that if she reported the matter she would not be believed, as [Person D] had told her, and also she was concerned as to adverse consequences for her and her siblings should she inform someone that she had been raped. She made no complaint to the police at the time, but later made her complaint when she was seen by someone from the operation team.

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Counts 24 and 25 concern [Person G]. She was 16 years of age, and studying at the same college as you, Mr Szalontai. You met at a train station, and you were aware she had taken a liking to you. You exchanged texts and arranged to meet her in her village. It was a Sunday, and you asked Mr Hassan-Sule for a lift. It's clear that you were intending to have a sexual encounter with her, regardless of her right to a free choice; when texting Mr Hassan-Sule the postcode, you said to him, "We can fuck her both, threesome". You arrived in Mr

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A Hassan-Sule's BMW during the course of the afternoon and met in a park. You and [Person G1] kissed consensually, but continued to talk about doing threesomes, and she made it clear she did not want to do anything sexual. You and Mr Hassan-Sule insisted she got in the car, and you drove initially to a shop, and when Mr Hassan-Sule went to make a purchase you exposed your penis.

B [Person G1] did not want to leave the area that she was familiar with, and when the car was driven from the shop she suggested a place known to her locally, where she wouldn't be seen by her parents. She tried unsuccessfully to phone a friend, and when the car parked up you, Mr Szalontai, told Mr Hassan-Sule to get in the rear of the car, which he did. She was therefore seated between you, and you, Mr Hassan-Sule, and you, Mr Szalontai, pushed her head down onto your penis, saying "Kiss it", and your penis went in her mouth, and you, Mr Hassan-Sule, took her tights and knickers down and inserted your fingers into her vagina. You then, Mr Szalontai, told [Person G1] to give him head, at which point she managed to climb out of the car and make her way to a hiding place in the recreation ground, where she was later found by her friends in a very distressed state.

C The victim personal statements show the devastating impact your activities have had on the lives of these young girls: they feel betrayed; one, of course, is now a single mother at a very young age, and is unable to trust anybody; and another feared for the safety of her family when she informed the police of these matters, and had to live isolated from her friends. In passing sentence, I have had regard to the sexual offences definitive guidelines, and I take into account where present the aggravating and mitigating factors identified. I will seek to pass sentences which are proportionate, and I will apply the totality principle in all cases.

D Mr Hassan-Sule, you are sexually preoccupied, and view young girls as sexual objects for use for your own sexual gratification, and for the gratification of your friends in your group. You have been assessed as presenting a very high risk of serious harm to young girls and teenagers. I accept that part of that reasoning has been based on a premise that the court has excluded, but, looking at the past pattern of your behaviour, and how you have used young girls, I am of the opinion that you do pose such a risk, and I consider an extended determinate sentence to be appropriate. In your mitigation, it is accepted that this is not a case where you groomed these girls by plying them with alcohol, or that the fiddy events were for sourcing young girls. You are still of a young age - you are now 21 - and, although you are charged with serious offences, serious sexual offences, you have not been charged with rape.

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Having decided that you should be subject to an extended determinate sentence, I take the view that the correct way to sentence would be to sentence on count 1 and apply the appropriate term and an extension of the licence, and to make other sentences concurrent with that. In respect of count 1, the sentence I pass is one of nine years' imprisonment, and there will be an extension period of five years: that means, of course, that Mr Hassan-Sule would serve two-thirds of that sentence, and he will then be on licence for the extended period. In respect of count 3 and count 8 - excuse me one moment - on count 3, four years concurrent; on count 8, which is another occasion where there was group activity, four years concurrent; on counts 10, 12, and 13, concerning sexual activity with [Person C], two years concurrent on each; in respect of counts 17 to 21, which concerns sexual activity with [Person A2] when Mr Hassan-Sule was under 18 years, one year on each concurrent; and for count 22, when he was over 18, two years concurrent; and on count 25, for assault by penetration, four years concurrent, and for sexual activity with a child - namely, [Person B] - when under the age of 18, one of one year concurrent.

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Turning to Mr Mohamed Saleh, you stand to be sentenced on count 1, which is sexual activity with [Person D1] in Spiceball Park, and in respect of count 11 for the penetration of [Person C]. The aggravating feature here is that you were committing these offences with others at the time, but the mitigating factor in respect of count 11 is that when you were told to stop you did, and you were wearing a condom. Your mitigation is that you have no previous convictions, you were 20 at the time of this offending, and I've read a letter from your girlfriend speaking of your positive qualities. In your case, I do not consider that you pose a significant risk of serious harm to children, and propose to pass a determinate sentence. In respect of count 1, the sentence is one of four years' imprisonment, and in respect of count 11, nine months consecutive. In your case, you will serve half that time, you'll then be released, and when released you'll be released on licence.

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Said Saleh, you stand to be sentenced on count 2(a), which is the Spiceball Park incident. Your mitigation is that you have no previous convictions, you were 18 at the time, during the course of the time you've been on remand you have undertaken coursework in order to improve yourself for the future. In your case, I consider the sentence to be one of four years' detention. I do not find that I need impose the dangerousness provisions: that means you'll serve half that time, and you will then be released.

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Mr Hova, you stand to be sentenced on count 9 and count 15, which relates to incitement of a child whilst in People's Park: incitement towards [Person D1] and [Person E1], and in count 14 for the rape of [Person F2]. In your case, I have had to consider

A dangerousness: not only do I have to consider your behaviour in this case, but also the fact
that you have a previous conviction for sexual activity with a 13 year old child. Again, I
appreciate that the writer of the pre-sentence report has taken into account matters that the
B court has not accepted, but, nevertheless, I do find, given the background - the number of
underage girls, and the young age of [Person F2], and the factor of your previous conviction -
that you do pose a significant risk of serious harm to young females, and in your case I intend
to pass an extended determinate sentence.

I intend to approach the matter in the same way as I have for the first defendant,
which is to place a sentence on count 14 to reflect the rape and the activity in People's Park,
C and to make concurrent sentences in respect of those. On count 14, there'll be a sentence of
six years' imprisonment - I should've said, and I apologise, that your mitigation is that you
were 18 and 19 when you committed the offences on the indictment, you're now 21, and it's
right to say, in having intercourse in count 14, you did use a condom. The sentence I pass is
D six years on count 14, and one year on count 9 and count 15 concurrent, so the appropriate
term is six years, and there will be a licence term thereafter of four years.

UNIDENTIFIED COUNSEL 1: Your Honour, I hesitate to interrupt, but Mr Hova also falls
to be sentenced for count 1.

JUDGE SMITH: So he does, thank you. On count 1 - I must go and look back what I said
about that, thank you - so six years is the appropriate term, and a licence of four years, and
E count 1 will be one of four years concurrent.

Mr Manase, you fall to be sentenced on counts 6, 7, 9, 15, and 16: count 6 being
sexual activity and penetration of [Person D1], and similar activity with [Person D1] at a time
when you were with Mr Hassan-Sule, and count 9 and count 15 concern inciting [Person D1]
F to suck your penis, similar behaviour towards [Person E1], and a further sexual assault
towards her on another occasion.

In addition to those matters, I have to sentence you for the possession of false
documents: you arrived here from South Africa in October 2012, you then acquired a UK
registration card which was false, and which placed your age as younger than your true age,
G and you sought in this course of this case to pass yourself off as younger than you really
were. In fact, you were - you are now, it is said by the Crown, to be 26 years of age, so there
was some significant difference between your age and that of your victims. Your mitigation
is that you are of good character, you're a hardworking man, and you felt isolated when you
were here, and were attracted therefore to mix socially with this group, to which you attached
H yourself after, it would appear, some of these activities had already started.

A In respect of count 7, there will be a sentence of four years' imprisonment, and in respect of counts 9, 15, and 16, for totality I'm going to say that there will be one year on each concurrent, and in respect of the false documents you did plead, although late in the day, but your sentence will be one year consecutive. And count 6, similarly, one year concurrent.

B Mr Szalontai, you are now 18 years of age, but you were convicted by the jury when you were still 17, and I have to sentence you as a youth. Your mitigation is - in respect of this rape is that at the time you were 16 years of age. I have seen references from your mother and relative setting out your positive qualities, but, having regard to the circumstances of this offence, the court is of the opinion that neither a youth rehabilitation order nor a
C detention and training order is suitable, and that a sentence of detention under section 91 of the Powers of Criminal Courts Act is appropriate. The starting point for a case such as this for an adult, in the court's opinion, would be one of at least six years, but having regard to your young age, the time - particularly the age you were at the time of this offence, and
D having regard to the other features of mitigation put before me, and the impact that this matter will have upon you, the sentence of the court is one of three years' detention in a young offenders institution.

In respect of each of you, the appropriate term under the Registration of Sexual Offenders Act will apply; the appropriate victim surcharge will apply. In respect of the
E orders sought to prohibit the defendants from associating with young persons, I take the view that in the case of Mohamed Saleh, Said Saleh, Mr Manase, that 10 years is suitable, but in respect of the first defendant and the fourth defendant it should remain as it is, without period of time.

Are there any matters that I've left outstanding?

F MR TRIMMER: No, I don't think so.

JUDGE SMITH: Thank you very much. The defendants can go downstairs.

UNIDENTIFIED COUNSEL 2: Does your Honour say that time thus far served will count towards the sentence?

JUDGE SMITH: It will do automatically.

G UNIDENTIFIED COUNSEL 2: Oh, does it? Right, thank you.

JUDGE SMITH: Except for Mr Szalontai: 22 days' credit.

UNIDENTIFIED COUNSEL 3: I'm grateful, thank you.

JUDGE SMITH: Thank you. Mr Trimmer, this was a case that was investigated by a team from the Kingfisher Team; is that not correct?

H MR TRIMMER: It was, yes: police officers and social services personnel in conjunction.

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JUDGE SMITH: With health workers as well, I think?

MR TRIMMER: Yes.

JUDGE SMITH: And I understand that the two officers who have been primarily involved in this investigation are DC Richard ---

MR TRIMMER: Detective Sergeant Richard Pickering ---

JUDGE SMITH: Thank you.

MR TRIMMER: --- who sits in court, and Detective Constable Liz McCarthy, assisted by Detective Constable Bulger.

JUDGE SMITH: Thank you. Well, the court will commend those officers and the Kingfisher Team for the work done.

MR TRIMMER: Ma'am, I'm obliged. Thank you.

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