



JUDICIARY OF
ENGLAND AND WALES

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-v-

George Duke-Cohan

In the Crown Court at Luton

Sentencing Remarks of HHJ Richard Foster

7 December 2018

1. On 3rd September you pleaded guilty at Luton Magistrates Court to three offences of communicating information which you knew to be false, with the intention of inducing in the person receiving the information, a false belief that there was a bomb present, contrary to Section 51(2) and (4) of the Criminal Law Act 1977. In plain English you have admitted carrying out a large number of bomb hoaxes. You have been committed to this court for sentence.
2. You were born on 18th June 1999, so you are now 19 years old. Although you are of good character in the sense that you do not have previous convictions you nevertheless had offended prior to these matters before this court. You enrolled to study for a

Diploma in Information Technology at West Herts College in Watford in September 2016. In October 2017 the college's website experienced a so-called "denial of service" attack for which you were identified as the perpetrator. Whilst still on that course on 31st January 2018 the college received a bomb threat which was taken seriously – 2500 students and staff had to be evacuated. You admitted being responsible for the hoax email. You were excluded from the college and reported to the police who dealt with the case by way of a "community resolution". Neither of these matters form part of the charges for which you now fall to be sentenced, but they represent the background against which the offences were committed.

3. Within just a few days of no doubt you having been warned by the police about your conduct you were at it again. Between 16th March 2018 and 18th March 2018 you sent emails to over 1700 schools and other educational establishments threatening to set off an explosive device if payment was not made as directed.

Understandably the threats caused alarm and distress with the consequent disruption to the schools' activities. Some schools had to be evacuated. By way of example one threat was to a special school for those with learning difficulties which had to be

evacuated. Similar emails were sent to other institutions with the added sophistication of including Arabic writing.

4. Bizarrely on 20th March 2018 you telephoned Hertfordshire Police asking for advice because you thought your phone had been hacked, although you denied any involvement in the bomb threats. By this stage the National Crime Agency had launched a major operation in response to what you had done and you were identified as a suspect. You were arrested on 21st March 2018, and after being cautioned you stated: *“I thought this was going to happen. I was expecting it”*. One of your mobile phones which was seized was interrogated to reveal your usage of Twitter and the name “Apophis Squad” claiming responsibility for targeting 24,000 schools in both this country and in the USA. You were released on bail.
5. The hoax emails in March form the basis of the first charge in time.
6. Whilst on bail and just a few weeks later you sent hoax emails to a further large number of schools and educational establishments both in this country and the USA threatening to set off an explosive device. The wording of the threats was such as to give the impression of authenticity. The scale of the threat was huge causing widespread panic. By way of example Marlborough

College, the well know private school in Wiltshire, was targeted by you in both the March hoaxes and again in April. On the later date the email came from an Apophis Squad email address included these chilling words: *“"Student Report (STAFF ONLY). Hello, a male student will be sent into your campus as you start the day, he will look normal but what is in his bag is a bomb. The explosive that is in the two plastic bottles is called ANFO it is a very powerful explosive. The point is that when you put the school on lockdown this student will set off the bomb, and will kill EVERY student in the room and maybe the rooms next to it.”* The email goes on to make reference to the Columbine High School shooting.

7. On Twitter the Apophis Squad again claimed responsibility for the April hoaxes and boasted that twenty-four thousand schools in the UK and thirty thousand schools in the USA had been targeted. The threatening emails had attached to them two images of a bomb which can be linked to the Apophis Squad Twitter account.
8. An indication of your level of sophistication comes from an internet discussion site investigated by the police – the “Mineman Alert Discord Discussion” of which you were a member using as aliases variously “geor”, “Trident” and “Plexit”. You accept responsibility for the hoaxes and claim that you are a psychopath

with a history of killing small animals. You say you are part of a group of six who will not stop until you are arrested. You go on to say that the National Crime Agency cannot arrest you because they did not have enough proof.

9. You were arrested again on 17th April 2018. The April hoaxes form the basis of the second charge in time. You were again released under investigation and on bail.

10. Your exploits continued. On 9th August 2018 you telephoned San Francisco International Airport informing the operator who answered your call that your daughter was travelling on United Airlines Flight UAL949 from London Heathrow and that she had called in a distressed state to say that she thought the plane was being hijacked. You gave details to include that a man was pointing a gun at your daughter. The flight had 295 passengers and 16 crew members. You gave the false name Mike Sanchez and a mobile phone number which was a slight variant from your mother's number. You also gave an Apophis Squad email address. Your call was taken seriously and was interpreted as potentially a genuine terrorist attack. A specialist response team was deployed. Flight UAL-949 London Heathrow to San Francisco landed safely at 1443 hours local time and was directed away from the airport terminal

to a quarantined area. There, a security operation was put in place to ensure the safety of passengers, crew and aircraft. This involved all 295 passengers departing and leaving their personal belongings on the aircraft, until such time as security personnel have satisfied themselves that no current threat exists, causing considerable delay and emotional distress to passengers with onward travel arrangements frustrated and significant economic loss to the airline.

11. Twelve minutes after the plane landed there was a tweet using the Apophis Squad address stating: *““One thing to say! UAL949 Grounded bitch! Don’t try and raid our members next time! HAHHAHAHA.... 4 guys 1 bomb back of the plane?... 9/11 remake!*
“

12. The hoax on 9th August forms the basis of the third charge in time.

13. You were arrested again on 31st August 2018, following which you were remanded in custody. Sometimes when a defendant is remanded he is able to pray in aid of mitigation his prison record. Sadly this does not apply to you. Whilst in prison you have bragged about your offending and said how funny it is to make hoax calls. You have told a community psychiatric nurse that you know how to design and build bombs. More recently disturbing notes were found in your cell. However I accept that these matters must be set

in the context of a young man coping with his first experience of custody.

14. Whilst on remand and as part of the preparation for today your solicitors have obtained a psychiatric report dated 31st October 2018 from Dr. Tim Rogers, Consultant Forensic Psychiatrist, which has been provided to the court and the prosecution. Although never previously diagnosed he is of the view that there is a range of evidence in support of a diagnosis of autism spectrum disorder, although other typical symptoms are not present. On balance he considers that you do have such a diagnosis, but he accepts that other medical professionals may take a different view. For the purposes of sentencing I accept that you do suffer from that disorder. However to say that this is an excuse for what you have done is an insult to the many thousands of sufferers who lead law abiding lives. Importantly Dr. Rogers expresses this as a result of his consultation with you: *“Mr. Duke-Cohan alluded to ordinarily hidden feelings of insecurity, shame, vulnerability and humiliation that had given rise to fantasies of (and a search for) success, power, acclaim from prominent hackers and the achievement of wider online notoriety”*.

15. You expressed to Dr. Rogers the empowerment you felt from the computer skills which you had acquired. You called it *“my one*

thing” and that it gives you a feeling of “*being able to do anything.*”

You told Dr. Rogers of wanting to emulate the notoriety of other prominent hackers and that this was the motivation for what you did.

16. Quite understandably the author of the Pre-Sentence Report from the National Probation Service has focussed on your rehabilitation, as has your counsel today when mitigating on your behalf. However, rehabilitation is not the only purpose of sentencing. By virtue of section 42 of the Criminal Justice Act 2003 the purpose of sentencing includes punishment, the reduction of crime (to include its reduction by deterrence) and the protection of the public. I am of the view that in order to fulfil those purposes you should receive a substantial custodial sentence, to include a significant deterrent element. It is urged upon me on your behalf that I should also have regard to the guidelines for sentencing those under the age of 18. I of course accept that the age of 18 is not a magical cliff-edge when young people become mature adults , but the fact remains that it is so often those of a similar age to you who develop these extraordinary computer skills which, as with you, can then be abused.

17. There are no sentencing guidelines for this offence. The statutory maximum for each charge is 7 years imprisonment. Previous cases

which have come before the Court of Appeal are of limited assistance because each case is fact specific. I therefore use a model similar to that adopted in guidelines by considering culpability and harm.

18. On any view your culpability must be categorised as high. I bear in mind that you are to be sentenced for bomb hoaxes and not for any other offences for computer misuse. Nevertheless, your fascination with computer hacking and your motivation of seeking notoriety is indicative of your high culpability. What you did was far removed from anything that could be described as naivety or a cry for help from a sick person. Some cases of this type do have those characteristics, but they do not exist here. You knew exactly what you were doing and why you were doing it, and you knew full well the havoc that would follow. Indeed you wanted that havoc and the publicity which would follow. You were playing a cat and mouse game with the authorities. You were playing a game for your own perverted sense of fun in full knowledge of the consequences.

19. Likewise, harm must be categorised as high. The scale of what you did was enormous. Schools were evacuated and where they were not those in charge had to take agonising decisions. The passengers and crew on that flight on 9th August must have been terrified when their plane was taken to a quarantined area, and apart from

the financial cost the onward travelling plans and connecting flights would have been in disarray.

20. The aggravating features are obvious. You ignored the warning which came from the police after your exclusion from your college course. Even after that when placed on bail you carried on until after the third offence when you were finally placed in custody.

21. Your principal mitigation is your early guilty pleas. Other mitigating factors are your age and lack of maturity, the fact that you have no previous criminal convictions and to a limited extent your functioning deficits which have contributed to a diagnosis of autism. You need help whilst in custody and thereafter whilst on licence to channel your skills for a lawful and useful purpose. I make it clear that the sentences which I am about to pass would have been considerably longer but for your lack of maturity.

22. I will treat the first two sets of charges involving bomb hoaxes to schools as a series of similar criminal activity and so will pass concurrent sentences taking into consideration the overall criminality for both. However, the hoax on United Airlines whilst on bail for the earlier charges is of a different type and seriousness and calls for a consecutive sentence taking into account totality.

23. I will first of all deal with ancillary orders. You must pay, as all defendants do, the statutory victim surcharge. I order forfeiture and destruction of all the relevant equipment seized by the police in accordance with the schedule provided to the court by the prosecution. I will also in due course make a Criminal Behaviour Order. I am satisfied that the statutory criteria for such an order is met and that it is necessary and appropriate to make such an order in this case. I adjourn the consideration of the wording of such an order for further legal argument.

24. I will now pass sentence. You will serve half of the sentence in custody after which you will be eligible for release on licence. However, your sentence will not end there because should you breach the terms of your licence or re-offend you are liable to be returned to custody. Any time you have spent in custody on remand will count towards your sentence.

25. For the first two charges in time – the multiple bomb hoaxes to schools in March and April this year – you will serve concurrently one year in custody, being 18 months reduced to that figure to reflect your guilty pleas. On the third charge relating to the bomb hoax directed to San Francisco International Airport you will serve consecutively or additionally two years in custody, being

three years reduced to that figure to reflect your guilty plea. So, a total sentence of three years in custody.