JUDICIARY OF
ENGLAND AND WALES

Between:

R

-v-

(1) Bonaventure Sunday Chukwuka

(2) Andrew Chike Chukwu

(3) Emmanuel Chike Chukwuka

(4) Christian Chukwuka

(5) Mansoor Zaman

(6) Nadeem Abbasi

(7) Ioan Muresan

(8) Queen Chukwuka

and

(10) Grace Chukwu

Blackfriars Crown Court

Sentencing Remarks of HHJ Michael Simon

8 May 2019

1.1 This sentencing exercise comes in the wake of a trial, which began with the swearing of the jury on 3 October 2018 and concluded with the returning of the final tranche of verdicts on 28 March 2019.

1.2 The defendants who fall to be sentenced at this hearing, following guilty verdicts are:

Name	Represented at trial by	Convicted of
Bonaventure Chukwuka (BC)	Mr Alastair Smith Ms Natalie McNamee	Count 1 Count 2 Count 6 [& Guilty plea to count 7 on 8 Oct 18]
Andrew Chukwu (AC)	Mr Gavin Irwin Ms Fiona Robertson	Count 1 Count 2
Emmanuel Chukwuka (EC)	Mr Paul Raudnitz Ms Kyan Pucks	Count 1
Christian Chukwuka (CC)	Mr Mark Harries QC (as he now is) Mr Zaki Hashmi	Count 1 Count 2
Mansoor Zaman (MZ)	Ms Raana Sheikh Ms Mimma Sabato	Count 1 Count 2
Nadeem Abbasi (NA)	Mr Sanjeev Sharma Mr Matthew Bainbridge	Count 2 – guilty plea entered 8 Nov 18
Queen Chukwuka (QC)	Mr Jonathan Green	Count 5
Grace Chukwu (GC)	Mr Tyrone Belger	Count 6

1.3 Two further defendants stood trial. Mohammed Rahman (MR), represented by Mr Lalith De Kauwe and Ms Shahida Begum, was convicted and will be

sentenced on 13 May 2019, in order to accommodate leading trial counsel's availability. Joeshep de Souza was acquitted of both counts which he faced on the indictment.

1.4 In addition, Ioan Muresan (IM) pleaded guilty to the conspiracies in this trial [Counts 1 & 2] and two separate conspiracies with others, all at an early stage. He is to be sentenced as part of this hearing and was represented for the purposes of mitigation by Mr Barry Smith.

1.5 The Crown have been represented throughout the trial by Mr John Hardy QC, Mr Benjamin Burge and Mr John Greany.

1.6 It had not been my intention, at such an early point in the sentencing remarks to address an issue that ought properly to be classified as extraneous, but matters have been brought to my attention by counsel, more than once, that militate against relegating what follows to an epilogue.

1.7 The principles of open justice are fundamental in our society, but so too are the principles of fair and accurate reporting of court proceedings. This case, which lasted just shy of six months was about conspiracies, on a grand scale, fraudulently to acquire other people's money and then to launder it through bank accounts controlled by criminals in order to frustrate the tracing of its origins. Importantly neither Queen Chukwuka nor Grace Chukwu were said to be directly involved in or have any knowledge whatsoever of either of these conspiracies. They faced one charge each in relation to money paid into their personal bank accounts, which the Crown said they ought, at least, to have suspected was the proceeds of criminal activity associated with their husbands. Had the charges which these two ladies faced been tried on their own (whether singly or jointly), away from the conspiracy counts, the case would have lasted a matter of days. If I may be forgiven for the bluntness of the expression, Mesdames Chukwuka and Chukwu were quite frankly peripheral to the case, which was focussed almost exclusively on the intricate examination of multifarious strands of documentary evidence retrieved from

laptop devices and mobile telephones attributed to the other defendants, as well as to others identifiable and unidentifiable. Where retrieved messages sent or received by QC or GC, or details of saved contacts on their devices, were adduced by the Crown, these were primarily designed to bolster the attribution of telephone numbers to other defendants (particularly though not exclusively their husbands) – not to suggest that those messages or contacts disclosed any knowledge on the part of either QC or GC of the matters reflected in the conspiracy counts.

1.8 When the case was opened at the beginning of October 2018, there was some media reporting of what was referred to in the trial as 'lifestyle evidence'. The case was opened, not unreasonably, in a way that reflected the Crown's overview, at that time, of the evidence to be presented at trial. Even so, what then appeared in the media might well be construed as sensationalising the very periphery of the case over its more fundamental aspects. However, it is agreed by all concerned that, by the end of the trial, some of the previously reported lifestyle evidence in respect of GC had taken on a very different hue – and markedly so in her favour.

1.9 Set within that context, it is at the very least regrettable that some of the postconviction reporting in the media has not only perpetuated the inaccurate characterisation of the lifestyle evidence, as now properly conceded by the Crown, but has chosen to headline it over and above the essence of this case, which is the prosecution and conviction of so many other defendants for their part in long-running, wide-ranging, multi-million pound conspiracies to commit fraud and money laundering offences.

1.10 The importance of the distinction between the criminality of the defendants convicted of conspiracy on the one hand and Queen Chukwuka and Grace Chukwu on the other hand will be evident when I come to consider their individual sentences.

2.0 The offences

2.1 With all of the unquestionable convenience that flows from advances in technology – the near ubiquity of email communication and the increasing emphasis on paperless processes such as online banking, to name but two – comes the constant challenge of defending such technological improvements against those criminals who seek to exploit them for their own gain or that of others. The evidence in this case has brought that tension into stark relief.

3.0 Background

3.1 On 17 November 2017, IM, who had been under police surveillance, was arrested. His mobile telephone was seized and its contents analysed. This provided significant evidence of his involvement in diversion frauds and money laundering. WhatsApp messages with a contact called Bona, who was saved within the device's memory with two different mobile telephone numbers, were indicative of that person's involvement in such criminal activity and, in due course, the police were able to follow a trail that led to an address in Roding Gardens, Loughton. So it was in the early hours of 26 January 2018 that police officers effected an unannounced search of those premises, which were occupied by BC, his wife QC, their children and BC's youngest brother, EC.

3.2 Mobile telephones and a laptop were seized and analysed. BC accepted at the time that the mobile telephones were his. However, he was much later within the proceedings to introduce us to Patrick Chukwuka, his first cousin, who BC claimed had, somewhat inconveniently, given him two of the mobile telephones and the laptop only hours prior to the arrival of the police. The third mobile telephone, which was found in the possession of EC, was said by BC also to have been given to him by Patrick for onward delivery to another family member. BC had however unilaterally decided to give it to EC upon the latter's release from immigration detention.

3.3 Upon being booked into the police station, EC gave an address in Basildon, not the Loughton one as his home address. This caused officers to attend at that address, where they found CC alone in the house. His only company appeared

to be three laptop computers that were on and running various programmes. In due course, expert evidence was obtained that revealed the nefarious purposes to which two of these laptops were being deployed. Although CC said at the time of the police raid that these two were his brother,
Emmanuel's, his case at trial – put though questioning of BC – was that anything incriminating was the work of a man called John Okafor, who was out of the jurisdiction at the time. This assertion was difficult to reconcile with the strong evidence of sole occupancy of the address by CC at a point when all three laptops were running programmes specifically to obfuscate detection, to say nothing of accessing the DarkWeb to procure the private banking details of members of the public, including passwords, passcodes and other supposedly secure personal information.

3.4 As more devices were analysed, further leads were identified by the police and raids took place at the home of AC in the early hours of 11 April 2018 and at the flat where MR was living with his sister and her husband, Mr de Souza. Police body-worn video footage was played to the jury of parts of the search of AC's address. He was present alongside his wife, GC. Their children were asleep in the house. GC was fully cooperative and sought to calm her husband, whose agitation with the arrival and conduct of the police was plain to see. As part of the search, a box room can be seen in the footage, housing a large number of shoe boxes. The Crown does not challenge GC's evidence that the majority of the shoes in those boxes belonged to her husband, AC, and not to her. For the avoidance of any doubt, I repeat that GC's evidence about her husband being the owner of most of the shoes was not challenged. Further, the Crown produced only two receipts in respect of shoes, both of which related to purchases at sale prices many years ago.

3.5 It was not until BC's phone was interrogated that MZ was identified as a personof interest to the police in connection with their investigation. At the time, he was abroad visiting his elderly parents in Pakistan and he was arrested at the airport upon his return to the UK on 4 April 2018. It is proper to note that when he was being interviewed by the police it was under their mistaken impression that MZ

was the character referred to in the incriminating messages of others as Kay Aza Indi. The police came to the realisation that this was a mistake, reassigning the persona of Max Kay/Kay Max to MZ. That was the Crown's case at trial.

4.0 Introduction to Counts 1 & 2

4.1 For the benefit of the jury's deliberations, they were provided within my written directions with a non-exhaustive list of tasks involved in the two conspiracies and suggested classifications as to whether an individual task came within Count 1, Count 2 or arguably straddled the inevitable overlap. That table is repeated here to assist with understanding some of what follows.

Act	***Included in Count 1***	***Included in Count 2***
Virus created/obtained	Count 1	
Email addresses harvested	Count 1	
Spamming of email addresses with virus	Count 1	
Potential victim(s) identified through deployment of virus	Count 1	
Access gained to email account of potential victim or other related entity	Count 1	
Request to potential victim to amend bank account details for payment (whether by email and/or other communication)	Count 1	
Creation of email account for diversion of replies from potential victim	Count 1	
Mule bank account details obtained	Count 1	Count 2

Mule bank account details sold/purchased or otherwise appropriated	Count 1	Count 2
Money received into mule bank account	Count 1	Count 2
Mule bank account opened		Count 2
Allowing one's account to receive any benefit in the knowledge it came from fraud		Count 2
Accessing mule bank account details online		Count 2
Money, known to be from fraud, transferred to a different bank account		Count 2

5.0 Count 1 – conspiracy to commit fraud by false representation

5.1 This count addressed the conspiracy fraudulently to gain control of money belonging to individuals or companies, by persuading them to pay the money into accounts under the control of the fraudsters. In most cases this involved gaining access to email accounts that provided fertile material from which emails and documents could be created that would deceive the recipients into making online transfers to mule accounts.

5.2 A distinction ought properly to be drawn between emails and documents created for the purposes of mass delivery of malware to unsuspecting recipients and those used once a remote computer had been infected. The former were of a type with which many users of email will be familiar – phishing emails inviting the opening of an attachment or the clicking of a link. The *de rigeur* form of financial enticement was present in one guise or another. There was mass spamming of emails scraped from the internet by the specialist software running on the seized laptops.

5.3 Once a recipient of the spoof email had been 'hooked', the operation became far more sophisticated. The email account of the infected computer would be analysed for intended financial transactions, such as house purchases, invoice payments and the like – anything that involved a sufficiently worthwhile sum of money as return for the efforts needed to obtain it. Some targets required less effort, merely the creation of a fake email, with an address of origin (and therefore for reply) so close to the original that few if any would pick up on it (for example, replacing an 'm' with 'rn'). That email would purport to come from a trusted and expected source, seeking an alteration to pre-planned arrangements for the online transfer of funds.

5.4 Potential success with other targets demanded the cloning of invoices and altering of bank details to lend legitimacy to the request for the funds to be transferred to an alternative bank account. In some cases, the fraudsters engaged in email conversations, taking on the persona of a member of the recipient's family or senior director of a company. Email knows no geographic bounds and companies, small and large all over the world, were duped into transferring money into the hands, so to speak, of the fraudsters. The Eli Lilly fraud of December 2017 was the largest single transaction for which there is detailed evidence of fraud and involved some 2.3 million euro. Many companies lost significant sums – either objectively significant or relative to their financial stability. Some employees lost their jobs. At least one company went out of business as a result. As to individual losers, some lost their life-savings; others suffered such loss that their life plans were seriously, adversely affected.

5.5 Whether individuals, those acting in a professional capacity, small businesses or large corporations, there are many victims in this case and much harm, beyond pure economic harm, has been occasioned by the actions of those involved in the conspiracies.

5.6 At the time of these frauds, all that was formally required by the sending and receiving banks to effect an online transfer was the payee's bank account

number and sort code or their equivalents for overseas transactions. There was no requirement – nor it would seem any check whatsoever – that the name of the payee's bank account entered by the payer should match the receiving bank's records. This was fully exploited by those convicted of counts 1 and 2 in this case. I understand that during the life of this trial, the situation has changed and this gaping hole in the security of online banking transactions has been addressed. This is little comfort to the very many victims in this case.

6.0 Count 2 – conspiracy to commit money laundering offences

6.1 This conspiracy count covered the inevitable money laundering operation necessary to handle the proceeds of each successful fraud and to seek as much gain as possible before any suspicion raised within the banking system quarantined the account, denying access to the criminals with control. Mule accounts are key, being accounts over which the criminals exercise control. Mule herders, are they are known, are of significance as they arrange directly or indirectly the opening of bank accounts by individuals who cooperate for a small fee. The account is then available to the mule herder to sell to those who require such accounts for money laundering. A case in point is NA, who pleaded guilty to Count 2 a month into the trial. He went along to a bank, under instruction and accompanied by MZ to open a sterling and a dollar business account, both called NAD Services Ltd. One of these accounts was used for the Eli Lilly fraud. Other bank details are obtained through the DarkWeb, the part of the internet inhabited by those whose intentions are far from wholesome when they sell on the password, passcode and other confidential financial details relating to members of the public.

6.2 Some 160 mule accounts formed the core of the prosecution case, of which a significant proportion contained fraudulent transactions, transfers in and transfers out, which have been fully supported by direct evidence from victims. Some of the accounts contained transactions that appeared and were asserted by the prosecution to be fraudulent, but for which it had not been possible to obtain first-hand evidence.

7.0 Count 4

7.1 This count against QC alone, alleged that between 1 January 2014 and 27 January 2018 some £350,000 passed through her personal bank account. That money the Crown said she either knew or suspected to be the proceeds of crime.

8.0 Count 5

8.1 This count against GC alone, alleged that between 1 January 2014 and 11 April 2018 some £100,000 passed through her personal bank account. That money the Crown say she suspected to be the proceeds of crime. However, the Crown concedes, despite the dates in the indictment, that on the evidence such suspicion likely only arose in the latter stages, notably once BC had been arrested.

9.0 Count 6

9.1 This count dealt with BC's possession in prison of a Zanco mobile telephone on 23 April 2018.

10.0 Count 7

10.1 This count addressed BC's possession in prison of a Zanco mobile telephone on 15 May 2018. BC pleaded guilty to this at the beginning of the trial.

11.0 Material for mitigation

11.1 For the purposes of sentencing, I have read sentencing notes uploaded by the Crown and by counsel for each of the defendants. I have read a letter from MZ, one from IM, Pre-Sentence Reports in respect of QC and GC (my having indicated immediately following conviction that a sentence of immediate custody was not a potential outcome for either of them), a number of character references and I have seen various certificates related to courses and qualifications undertaken by some of the defendants prior to and during their incarceration.

11.2 I have heard succinct, focussed and helpful submissions from counsel on behalf of all defendants.

12.0 Previous convictions

12.1 It is convenient to record at this point that none of those to be sentenced have any previous convictions. Some additionally have positive good character upon which to rely by way of mitigation.

13.0 BC & AC

13.1 There is additional context to the relationship between BC and AC. They had known each other and been friends for a long time, originally in their native Nigeria and their friendship renewed when both of them were in London. They did, it seems from evidence put before the jury, run businesses together or alongside each other. BC was registered as an operative for Western Union at one point and BC and AC appear to have collaborated in running more than one business, notably a salon in East London.

14.0 Oral evidence of defendants

14.1 Only three of the defendants gave oral evidence, namely BC, MZ and GC.

14.2 BC gave evidence in chief and was cross-examined for a number of days by Mr Hardy QC. Though there were nuggets of truth within his answers to questions, exculpatory and benign, the jury clearly concluded that his explanations for and denials of the wealth of incriminating evidence against him were lies. His ready confirmation of assertions put to him on behalf of some co-defendants, at times even before the assertion had been concluded, was in marked contrast to his garrulous dissembling when challenged by the Crown. He came across as a dominant and manipulative character, who thought he had an answer for any difficult question. BC's story about Patrick being responsible for any criminality was understandably rejected by the jury.

14.3 Through questioning of BC on behalf of EC and CC, it was clear that they both blamed a man called John Okafor for any criminality that otherwise attached to them.

14.4 MZ also gave evidence. He claimed that his sole involvement was to help out Mr Abbasi with language interpretation for the purposes of opening the NAD Services accounts. Messages found on his mobile telephone suggested otherwise. The jury were treated to another elusive character, called Karaan, to whom all blame should properly attach, according to MZ. MZ's denials of criminality too were rejected by the jury.

14.5 GC was the final defendant to give evidence. She also called a character witness who spoke highly of GC as a person and of her achievements within the nursing profession. GC gave details of her difficult early life and her sometimes tumultuous relationship with AC. It was clear that life with him has been far from easy for her and they separated at one stage for an extended period. They have three children together. Significantly, although AC was not staying at home for a few weeks immediately following the arrest of his longstanding friend BC, it was not out of character for AC to shirk his familial responsibilities and seek refuge elsewhere when he had pressures of work or study. GC said that she did not automatically connect AC's 'disappearance' with his likely involvement in whatever BC had been arrested for. As to finances, she had a legitimate salary throughout most of the relevant period and as far as money received from AC was concerned she believed it came from lawful business interests and/or AC's family's businesses in Nigeria, AC's parents being of high standing and some means.

15.0 Categorisation

15.1 For ease of reference, the following table sets out the submissions of the parties as to categorisation. The applicable guidelines are, on Count 1 the Fraud Guidelines and on Counts 2, 4 and 5 the Money Laundering

Guidelines, both of which are found within the Definitive Guidelines on Fraud, Bribery and Money Laundering:

Defendant	Crown	Defence
Bonaventure Chukwuka	Count 1 – Culpability A Harm A - 1 Harm B – High ***[SP 7 yrs: R 5 – 8 years]*** Count 2 – Culpability A Harm A – 1 Harm B – yes ***[SP 10 yrs: R 8 – 13 years]*** Counts 6 & 7 – no guidelines	Count 1 – Category A1 acknowledged but with caveats about the extent of BC's role Count 2 – Category A1 broadly agreed, though minimal uplift for Harm B
Andrew Chukwu	Count 1 – Culpability A Harm A - 1 Harm B – High ***[SP 7 yrs: R 5 – 8 years]*** Count 2 – Culpability A Harm A – 1 Harm B – yes ***[SP 10 yrs: R 8 – 13 years]***	Count 1 – Category A1 agreed but role said to be below BC and at lower end of culpability A Count 2 – Category A1 agreed but at lower end of bracket
Emmanuel Chukwuka	Count 1 – Culpability B/C Harm A - 1 Harm B – High ***[B - SP 5 yrs: R 3 – 6 years]*** ***[C - SP 3 yrs: R18m – 4 yrs]***	Count 1 – Culpability C Harm A – 2 (based on £406,233 actually attributable to period of his involvement) Harm B – no ***[SP 18m:R 26wks – 3yrs]***

Christian Chukwuka	Count 1 – Culpability B Harm A - 1 Harm B – High ***[SP 5 yrs: R 3 – 6 years]*** Count 2 – Culpability B Harm A – 1 Harm B – yes ***[SP 7 yrs: R 5 – 10 years]***	Count 1 – Category B1 accepted though at lower end of B Count 2 – Category B1 accepted though at lower end of B

Mansoor Zaman	Count 1 – Culpability A Harm A - 1 Harm B – High ***[SP 7 yrs: R 5 – 8 years]*** Count 2 – Culpability A Harm A – 1 Harm B – yes ***[SP 10 yrs: R 8 – 13 years]***	Count 1 – Culpability B and involvement much more restricted in time ***[SP 5 yrs: R 3 – 6 years]*** Count 2 – Culpability B and involvement much more restricted in time ***[SP 7 yrs: R 5 – 10 years]***
Nadeem Abbasi	Count 2 – Culpability C Harm A – 3 Harm B – yes ***[SP 3 yrs: R 18m – 4 years]***	Agreed C3
Queen Chukwuka	Count 4 – Culpability B Harm A – 4 Harm B – yes ***[SP 3 yrs: R 18m – 4 years]***	Broadly agreed though culpability closer to C ***[SP 18m:R 26wks – 3yrs]***
Grace Chukwu	Count 5 – Culpability C Harm A – 4 Harm B – yes ***[SP 18m: R 26 wks – 3 yrs]***	Culpability C Harm A – 5 on basis of late stage suspicion. ***[SP 26 wks: R MLCO – 1 year]***

Ioan Muresan	Count 1 – Culpability A Harm A - 1 Harm B – High ***[SP 7 yrs: R 5 – 8 years]*** Count 2 – Culpability A Harm A – 1 Harm B – yes ***[SP 10 yrs: R 8 – 13 years]***	Count 1 – Culpability A1 agreed Count 2 – Culpability A Harm A – 3 (due to defined period Feb – Dec 2017 and defined amount £700,000) ***[SP 7 yrs: R 5 – 8 years]***
		Additional conspiracies should attract concurrent sentences as subsumed within the counts on this indictment.

16.0 Loss

16.1 The quantifiable loss involved in the conspiracies overall is in excess of £10 million. As counsel acknowledged it is a fruitless and difficult exercise to apportion that loss across Counts 1 and 2 with any accuracy. For those convicted of both counts, the reality is that those counts represent two facets of one continuing act of criminality, as far as the accounts in the schedule are concerned. Of course, there is much more evidence that could lead to a conclusion of extensive potential loss, but I have come to the conclusion that that evidence should be viewed cautiously as demonstrating no more than the extent of the relevant defendants' involvement in criminality of this type and the somewhat worrying reality that they are but a small percentage of those involved in economic crime of this genre. Dealing with Counts 1 and 2 on the

basis of £10 million worth of loss provides adequate sentencing powers, in the judgment of this court.

17.0 Totality

17.1 Given the symbiotic interrelationship of Count 1 and Count 2, the proper approach, bearing in mind the Guidelines on Totality is to reflect one count within the other by way of aggravating feature and then pass concurrent sentences. For most, that means that I should reflect a defendant's knowledge of and acquiescence in Count 1 when passing sentence on Count 2, given the weightier evidence of more extensive and arguably more serious criminality within the latter.

17.2 In respect of CC only, the evidence in the case tends more to the argument made by Mr Harries QC that the sentence on Count 1 should reflect the conviction on Count 2 as subordinate.

18.0 Aggravating factors

18.1 The specific aggravating factor within the guidelines of offences committed across borders is not in the circumstances of email and online banking of the importance that it could be in other contexts. Vulnerability of victims is also not relevant. Although those who suffered through dating scams may have had some vulnerabilities, that was not the true essence of this case, which was suffused with indiscriminate spamming, followed by targeted fraud, but of those who happened to be duped by the malware-carrying email in the first place. A number of the defendants did seek to blame others for the criminality – whether real or fictitious in part or in whole – but not in circumstances that led to the apprehension of any of those individuals.

19.0 Prevalence

19.1 Some defence counsel argued that there was no formal statement dealing with the question of prevalence, such that it would allow the court to take it into account. That may technically be correct, but after many months of evidence of contact between defendants in these conspiracies and countless others who

are involved in similar activity, it would be both artificial and erroneous not to find that prevalence on both Counts 1 and 2 had been well made out in this case.

20.0 Bonaventure Chukwuka

20.1 BC is now aged 40. He is married to QC and they have four young children. He has a degree and was described as an intelligent person. He came to the UK in 2005 with little or nothing, not with the intention to commit fraud, it was said on his behalf, but to start a family, a business and a future. The loss generated by his offending, Mr Smith said was difficult to assess accurately and the Court should carefully consider the actual role played by BC in the offending, given the evidence about others, not before the Court, who may have been higher up the chain of command.

20.2 I have had the opportunity to make a careful assessment of the actions of all defendants in this case, but particularly those who gave evidence. I have already characterised the oral evidence of BC; the endless smoke and mirrors did not distract the jury from the essence of the damning evidence against him. Though I do not doubt that he may have engaged in legitimate businesses, there came a point clearly when that was not enough and he turned to the extensive criminality described in thousands of pages of evidence in this case.

20.3 Of those defendants before me, BC is the most senior in terms of role and culpability on Count 2, though I accept from other messages highlighted in the case, that he has acted as money laundering facilitator for many others not before the court. Nevertheless, I cannot overlook the important evidence on the laptop found at his home address, which revealed significant material relevant to acts instigating and pursuing the conspiracy in Count 1.

20.4 As to culpability, he played a leading role in group offending over a sustained period of time, being January 2014 to 15 May 2018, the significance of this end date being nearly four months after he was arrested and remanded in custody. The two convictions for possessing mobile telephones whilst in prison, taken

with the evidence of messages between him and others outside, are to be treated as aggravating Counts 1 and 2 due to his continuing to involve himself in criminality despite his incarceration. BC also made considerable financial gains from his criminality.

20.5 There was a significant degree of planning and sophistication in respect of Counts 1 and 2. Though I take the point in fact made by Mr Irwin on behalf of AC about the absence of complex financial vehicles offshore to conceal the proceeds, the scale of the operation and the care taken to tailor the type of account made available to receive funds to the size and origins of those funds, demonstrates both planning and sophistication of considerable note.

20.6 On Count 1, BC's culpability is A – high. The Harm A category is 1, the starting point based on £1 million. There is Harm B by way of at least considerable detrimental effect on some victims and indeed on the employees of some company victims.

20.7 Allowing for BC's mitigation in the form of his previous good character, the least sentence that the Court could pass commensurate with the seriousness of the offence in Count 1 is one of 7 years 6 months imprisonment.

20.8 On Count 2, BC's culpability is again A – high. The Harm category is 1, based on £10 million, the starting point however being based on £30 million. The Harm B category is in my judgment addressed by the uplift applied to sentence on Count 2 to reflect being part of the conspiracy in Count 1.

20.9 Count 2 is more obviously aggravated by the two convictions for having a mobile telephone in prison. Taking account of his previous good character, but also properly reflecting the extent of BC's role throughout the conspiracy, the least sentence that the court can pass is one of 11 years imprisonment.
That sentence will run concurrently to the sentence on Count 1.

20.10 As far as Counts 6 and 7 are concerned, I impose a sentence of six months and nine months imprisonment respectively, consecutive to each other, but concurrent to the sentence on Count 1. The nine months on count 7 is calculated by taking the sentence post-trial of 10 months, reflecting a second offence within weeks of the first, and reducing it by 10% to acknowledge the late guilty plea[1].

Bonaventure Chukwuka stand up

20.11 The total sentence is one of 11 years' imprisonment. You will serve half of that period in custody less time spent on remand and you will then be released on licence for the remainder of the period. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

21.0 Andrew Chukwu

21.1 AC is 35, he is married to GC and they have three young children. He did not give evidence and I had little opportunity to assess him as a person, save for his conduct recorded on the body-worn camera footage during the police search of his home. I accept that he may well have worked here legitimately with BC and without him. Mr Irwin invited me to find that AC, though in the high culpability bracket, fell below that of BC. I do accept that submission to some extent, though it has greater force in respect of Count 1 than it does with regard to Count 2. Nevertheless, AC reaped considerable financial rewards from his involvement in these conspiracies.

21.2 Part of the evidence against him involved messages sent between him and Mohammed Rahman, after BC's arrest, to the effect that AC was doing all he could to assist BC's position from outside and had procured for him a mobile telephone for use in prison. AC worked closely with BC throughout these

[1] Following submissions from BC's counsel I confirmed my view that this was the extent of credit available, given the chronology and the June iteration of the indictment.

conspiracies and though, possibly, the second in command, he bears a leading responsibility for the criminality evidenced in this case.

21.3 AC has his previous good character to call upon, of which I take account.

21.4 On Count 1, reflecting also the lesser evidence of direct proactive involvement by AC in this offence I impose a sentence of 6 years imprisonment.

21.5 On Count 2, AC's role is only marginally less than that of BC on the evidence presented to the jury in this case. Allowing for that and his good character, but balanced with his criminality overall in respect of the money laundering, the least sentence commensurate with the seriousness of AC's involvement in this count is one of 10 years' imprisonment. This will run concurrently to the sentence on Count 1.

<u>Andrew Chukwu stand up</u>

21.5 The total sentence is one of 10 years' imprisonment. You will serve half of that period in custody less time spent on remand and you will then be released on licence for the remainder of the period. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

22.0 Emmanuel Chukwuka

22.1 EC falls to be sentenced on Count 1 alone. The Crown place him on the cusp of culpability B and C. However, Mr Raudnitz argued that Culpability C more properly reflected his evidenced involvement, which was more limited in time and scope. It was said that the relevant period for EC was 5 February to 25 October 2016 and the amount over that period obtained by fraud just over £406,000. This figure was calculated in schedules provided to the Court. This lower figure would place him in Category C2 for the purposes of the guidelines.

22.2 I am persuaded by Mr Raudnitz's arguments, both as to Culpability and Harm A, reminding myself that the nature of a conspiracy is that parties to it join and leave at different stages of its existence, roles can be very different and an individual conspirator's knowledge of the full extent of the conspiracy can vary considerably, without alleviating such a person of criminal liability as a conspirator. As to Harm B, I see no reason why EC should not be fixed with some responsibility for the impact on victims, even where his role was limited. It cannot be said that he had no knowledge of the wider conspiracy as this would go behind the verdict of the jury.

22.3 There was no lifestyle evidence in respect of EC and any monetary gains were very modest indeed.

22.4 EC is the youngest of the Chukwuka brothers at age 27, was married and has a young daughter from a later relationship. He worked throughout his time in the UK, it was said on his behalf, often long and hard. He has managed enhanced prisoner status and undertaken work whilst in prison.

22.5 Accepting the defence submissions as to classification, taking account of EC's previous good character and lack of convictions, balanced with the additional harm that must be factored in to reflect the overall nature of the extent of his involvement in such significant criminality, the least sentence that can be imposed is one of 32 months' imprisonment.

<u>Emmanuel Chukwuka stand up</u>

22.6 The sentence is one of 32 months' imprisonment. You have already served almost half of that period in custody, thus you are likely to be released shortly to serve the remainder of the period on licence. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

23.0 Christian Chukwuka

23.1 CC is the third of the Chukwuka brothers, being only slightly younger than BC. He is described as a man of aptitude and intelligence, having a first degree in Economics and Computer Science and a masters level degree. I interpolate that CC's skills with computers were doubtless of significant value to the conspiracies, bearing in mind the wealth of incriminating evidence found on laptops at his home address.

23.2 CC has a wife and young children and draws on hitherto good character by way of mitigation. There was no lifestyle evidence adduced against him, which says something of the extent of his role in these offences. There is also rather less evidence linking him to the day to day pursuit of the conspiracy in Count 2 and his communications in respect of both counts appeared limited to family members, rather than more widely.

23.3 CC did not give evidence and the extent of any influence over him exerted by BC is difficult for the Court to the assess. Evidence adduced through BC of his relationship with CC suggested that they were close.

23.4 On Count 1, CC's culpability is B, significant, with Harm A category 1 and Harm B present as well, for the reasons previously stated. I reject the submission that he falls to be considered towards the lower end of the range; the evidence of his contribution to the technological aspects of this conspiracy being considerable. Bearing in mind his previous good character and the testimonials, balanced with the proper uplift to sentence that must reflect his conviction on Count 2, the least sentence that the Court can pass is one of five years nine months' imprisonment.

23.5 On Count 2, I have already described the lesser evidence of his direct participation and there is little evidence of direct financial gain. In all the circumstances, the least sentence the court can pass is one of five years six months' imprisonment.

Christian Chukwuka stand up

23.6 The total sentence therefore is five years nine months imprisonment. You will serve half of that period in custody less time spent on remand and you will then be released on licence for the remainder of the period. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

24.0 Mansoor Zaman

24.1 The largest single fraudulent transaction disclosed in the evidence in this case was the Eli Lilly fraud, amounting to more than 2.3 million euro. The mule account into which this money was paid was opened with the Metro Bank by NA, under the direct supervision and with the interpretive services of MZ.

This was certainly not MZ's sole appearance within the evidence. As Max Kay/Kay Max his presence and involvement in these conspiracies was not insubstantial, for example the Damyan IT account, the Zambo Cleaning Services account and the receipt of further requests from BC for more accounts. Having said that, and taking account of all the evidence adduced against him, I am driven to the conclusion that overall he played a role that is more accurately categorised as significant, rather than leading. In addition, he has not been shown to have been as heavily involved over the course of the conspiracy as others, but to have become more prominent in the latter stages. His contact appears to have been with BC alone, of the main conspirators in this case.

24.2 During the course of his evidence, MZ sought to deflect all responsibility for any incriminating evidence onto the character called Karaan. The jury were rightly unpersuaded by the overly self-possessed manner in which he tried, with some precision and preparation, to explain away his admitted contact with NA, as well as the evidence linking him to the Max Kay identity, instead portraying himself as a victim of circumstance, duped by Karaan, someone he thought he could trust, as well as wrongly accused by the police in the initial stages of investigation of being the person referred to as Kay Aza Indi.

24.3 As with the other defendants, MZ benefits from the mitigation of a lack of previous convictions and sentence should reflect the lesser period within which MZ is said to be involved with the conspiracies.

24.4 On Count 1, his culpability is B, the harm in Category 1, the Eli Lilly fraud alone justifying a sentence at the upper end of the range. The sentence is one of five years six months' imprisonment.

24.5 On Count 2, his culpability is B, the harm falls between the lower range of Category 1 and the upper range of Category 2, bearing in mind the Harm B factor as well. In all the circumstances, the least sentence commensurate with the seriousness of the offence is one of six years nine months' imprisonment.

Mansoor Zaman stand up

24.6 The total sentence therefore is six years nine months' imprisonment. You will serve half of that period in custody less time spent on remand and you will then be released on licence for the remainder of the period. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

25.0 Nadeem Abbasi

25.1 NA falls to be sentenced solely in relation to Count 2 and then in circumstances in which it seems his involvement began and ended with his fronting the opening of the two NAD Services business accounts at the Metro Bank, accompanied by MZ. By his plea of guilty, NA has accepted not only his involvement in the acts that made these accounts available to the fraudsters, but also at least some knowledge of and acquiescence in the purposes of the wider conspiracy. Nevertheless, his active participation in the conspiracy is the most limited of those before the court.

25.2 NA has been in custody since his arrest on 15 February 2018. I concur with the agreed position of the prosecution and defence as to the categorisation for his

involvement in Count 2. He performed a limited function under direction, putting him properly in Culpability C, the value of the Eli Lilly fraud bringing him just within the upper reaches of Harm category 3. He too has no previous convictions. He is married with adult children.

25.3 In all the circumstances of his case, the sentence that reflects the extent of his criminality within the conspiracy, after a trial, would be one of 30 months' imprisonment. Though a very late plea, this was in part due to the extent of evidence that had to be considered by his legal representatives and in my judgment, credit of 10% ought still to attach to that plea. It is not lost on the court that, in the context of this trial, pleading guilty before the jury mid-trial to a count of conspiracy was no small matter.

25.4 The sentence on Count 2 is therefore reduced to one of 27 months' imprisonment.

<u>Nadeem Abbasi stand up</u>

25.5 The sentence on Count 2 is one of 27 months' imprisonment. You have already served more than half of that period in custody, thus you are likely to be released to serve the remainder of the period on licence. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

25.0 Ioan Muresan

25.1 IM falls to be sentenced for the equivalent of Counts 1 and 2 on the indictment faced by the defendants thus far dealt with. He pleaded guilty at an early stage to those counts, specifying in his case the three Chukwuka brothers, as well as to two other conspiracy counts that are, as his counsel submitted, broadly subsumed within the instant offences. The co-defendants on the latter counts have all been dealt with by the court some time ago. IM's guilty pleas were entered on a basis, uploaded to the digital case system, which detailed that he sold private and business accounts, some eighty in total, including

approximately twenty accounts to BC. This was in the period February 2017 to November 2017. The Crown do not accept the cap on harm of £717,000 as calculated in respect of the identifiable accounts within Count 2. However, I have not been invited to conduct any additional hearing in this regard, but to sentence based on the evidence which I heard during this trial.

25.2 The interrogation of IM's mobile telephone was the catalyst not only for the apprehension of BC, but of others as well. He had many connections with whom he was involved in criminal conduct, as typified by this case. That alone justifies the categorisation of his culpability as High. His counsel took no issue on Count 1 either with Harm A category 1 or the presence of Harm B to be included.

25.2 In respect of Count 2, IM's criminal responsibility is said to be more defined to the period and amount set out in his basis of plea. That would put him within culpability A but Harm A category 3.

25.3 I take account of IM's lack of previous convictions and his expression of remorse set out in the letter he provided to me. He has made good use of his time in custody thus far. He has a family back in Romania. Applying the Guidelines for Credit for Guilty Pleas, he will benefit from credit of 33%[2] reduction in his sentence, the counts relating to the offences on the Chukwuka and others indictment only being added at this Court and full credit (that is, of one third) having been preserved by the learned judge at the relevant hearing. This explains the disparity, for the uninitiated, between his sentence and those of BC and AC.

[2] Amended under the Slip Rule following submissions from counsel

25.4 In respect of Count 1, the least sentence that the court could impose after a trial is 72 months' imprisonment. That is reduced to 48[3] months to reflect his early plea of guilty.

25.5 In respect of Count 2, he remains clearly in a leading role and this count ought properly to reflect not only his admitted involvement with BC, but also the others, unrelated to the cohort of defendants in this case, with whom he was significantly involved in mule herding. Such an approach then permits for concurrent sentencing on all matters, whilst reflecting the seriousness of the offending. On Count 2, the proper sentence after a trial would have been one of seven years and six months, which I reduce by 33%, making 60[4] months or more clearly expressed as five years. This sentence is to run concurrently to that on count 1.

25.6 On counts 3 and 4 of the indictment to which IM pleaded guilty, I impose concurrent sentences of 48[5] months, calculated in the same fashion as set out above.

<u>Ioan Muresan stand up</u>

25.7 The total sentence therefore is five years[6] imprisonment. You will serve half of that period in custody less time spent on remand and you will then be released on licence for the remainder of the period. Should you commit any offence during the licence period, or breach any licence requirements imposed upon release, you will be liable to be recalled to prison to serve some or all of the outstanding term of your sentence.

[3] Amended under the Slip Rule following submissions from counsel

[4] Amended under the Slip Rule following submissions from counsel

[5] Amended under the Slip Rule

[6] Amended under the Slip Rule

26.0 Queen Chukwuka

26.1 Moving away from the conspiracies in Counts 1 and 2, QC was found guilty of a substantive count of money laundering, in respect of money passing through her personal bank account. The figure of some £350,000 represents the amount over the period January 2014 to January 2018 however, that does not, in my judgment, translate into QC's actual knowledge of the origins of all that money or any of it. Indeed, judging by the tenor and the content of BC's evidence, there is no reason to conclude that what QC told the probation officer, which is that she asked BC on occasions where the money was coming from and was reassured by him, is anything other than an accurate depiction of what transpired. The characterisation of the marital relationship can be gleaned from the messages between husband and wife, supported by the candid information provided by QC to the author of the pre-sentence report. The responsibility for providing financially for the family was exclusively that of BC. QC's responsibilities were in keeping home and bringing up their growing family.

26.2 There is no explicit evidence to support a finding of knowledge on QC's part of the origins of some of the family's money, only the lesser *mens rea* of suspicion and then not throughout the period drafted in the count on the indictment. I reach this conclusion, based largely on the independent documentary evidence of likely legitimate business in which BC had engaged at times, taken together with the evidence given by GC about her knowledge of AC's business interests in this country, which were so closely allied with those of BC. The situation of both ladies, vis-à-vis their husbands, has parallels, and they were friends and it is legitimate to infer the likely spousal dynamics from hearing the evidence of BC and that of GC, seen in the context of the evidence as a whole. I am mindful also of the details in the presentence report about QC's background and personal circumstances and the way in which these would have affected her.

26.3 QC continues to care for their four children aged between nine and eighteen months. She has no family support in this country, being reliant on assistance from a few friends made through her church.

26.4 Her culpability is, in my judgment, correctly viewed as closer to category C, lesser, and though the overall figure in the relevant count on the indictment would put her in harm category 4, I do not take the view that her culpability extends throughout the indictment period. Though a precise figure cannot be calculated, I am satisfied that placing her case in Category 5 adequately reflects her criminality.

26.5 QC has her lack of previous convictions to rely on in mitigation, as well as her good character as attested to in references that I have taken into account. She is not only the sole carer, but the sole available family member in this country for her children, the older ones being well settled in their schools. To do anything other than impose a sentence that allowed her to remain at liberty would be disproportionate and hugely detrimental and would not be justified when bearing in mind all of the purposes for which sentence is passed. She is a very low risk for reoffending and the sentence that I pass will assist her rehabilitation, whilst marking the criminal conduct of which she was convicted. The sentence is overall the least sentence that could be imposed commensurate with the offending.

26.6 I adopt the recommendation of the pre-sentence report to impose a community order and do so for a period of two years. I impose the following requirements: A Rehabilitation Activity Requirement for up to 30 days, to include completion of the Women's Specific Support Programme; and An unpaid work requirement for 180 hours, these hours to be completed within the next twelve months.

<u>Queen Ckukwuka stand up</u>

26.7 The sentence I pass is a Community Order for a period of two years, with attached requirements of up to 30 days Rehabilitation Activity Requirement and 180 hours of unpaid work. You must see the representative from the Probation Service before leaving the building and you must then comply with the instructions of your supervising officer in respect of the requirements. If you fail, without acceptable excuse, to engage with these requirements, you will be

in breach and can be brought back to this court for the imposition of additional requirements or re-sentencing, which could involve consideration of custody.

27.0 Grace Chukwu

27.1 GC was found guilty of a substantive count of money laundering, in respect of money passing through her personal bank account. The figure of some £100,000 represents the total amount over the period January 2014 to April 2018. However, I note first that the prosecution's case, particularly as it was put to GC in cross-examination was not based on her knowledge of the origins of any of this money. The case advanced against her was that she must have suspected and that such a state of mind may only have arisen in the latter stages of the period set out in the count against her.

27.2 Whilst averring to GC's evidence, it is proper to add that she gave detailed evidence about not only her background, but importantly about her first-hand knowledge of AC's parents and family in Nigeria. AC's family are what might be described as 'well-to-do', his parents being well-known and highly regarded in their local area. AC's mother, who has visited her son and his family in London, is a lady of some sophistication and there is every reason to accept GC's evidence that she believed AC's assertions that the money he gave her to pay the rent and household expenses came from his purported legitimate business interests here as well as from income derived from family businesses in Nigeria.

27.3 The reason why money passed through GC's account was not to conceal its origins. GC did not trust AC to make household and school-related payments reliably and on time. The money was paid into her account for the sole purpose of allowing her to keep the family finances on track. Not knowing of its criminal origins, in whole or in part, GC continued to request money from AC, which she believed came from untainted sources.

27.4 As the Crown put it in cross-examination, there came a point at which the "penny must have dropped" and GC must have suspected that the money being

provided to her by AC was the proceeds of crime. In my assessment of the evidence, and for the reasons outlined above, that point came no earlier than the arrest of BC on 26 January 2018 and even then only crystallised as that situation unfolded and developed.

27.5 I adopt the agreed categorisation of culpability in GC's case as being lesser role C. As to Harm, my judgment in respect of the late stage at which criminally culpable suspicion arose in GC's specific circumstances puts her case within Category 6, having reminded myself of the relevant banking material. The starting point is a low-level community order, with a category range of a Band B fine to a medium level community order.

27.6 GC is now the sole carer for her three children. She is a Band 7 community paediatric nurse, specialising in sickle-cell and thalassaemia. Her character witness spoke highly of her as a person and as a hard-working nurse, who is a role model to others. GC benefits from having no previous convictions and all of the positive assessments within the pre-sentence report. She is a very low risk for reoffending.

27.7 In the judgment of this court, the correct way in which to address the jury's verdict in GC's very specific circumstances is through a Conditional Discharge, which I impose for a period of two years. Some will all too readily conclude that this a lenient or even merciful course, but it is not. It is a sentence that properly and adequately reflects the seriousness of the conduct of which GC has been convicted in the context of my assessment of her and of the offending.

<u>Grace Chukwu stand up</u>

27.8 You have been convicted of the offence of money laundering, but it is neither necessary nor appropriate to impose an immediate punishment and so I propose to discharge you conditionally for a period of two years. That means that so long as you commit no further offence there will be no punishment, but if you commit a further offence within the period of the next two years you will

be brought back to court and sentenced in respect of this offence and the further offence.

Having completed the sentencing exercise, it is proper that I conclude with important remarks about those involved in this case other than the defendants.

The police team that painstakingly investigated and pursued this case, led by DCs Collins and Tipple, is to be commended for achieving this mammoth task with the limited resources at their disposal. Any case involving computers and mobile telephones yields a wealth of material, but this case was on another scale. The public would wish to praise the team's efforts and encourage the powers in charge to ensure that investigations of this type are properly resourced if offences of this type are to be prosecuted in such a way that, consonant with the overriding objective, the guilty are convicted and the innocent exonerated.

If this case was noteworthy in terms of how it proceeded, it was not as suggested in the media, but rather for one or both of the following reasons:
We began and ended this trial with a full complement of jurors, all twelve. Some of them have returned today for the sentencing hearing and it is a testament not only to the capacity for twelve non-lawyers to grapple with and assimilate months of complex evidence, but also to their individual fortitude, forbearance and dedication to public duty for which I thanked them at the end of the trial, but which thanks I renew today.

The second factor of note in this case was the unwavering professionalism of all trial counsel in dealing with witnesses, with the court and, of supreme importance, with each other. Cases of this magnitude are manageable from the Court's perspective when the judge is called upon to adjudicate on issues that are not susceptible to agreement or compromise. A tremendous amount of work has been put in by all counsel behind the scenes to aid the Court's task and the administration of justice and I express sincere gratitude to each of those who has appeared in front of me in this case.