

The Queen

v

Marcel Grzeszcz

Sentencing remarks

1. Marcel Grzeszcz, in the early hours of Saturday 12 December 2020, you lured Roberts Buncis to a wooded area of Boston where you carried out a savage and brutal attack upon him with a knife which you had brought to the scene, in the course of which you made a determined effort to remove his head, before leaving his body for others to find later that same morning.
2. At the date of the incident, whilst you were only 14 years of age, the deceased was aged just 12, and had been part of your group of friends for a period of about 3 or 4 months leading up to his death.
3. During this period, not only were you smoking cannabis, but you had been supplying cannabis to others. It would appear that deceased had also been smoking cannabis from time to time and, during the week leading up to his death, you exchanged messages with him in which you suggested that he should join you in supplying cannabis; this being the pretext upon which you invited him to meet you in the early hours of Saturday morning, promising him the sum of £50 in cash when he expressed his reluctance to join you at that time.
4. When the two of you met up at the wooded area in the early hours of the Saturday morning, I am satisfied that, whilst the deceased was unarmed and unaware as to what was to take place, you came armed with a large knife and wearing latex gloves, intent at that time on causing the deceased to suffer, at the very least, really serious bodily injury.
5. Although it is less easy to discern the precise motive for your actions that night, if indeed they extended beyond the excitement which the infliction

of violence had caused you to experience in the past, it would appear that both you and your friend Martin Stankevich viewed the deceased as something of a liability, as you were worried that the deceased would inform the authorities about an episode of violence in which both you and Martin had been involved on the previous Monday 7 December.

6. The victim of that previous episode of violence was another young male called Tadas Petkevicius, who was 13 years of age and was standing at the bus stop on his way to school. When you arrived at the scene, dressed in black with your face hidden behind a mask, you launched an attack upon him, without any warning, firstly with your fists and then, when this caused him to fall to the ground, with your feet.
7. In the course of your evidence at trial, you admitted that during the attack upon Tadas Petkevicius and afterwards, you felt “hyped” and were proud of what you had done; sentiments which were reflected in Facebook messages which you subsequently sent to Martin Stankevich, in which you stated that you couldn’t wait to read about the incident in the local media, and that,

“I mean my ends, my rules....I battered him to the point he must be going (to) hospital and I would do it again... I still want to do it, I’m pissing myself now...”

In the course of your evidence at trial, when you were asked to explain what you had meant when you stated,

“...my ends, my rules...”,

you explained that you considered yourself to be top dog in your area of Boston, and that it was important that people respected you.

8. Your attempts to cover up your involvement in that previous episode of violence, mirrored the steps which you took to deflect attention away from yourself after the fatal attack upon the deceased. Not only did you seek to burn the knife and the clothing which you had worn that night, but you also lied to your friends about your involvement in the attack upon the deceased. This included sending Facebook messages to the effect that you had never met up with the deceased that night, and creating a false

screen shot which made it appear that the deceased had told you that he couldn't be bothered to meet up with you, because he was tired.

9. Your lies were uncovered after the police found the deceased's mobile phone, which he had dropped at the scene and which revealed that you were the last person to have contacted the deceased before he died. After the police arrested you, not only did they find the knife which you had used to kill the deceased, but they also discovered a number of other knives which you had secreted around your bedroom. In the course of your interviews with the police, you chose not to answer any questions, whilst at trial, you delayed admitting the unlawfulness of the attack upon the deceased until the commencement of your evidence, during the course of which you claimed that you had lost your self-control as a result of the deceased having attacked you with a knife. However, this account was rejected by the jury, which found you guilty of his murder.
10. Although you are now 15 years of age, you were only 14 ½ when you killed the deceased. Therefore the only sentence which can be imposed upon you for the offence of murder is one of Detention at Her Majesty's Pleasure pursuant to section 259 of the Sentencing Act 2020 and this is the sentence which I impose upon you in respect of that offence.
11. However, it is necessary for me to determine in accordance with Schedule 21 to the Sentencing Act 202, the minimum term which you will have to serve in custody prior to the Parole Board considering whether it is safe to recommend your release. In doing so, and in accordance with the Overarching Guidelines on Sentencing Children and Young People, I remind myself that the principal aim of the youth justice system is to prevent offending by children and young people, and of the need to have regard to your welfare after taking account your individual circumstances.
12. In relation to the determination of the minimum term of detention for the offence of murder, due to your age, the starting point is one of 12 years. However, I must then consider the aggravating and mitigating factors present in this case, in order to determine the appropriate minimum term.
13. In my judgment there are a number of aggravating factors:

- i. There was a significant degree of planning and premeditation, including luring the deceased to the scene and taking the knife with you when you met up with him;
- ii. Your consumption of alcohol and cannabis prior to the murder;
- iii. The brutal nature of the attack upon the deceased, which involved the repeated use of the knife to inflict severe injuries to 22 separate areas of his body; some of those areas comprising multiple incised wounds, whilst one area comprised 17 separate stab wounds, with the inevitable consequence of the deceased having suffered significantly before he died;
- iv. The substantial attempts which you made to remove the deceased's head during the attack on him;
- v. The significant attempts to dispose of evidence connecting you with the offence and conceal your guilt of it.

14. Likewise there are a number of mitigating factors:

- i. Your lack of previous convictions; albeit this has to be tempered by the evidence of the previous attack on Tadas Petkevicius;
- ii. Your age, to the extent that it has not already been taken into account in the starting point; albeit there is nothing I have read nor heard about you, nor is there anything which I observed from the trial, which would lead me to believe that you were any less mature than any other comparable 14 year old without any significant mental health issues. Indeed my assessment of you was that you are relatively mature for your age, and that contrary to the assumption which appears to have been made that you were somehow being exploited with regards to dealing drugs, it appears to me that your account was one of you seeking to exploit others;
- iii. Although I do not accept that there is evidence of substantial neglect, I do accept that your parents appear to have prioritised their work over your supervision;
- iv. Your conduct within the place of your detention.

15. I should make clear that although, when you commenced the attack upon the deceased you may not have intended to kill him, as opposed to intending him to suffer really serious bodily injury, I am sure that as the attack progressed, given the number and nature of the injuries which you inflicted upon the deceased, there came a time when you did intend to kill him and proceeded to do so. Moreover, although there is a brief mention

of you expressing regret in the pre-sentence report, I am satisfied from what I observed of you during the trial, that you do not as yet have any true remorse for having killed the deceased in this manner, and I note that you are still unwilling to discuss the circumstances of the offence with those seeking to assist you.

16. Bearing all these matters in mind, I am of the view that the nature and extent of the aggravating factors in this case heavily outweigh such mitigation which is available to you, such that I consider the appropriate minimum term for this offence is one of 17 years.
17. By reason of section 322(2) of the Sentencing Act 2020, the court is obliged to take into account the effect which section 240ZA of the Criminal Justice Act 2003 would have if you had been sentenced to a term of imprisonment, such that you are entitled to be credited with the period which you have spent remanded in youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, namely a period of 329 days.
18. Therefore the sentence which the court imposes on you for the offence of murder is one of Detention at Her Majesty's Pleasure pursuant to section 259 of the Sentencing Act 2020, and in accordance with section 322 and Schedule 21 to the Sentencing Act, the minimum term which you will have to serve in custody prior to the Parole Board considering whether it is safe to recommend your release, is one of 16 years and 36 days.
19. However, you should clearly understand that the minimum term which you will serve in relation to the offence of murder is 17 years in detention. You may never be released, as that will only occur if and when the Parole Board is satisfied that it is no longer necessary for the protection of the public that you should be confined. Even if you are released, you will remain on licence and subject to recall for the remainder of your life.

Jeremy Baker J

8 November 2021

