



JUDICIARY OF
ENGLAND AND WALES

REGINA

-v-

MARCIN ZDUN

Winchester Crown Court

18 December 2020

SENTENCING REMARKS OF MR JUSTICE CHAMBERLAIN

Note: Reporting restrictions apply in relation to the identity of the two younger children of Marcin and Aneta Zdun. These sentencing remarks may be published in full, but care must be taken in reporting any additional details about the case.

1. **Marcin Zdun**, you may remain seated.
2. Yesterday, after a trial, the jury convicted you of the murders of your wife Aneta Zdun and your eldest daughter Nikoleta Zdun on 1st June 2020. The sentences for those offences are fixed by law. In each case the sentence is life imprisonment. I must now set the minimum term that you will serve in custody for each offence.
3. A minimum term means what it says. Even after you have served that term, you will not be released unless and until the Parole Board decides that it is safe to do so. You may never be released. If you are, you will remain on licence for the rest of your life and will be liable to recall if you commit any further offence or breach the conditions of your licence.
4. I was the trial judge. The facts I now set out are those of which I am sure, having heard all the evidence.
5. Aneta Zdun was 40 years old on 1st June of this year. She was the daughter of Andrzej and Bożena Stanczyk. You and she married in 2001. She trained in physiotherapy. Together you had three children. Aneta came to England in 2008 and you joined her with Nikoleta a few months later in the same year. Aneta worked as a physiotherapist and then, among other things, as a carer. In that way, she contributed to the life of the community in Salisbury. She was a devoted mother to her three children.

6. Nikoleta was 18 years old on 1st June of this year. She was studying at a local college. She was close to her mother and loved her two younger sisters. She had her whole adult life ahead of her.
7. 1st June is celebrated in Poland as *dzień dziecka*, children's day, when it is traditional to give presents to children. On that day, earlier this year, you left the lodgings where you were living in Rawlence Road, Salisbury, and walked for what must have been about an hour to the family home at 23 Wessex Road, on the other side of town. You arrived there at 2.40 in the afternoon. Aneta and Nikoleta were there, together with your and Aneta's two younger daughters, who were then 6 and 5 years old.
8. After arriving, you had an argument with Aneta, which cannot have lasted more than a few minutes. You took a knife which had been in the house, probably in the kitchen. You used the knife to stab or cut Aneta many times, first in the bathroom and then in other parts of the house. You also stabbed or cut Nikoleta, probably when she came to the aid of her mother.
9. Aneta and Nikoleta tried to escape from you. First Nikoleta and then Aneta came out of the house into the side passage. By that time, both were covered in blood from the wounds you had inflicted. You followed them, stabbing and slashing at Aneta. She tried to protect Nikoleta by placing herself between you and Nikoleta. You slowly and deliberately stabbed Nikoleta in the chest, overpowering her efforts to protect herself. Then, you grabbed Aneta by the hair, pulled her head back and cut her at least three times in the middle of her throat. While you were doing this, you were heard to say the Polish word "kurwa", which means "whore", to both Aneta and Nikoleta.
10. Most, if not all, of these events – both inside and just outside the house – took place in full view of your younger daughters. They were screaming in terror. The screaming was so loud it was heard by neighbours some distance away. They were pleading with you to stop your attacks on their mother and sister. You ignored them and persisted in your attacks.
11. You must also have been aware that what happened outside the house was being witnessed by several men, who happened to be close by and had heard the girls' screams. They too saw what you did to your wife and daughter. They were shouting at you to stop.
12. As Aneta and Nikoleta lay bleeding on the ground, you went back into the house to get your backpack. You also tried to wash some of Aneta's and Nikoleta's blood off your hands. Then you set off down the road, walking at first and breaking into a run only when challenged by Bolaji Olatunde, one of the men who had seen what you did. Mr Olatunde gave chase, together with Gary Davis and David Powell. They stopped you a little way down the road.
13. The injuries you inflicted on both Aneta and Nikoleta caused catastrophic blood loss. Every effort was made to save them, first by Jeff Dray and then by police officers and

paramedics. It is now clear that, whatever anyone had done, there was no way either woman could have survived.

14. Given the number and nature of the injuries, and the manner in which they were inflicted, it is clear that you intended to kill both Aneta and Nikoleta, not merely to cause them really serious harm. No other conclusion is possible.
15. During and after these attacks, each of the four people who lived at 23 Wessex Road was thinking about and trying to protect others. Aneta was trying to shield Nikoleta from your attacks. Nikoleta, for her part, said to the men who had run to the scene: "Take my sisters, save them." She would have known before she died that someone did take them to safety by grabbing their hands and pulling them over the chain link fence. That was David Powell. He handed the girls to Janet Maher, who took them into her home and kept them safe.
16. As she lay by the side of the house, Nikoleta asked the man who was trying to give her first aid to help her mother. Despite her injuries, she was thinking not of herself but of her sisters and her mother. She did not know that her mother was, by this time, beyond help.
17. The little girls, too, were thinking of their mother and sister. We heard a recording of one of them, which was picked up on the security system of a neighbour. None of us is likely to forget it quickly. She was heard to cry out: "Daddy, I don't want Mummy to die."
18. You did not deny that you killed Aneta and Nikoleta, but it was your case that you could not remember doing so. Having seen you give evidence, I am sure that this was a lie. You knew perfectly well what you had done. That is why you did not ask why you were being detained or arrested but instead said that you were "mentally incompetent" in an attempt to evade responsibility for these murders.
19. At your trial, you asked the jury to find you guilty not of murder, but of manslaughter by reason of diminished responsibility. The jury rejected that defence. Why, then, did you kill your wife and daughter? The evidence in this case has enabled me to reach the following conclusions.
20. Since the early days of your marriage, there have been periods when you have exhibited jealous, possessive and controlling tendencies. You suspected your wife of infidelity and, although there was no evidence to support your suspicions, you refused to believe her denials. You demanded to know where she was going and whom she was talking to. You criticised her for failing to keep the house tidy and cook dinner for the family. You also thought she was spending too much money.
21. All this made you angry. Your anger was directed not just at Aneta, but also, as she grew from a child into a young woman, at Nikoleta. You felt that the two of them were laughing at you. As early as June 2018, you wrote a "statement" saying that you were being harassed and abused in your own home by your wife and daughter and asking for their

income and outgoings to be checked for deception. You wrote that statement because you were considering suicide and you wanted to blame your wife and your then 16-year old daughter for it.

22. There were several occasions when you were violent towards both Aneta and Nikoleta. You have admitted one incident on 3 April of this year, when you thought they were laughing at you. You said that the violence was not serious. This was a lie. In fact, as Aneta told her friend Agnieszka Atras, you strangled Aneta until she was blue, then threw her to the floor. Nikoleta intervened to protect her mother and you threw her to the floor too. The incident was so serious you they insisted you leave the house and you worried that they would go to the police and get you deported.
23. This was not the only incident. You have consistently sought to minimise what you did. I reject your evidence. I accept the evidence of Aneta's mother Bożena Stanczyk that Aneta told them you had hit her and Nikoleta until they were black and blue. I also accept the evidence of her father, Andrzej Stanczyk, that there were several incidents of violence and that, at the start of this year, you threatened to kill them all.
24. This is consistent with the other evidence that, by the time you moved out of the family home in April of this year, Aneta had become withdrawn and unhappy and Nikoleta was terrified of you and had stopped eating. It was you who had reduced your wife and daughter to this state.
25. As it became clear to you that your relationship was irretrievably broken, you became withdrawn and depressed. You started to retreat to your room and drink. You also became angry with Aneta and Nikoleta. That anger was partly because of your false belief that Aneta was having an affair with a man who worked with you at Tesco and that Nikoleta was helping to cover this up. The main reason for your anger, however, was your possessiveness and your feeling that your control over your family was slipping away from you. These feelings intensified after Aneta threw you out of the family home in April of this year. You were jealous that they were happy and you were not.
26. It is likely that the trigger for what you did was the final realisation, on Friday 29 May, that your marriage was over. There had been discussions about separation and divorce before that, but it appears that the reality did not hit home until that day.
27. When it became clear that Aneta wanted rid of you permanently, you began to drink heavily and became more angry still. The evidence suggests that, when you killed Aneta and Nikoleta between 2.40 and 2.47 pm on 1st June, the level of alcohol in your blood was twice the limit for drink driving. You say you had been drinking the night before and had treated your hangover with two or three beers in the morning. I am sure that you had drunk considerably more than you say.
28. I have considered very carefully whether I can be sure that you had already decided to kill Aneta and Nikoleta before you set off from your lodgings in Rawlence Road. I have concluded that I cannot be sure of that. Although you took a lock knife with you, that was not the knife you used in the murders. Although you had your passport, that could

have been there since your last trip to Poland, along with the other documents from that trip. Although you had money, it was no more than you usually took out after being paid your monthly salary and there was money left in your account. So, I am not sure that you were intending to flee the country after the killings. I therefore sentence you on the basis that you formed the intention to kill in anger, shortly after you arrived at 23 Wessex Road.

29. In fixing the minimum terms for these offences, I must apply the provisions of Schedule 21 to the Sentencing Act 2020. I shall set a minimum term which reflects the entirety of your criminal conduct on both counts. That minimum term will be applied to each count.
30. I cannot say that each murder involved a substantial degree of premeditation or planning. This is therefore not a case in which a whole life minimum term is appropriate. The starting point is 30 years, because you murdered two people. But this is only a starting point.
31. You have relied by way of mitigation on your mental health difficulties. But the law provides that the relevance of mental disorder in murder cases is to be decided primarily by the jury. You presented to them your case that you were suffering from a recognised medical condition. They decided either that you were not or that, if you were, it did not cause you to kill Aneta or Nikoleta and was not a significant contributory factor in causing you to do so. In any event, the psychiatric diagnoses on which you relied were based in part on your claim that you could not remember the events of 1st June. I have found that to be a lie. So, your mental health difficulties provide very little mitigation for what you did.
32. The only other mitigation is the fact that you have no previous convictions or cautions. In your case, however that factor is of very little weight because of your previous violence against Aneta and Nikoleta, for which you have never been convicted, but which I have found established to the criminal standard.
33. Against that, there are some very significant non-statutory aggravating features:
 - (a) First, a knife was used in a sustained and brutal attack. A very large number of injuries was inflicted on each of the two victims.
 - (b) Secondly, the attacks took place inside and immediately outside 23 Wessex Road. This was the family home of Aneta, Nikoleta and the two younger children. They were entitled to feel safe there.
 - (c) Thirdly, it was no longer your home. You had access to it because, although Aneta had made clear she wanted to separate, you were the father of three children. As a father, it was your responsibility to protect and nurture those children. You were in a position of trust. It is difficult to conceive of a more complete betrayal of that trust than what you did.

- (d) Fourthly, Aneta and Nikoleta each knew before she died that the other had been seriously injured. That knowledge must surely have added to the distress and fear they felt as you attacked them.
 - (e) Fifthly, the attacks took place in broad daylight and were witnessed by several onlookers who happened to be nearby. They were shouting at you to stop. They saw you use a knife to cut the throats of two women and stab them many times. They must have feared that the knife might be used against them too, though that did not stop them from pursuing and detaining you.
 - (f) Sixthly, you falsely claimed amnesia about what you had done in order to avoid criminal responsibility for murder.
34. All this would amount to very substantial aggravation on its own. The most important aggravating feature, however, is that you committed these two murders in front of your and Aneta's two young daughters. You should have been their protector. Instead, you took from them the two people to whom they were closest – their mother and sister. You ignored their terrified screams and pleas. Your method could not have been calculated to be more cruel to them.
35. Finally, but importantly, I have considered the victim personal statements of Andrzej and Bożena Stanczyk. No person of ordinary sensibility could hear those statements read without recognising, and feeling, the pain that you have caused to these two, as parents and grandparents, as well as to their two remaining granddaughters. It is hardly surprising the two little girls have found it difficult to come to terms with the loss of their mother and sister. They have understandably suffered nightmares. Because of what you did, they have also lost a father.
36. **Marcin Zdun**, stand up.
37. For the murder of Aneta and Nikoleta Zdun, on each count, I sentence you to imprisonment for life.
38. The minimum term on each count reflects the totality of your offending against both victims. It is 34 years, less the period of 198 days you have spent in prison or hospital.
39. If the calculation of time spent on remand is later shown to be wrong, it will be corrected administratively, without the need for a further hearing.
40. After you have served the minimum term, you will not be released unless and until the Parole Board decides that it is safe to do so. If you are ever released you will remain on licence for the rest of your life and will be liable to recall if you commit any further offence or breach the conditions of your licence.
41. The surcharge provisions apply. The court will draw up the necessary order.