



JUDICIARY OF
ENGLAND AND WALES

The Queen
-v-
Mark Cummings and Katie Leong

In the Crown Court at Leicester

21st March 2017

Sentencing remarks of Mr Justice Haddon-Cave

1. Katie Leong (52), you have been found guilty by the Jury on overwhelming evidence of the Attempted Murder of Daniel Rotariu (31). This intelligent and hard-working Jury have seen through your elaborate web of lies. I will now sentence you for this most serious offence.

The Facts

2. Just after 2 am on 27th July 2016, you entered your boyfriend Daniel Rotariu's bedroom at 11 Turner Road in Leicester whilst he was fast asleep, pulled his duvet away and poured the entire contents of a 500ml bottle of sulphuric acid 96% purity over him, intending to cover as much of his face, torso, arms and legs as possible, but particularly targeting his face and head. He was naked apart from boxer shorts. He woke feeling as if boiling water was being poured on him, and issued an ear-splitting scream as excruciating pain began to set in. He felt attempts to move his arms away from his head in order to target his face. It was dark and he could not tell who was in the room doing this to him but saw a shadow leaving. He staggered next door into the living room and found, you, Katie Leong, sitting in a chair and simultaneously heard the back door shutting as Mark Cummings left the house. Daniel Rotariu managed to get to the bathroom, his eyes already going cloudy and the sulphuric acid burning into his face and body, and started trying to wash it off himself with the shower head.
3. The police were quickly on the scene. PC Woods and PC Boyall-Love from Euston Street Police Station, Leicestershire Constabulary, arrived first. Officer Woods described the scene that greeted her as "*the most horrific thing I have*

ever seen in my life and the chemical smell hit me like a swimming pool". She calmed Daniel Rotariu and spent the next 25 minutes bravely trying to shower the acid off him and, in the course thereof, was herself splashed with acid. T/PS Davies and DS Walker and then DC Palfreyman and PC Chabuz arrived, followed by the Leicestershire ambulance service and paramedics.

4. Daniel Rotariu was rushed to Leicester Royal Infirmary and then to a specialist Burns Unit. He was put into an induced coma and underwent a number of emergency operations. He had 32% surface area burns estimated at 35-40% full thickness to his face, lips, tongue, ears, both arms, chest and other parts of his body. He remained in hospital for months. He suffered irreversible blindness and the most terrible life-threatening and life-changing injuries. It is a miracle that he survived. It was only because of the first class medical treatment he received from the doctors and nurses of the NHS that he pulled through.
5. Unfortunately for you, the attack did not quite go according to plan. Daniel Rotariu was sleeping on his stomach and pouring acid over his face and mouth, which might have silenced him was not as straightforward as you thought and he immediately screamed and woke the rest of the house up.
6. The police chest-cameras show you, Katie Leong, then performing an elaborate charade of pretending that it was nothing to do with you and it was all the doing of Mark Cummings, whom you had enticed over to the house that night. Your protestations of how much you loved Daniel Rotariu were entirely hollow. You were, however, not as clever as you thought and started giving differing versions of events to the police and medical staff, one of which was that you were actually in bed with Daniel Rotariu when Mark Cummings threw the acid and you saw him 'smiling' as he did it. It was telling, as the jury no doubt found, that not once did you deign to go and try to help Daniel Rotariu in the shower or comfort him.
7. I have no doubt, that it was your plan to fulfil a long-held fantasy to pour sulphuric acid over your boyfriend Daniel Rotariu's body and kill him, and set up Mark Cummings to take the blame. In this way, you would get rid of both men for whom you had no further use.

Victim impact

8. The injuries that you have inflicted on Daniel Rotariu have been beyond imagination. He is completely blind. He has suffered the most terrible facial and body disfigurement. He is in constant pain. He will require at least another 20 operations.
9. Remarkably, and bravely, Daniel Rotariu was able to come to give evidence in this court and the jury heard him recall what he saw and felt as he woke that terrible night. Nobody who witnessed his evidence could not have been profoundly moved. As Mr Rutherford QC eloquently put it in his final speech:

"Mr Rotariu was a highly dignified and impressive man who delivered his evidence without a whisper of self-pity; it was hard not to be overwhelmed by the privilege of hearing him give evidence."

10. Daniel Rotariu's victim impact statement, taken by the officer-in-charge of the case, DC Welford, speaks powerfully and poignantly as to the living catastrophe that you wrought upon another human being, a kind and decent man who was liked and admired by his colleagues at work:

"...It's changed my life totally. It's a nightmare for me... I can't see nothing anymore... I'm afraid I'm not gonna have a relationship ever... I'm never gonna see my baby... I don't know what to do, I have to make some plans to survive you know because I can't stay all of my life on benefits... I worked all my life, I used to like working. Even after work, I used to walk home and I used to do things, I liked to do a lot of things. Now I can do nothing that I used to do... After I wake up in the hospital and I found out what it was a shock for me finding out that my girlfriend, Katie did this... I wish that I should have known the lies... The person you trusted the most did this to you. I have nightmares that I see that day, that happened, I see it every day, every hour, like it was yesterday... I can feel the acid like it's going to your skin, you know it's like all this pain, it's going into your skin... It's hard because you don't know when it's day and you don't know when it's night, you don't see the daylight anymore... I was looking to the sun when it was sun a couple of days, I couldn't see nothing, and I was feeling the heat from the sun on my face but I couldn't see it, it was dark... Going outside people are just making space, just hear them whispering and things... I'm gonna have to live all my, the rest of my life, more than half of my life I'm gonna have to live it like this... I'm gonna need another twenty operations at least. I had, idea now, over five thousand tablets I counted them... It's hard. It's hard. Sometimes I wish I was dead and I didn't survive."

Attempted Murder – the Guidelines

11. I direct myself in accordance with the Sentencing Counsel's Guidelines on Attempted Murder. I also have regard to the factors set out in Schedule 21 to the Criminal Justice Act 2003 relating to the most serious offences. Attempted murder can often be more serious than murder itself, given the necessary intention which must be shown of actual intent to kill (*R v Powell* [1998] 1 Cr App R (S) 84).
12. In my judgment, this case falls under paragraph 5(1) of Schedule 21 to the Criminal Justice Act 2003 as one where the seriousness is "*particularly high*" for the following reasons:
 - (1) First, the use of acid as a weapon of death and destruction on another human being, in this case the most powerful of acids, 96% purity sulphuric acid
 - (2) Second, it involves sadistic conduct, namely the pouring of an entire 500ml bottle of this acid over the face and body of the victim whilst he was asleep in bed with the intention of causing the most horrific and painful disfigurement and death

- (3) Third, detailed research carried out by you prior to committing the attack; you researched the effect of acid on the web, and tested one of the bottles of acid on sausage meat to satisfy yourself it would have the right destructive effect on human tissue
- (4) Fourth, you harboured a long-standing, macabre fascination and fantasy about attacking someone with acid and kept a copy of Katie Piper's book "*Beautiful*" beside your bed (see further below)
- (5) Fifth, the life-long physical and psychological damage caused to Mr Daniel Rotariu in this case cannot be understated
- (6) Sixth, the preparation and planning you engaged in was long-running and meticulous. You had two aims: to kill your boyfriend, Daniel Rotariu, with acid and ensure Mark Cummings took all the blame. You persuaded Mark Cummings in January 2016 to buy the first bottle of acid by pretending it was for a jewellery business, and insisted that Mark Cummings bought both bottles on the web using his own PayPal account. You persuaded him to buy a second bottle in June 2016. You exploited the fact that Mark Cummings was obsessed with you and would do anything to please you. Your plan or fantasy to conduct an attack may have been inchoate in early 2016 without a particular victim in mind. However, at some stage you decided to do away with your boyfriend, Daniel Rotariu, who was not as compliant as some of the other men whom had had the misfortune to have relationships with you. You therefore conceived of the idea of inveigling Mark Cummings over to 11 Turner Road on the promise of re-kindling your relationship and a trip to Blackpool to celebrate your inheritance and setting him up.

Level of determinative sentence under paragraph 5(1) and SG

13. Paragraph 5(1) of Schedule 21 of the 2003 Act provides for a case where the seriousness is "*particularly high*" a starting point of a determinative sentence of 30 years' imprisonment. The present case also falls within Level 1 of the Sentencing Guidelines, because of the long term physical and psychological damage caused to Daniel Rotariu, which provides a starting point of 30 years' imprisonment and a range of 27 – 35 years' imprisonment.

Further aggravating factors

14. There are a number of further aggravating factors in this case:
 - (1) First, the fact that you have a conviction in 1988 for wounding your estranged husband when you assaulted him with a bread knife severing an artery
 - (2) Second, this case also involves a breach of trust and deceit by you as Mr Rotariu's girlfriend. You grossly abused and exploited that trust. You made sure he was asleep that night and did not lock his bedroom door and then attacked him in the most cowardly of circumstances, as he slept in his own bed, a bed which you used to share.

15. For these reasons, in my view, this case falls into the highest categories of both culpability and harm.

Mitigating factors

16. I have listened carefully to everything that has been ably said on your behalf by Ms Khan QC by way of mitigation. But as she realistically acknowledges, personal mitigation has minimal weight in a case of this gravity. Nevertheless, I have carefully read the Psychiatric Report prepared on you by Dr Mendelson which refers to difficulties you are said to have experienced in childhood. I also bear in mind that you have a daughter.

Discretionary life sentence

17. Section 225 of the Criminal Justice Act 2003 permits the court to pass a discretionary life sentence in appropriate cases. It provides:

“225.—Life sentence for serious offences

- (1) *This section applies where—*
 - (a) *a person aged 18 or over is convicted of a serious offence committed after the commencement of this section, and*
 - (b) *the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences.*
- (2) *If—*
 - (a) *the offence is one in respect of which the offender would apart from this section be liable to imprisonment for life, and*
 - (b) *the court considers that the seriousness of the offence, or of the offence and one or more offences associated with it, is such as to justify the imposition of a sentence of imprisonment for life, the court must impose a sentence of imprisonment for life.*
- (5) *An offence, the sentence for which is imposed under this section, is not to be regarded as an offence, the sentence for which is fixed by law.”*

18. The court must, therefore, be satisfied of four matters before passing a discretionary life sentence:

- (1) The defendant is over 18 years old;
- (2) The defendant is convicted of a “*serious offence*”,
- (3) The defendant is “*dangerous*”;
- (4) Imprisonment for life is justified.

Analysis

19. I am satisfied as to each of these factors. First, you are now aged 52. Second, Attempted Murder is a “*serious offence*” within the meaning of the Act.

20. Third, I am satisfied that you are “*dangerous*” within the meaning of the Act. “*Dangerous*” means “*a significant risk to members of the public of serious harm*” occasioned by the commission of further specified offences. Significant means noteworthy, or of considerable amount or importance (*R v Lang* [2005] EWCA Crim 2864; *Pedley, Martin and Hamadi* [2009] 1 WLR 2517). The *indicia* of dangerousness are plain on the facts of this case as revealed during the trial and in my judgment it is not necessary to obtain reports in this case (*c.f.* s.156(3) and (4) of the 2003 Act). I am satisfied that you are “*dangerous*” for the following reasons:

- (1) First, the fact that you were prepared to carry out the attack of this most heinous nature suggests a capacity to commit physical harm with no moral boundaries. You sought to torture and kill a man, your boyfriend, for over 6 months by pouring acid over his face and body whilst he lay asleep in bed, having previously experimented to satisfy yourself as to the harm the acid would cause to human flesh
- (2) Second, this was no spur of the moment action, but a carefully planned attack (see above)
- (3) Third, the fact that it is clear that you are a highly obsessive, jealous and selfish person. You harboured a well-documented obsession with sulphuric acid and fantasised about committing an attack on someone using acid. As I have highlighted, the police found the biography by Katie Piper “*Beautiful*” beside your bed. I am satisfied that you derived a macabre pleasure from carrying out the attack on your boyfriend, Daniel Rotariu, in some sort of mirror image to the book. You had an obsession with crime and committing ‘the perfect crime’, and apparently fancied yourself as a ‘crime writer’. I also regard it as noteworthy and disturbing that there was evidence that you made Mark Cummings watch a DVD with you about Ruth Ellis, “*Dancing with Strangers*”, dozens of times
- (4) Fourth, the fact that you have a conviction for violence with a knife against a previous ex-partner albeit a long time ago (see above)
- (5) Fifth, it is clear that you are a highly manipulative, controlling and scheming person who seeks to exploit the weaknesses of men who are drawn into your web and to punish those who do not do your bidding, in particular those who, like Daniel Rotariu, refused to have your name tattooed on them. You deceived Daniel Rotariu about many things including your age. I have no doubt that the reason why you chose that particular evening to put into effect your plan to attack Daniel Rotariu with the acid is because he had annoyed you during a minor argument that afternoon and went to bed at 8 pm ignoring you; and that is why you called Mark Cummings at 9 pm and enticed him over with the promise of re-kindling your relationship and a supposed trip to Blackpool. You then tricked him into opening the bottle of acid in your room and wore his coat downstairs when you carried out the attack. You exploited Mark Cummings’ weakness for you and deliberately sought to implicate him. You nearly succeeded.

Life sentence

21. When passing a life sentence, pursuant to Section 269 of the Criminal Justice Act 2003, the Court must decide the minimum term to be served before you can be considered for release on licence. In deciding what minimum term is appropriate, the court must take into account the overall gravity of the offending.
22. It is important that you and the general public should understand what a “minimum term” means in practice. Where the court specifies a minimum term, you cannot be released until that minimum term has expired. But even then you will not automatically be released. You will not be released unless and until the Parole Board are satisfied that it is safe to release you into the community. That time may never come. Even if you are released on licence, that is not the end of your sentence. You will remain subject to the conditions of your licence for the rest of your life. If you reoffend, the Secretary of State has the power to order that you be returned to prison to continue to serve your life sentence until it is thought safe to release you again.

Minimum term

23. In my judgment, taking all the above considerations into account, the appropriate determinate term of imprisonment would have been at the higher end of the range of the Sentencing Guidelines bracket to which I have referred, namely 34 years.
24. Accordingly, in accordance with normal sentencing practice, when setting the minimum term for an indeterminate life sentence, the minimum term will be half of the equivalent determinate sentence, namely 17 years.
25. Time already spent in custody will be deducted to arrive at the minimum term. You have been in custody since 29th July 2016 and, accordingly, 235 days should, by the Prison Authorities calculation, be deducted from the minimum term set. Any adjustment to that figure to be made administratively.

Sentence

26. Katie Leong, stand up please. For the Attempted Murder of Daniel Rotariu, I sentence you to Life Imprisonment with a minimum term of 17 years. Please go with the officers.

Compensation

27. [To counsel:] I will hear submissions on compensation in the light of the evidence that Katie Leong received an inheritance of £30,000.

The Honourable Mr Justice Haddon-Cave
21 March 2017

