

**The King**

**-v-**

**Andrzej Latoszewski**

**Agnieszka Kalinowska**

**Sentencing Remarks of Mrs Justice Lambert DBE**

**Leeds Crown Court**

**3<sup>rd</sup> November 2022**

1. Sebastian Kalinowski died on 13 August 2021. He was 15 years old. In the weeks before his death, Sebastian had been subjected to horrific physical abuse. At the post mortem examination he was found to have 23 rib fractures. There was a large blood clot in his liver. His heart muscle was damaged. There was evidence of a muscle shearing injury to his left thigh. There was a very large number of linear scabs across his lower back and buttocks, the result of wounds to that area which had been cut so deep that the fat had been stripped down to the muscle. Sebastian did not die as a direct result of any one of those injuries but from an infection which set in around the rib fractures which developed into overwhelming sepsis and collapse. The uncontroverted medical evidence was that in the few days before his death the infection would have caused Sebastian to be very unwell, short of breath, very weak, and obviously so.
2. The jury did not need to speculate as to who caused those injuries or how they were inflicted. In late of June 2021 a closed circuit TV system was set up in the house in Leeds Road, Huddersfield, where you both lived with Sebastian. You placed cameras in the living room and in Sebastian's bedroom. After Sebastian's death, the hard drive was found by the police where you had hidden it in the table in the living room. Whether or not that footage demonstrates the full extent however of the abuse which was meted out to Sebastian, I do not know.
3. It shows you, Latoszewski, using your martial arts techniques to punch and kick and knee Sebastian repeatedly about the torso and head: using Sebastian's body in the same way as you used the punch bag which hung in your garden. The footage shows you beating Sebastian with a bed slat and an electric cable over his lower back and buttocks to such an extent that it caused bruising and bleeding leading to the welts which were found on his body after his death.
4. Kalinowska you were almost always present when this abuse was inflicted. Sometimes you watched Latoszewski as he set about Sebastian. On other occasions you sat indifferently on the

sofa, eating or drinking and watching television. On many occasions you were an active participant in the abuse. You landed blows on Sebastian too. You encouraged Latoszewski by either initiating or joining in the abuse by slapping and punching Sebastian.

5. On 16 June of this year, so during the course of the trial, you both pleaded guilty to the offence of cruelty to a child. On 14 July 2022, again during the course of the trial, Latoszewski pleaded guilty to manslaughter.
6. On 22 July 2022, the jury convicted you both of Sebastian's murder.
  - a. as for the plea to manslaughter, this has been superseded by the conviction for murder. I direct that it should lie on the file and I make no order in respect of this offence;
  - b. all counsel in the case agree that the offence of murder and that of cruelty cannot in this case be differentiated. The cause of Sebastian's death was infection in his ribs. Any or all of the rib fractures were involved in the process which ultimately led to his death. I will impose a sentence in respect of that offence which runs concurrently with the for the offence of murder and will reflect the totality of your offending in the sentence that I impose for the offence of murder.
7. For the offence of murder, the sentence is fixed by law. It is life imprisonment. I must decide whether the murder of Sebastian is a murder of such exceptional seriousness that it requires me to make a whole life order in accordance with paragraph 2 of Schedule 21 of the Sentencing Act 2020; or alternatively whether I should make a minimum term order. If the latter, there is no dispute that the starting point for that minimum term order is 30 years before adjustment for aggravating and mitigating factors. If I do impose a minimum term order, then it does not follow that either of you will be released from prison at the conclusion of that minimum term. You may never be released. Whether you are will be a question for the Parole Board in due course.
8. In reaching my decision on this issue, I take into account the following facts of which I am sure having been the trial judge in this case.
9. Sebastian was born in 2006. For the first four years of his life he lived in Poland with you, Kalinowska, his mother. In 2010 you came to England to live where you quickly began a relationship with Latoszewski. You left Sebastian in the care of his biological father and during the 10 years which followed you saw him on 3 occasions. Shortly before October 2020, Sebastian's father contacted you to tell you that Sebastian was getting into trouble with the authorities in Poland. You and Latoszewski went to Poland to collect him. I accept that when he first came to England to live with you both, your intention was to care for him properly. He was enrolled at school. Where his teachers spoke highly of his intelligence and his courtesy. He was always impeccably turned out.
10. Any kindness which you initially showed Sebastian was short lived. By as early as Christmas 2020 there were signs that all was not going well. At a party you discussed with friends your approach to punishing Sebastian for what were obviously only petty, childish misdemeanours. On 18 January 2021 you Latoszewski recorded footage of you shouting and cursing at Sebastian. You referred to him as a whore, and as a piece of shit. Sebastian is seen on the video picking food up from the floor. He refers to you Latoszewski as "Mr Andrzej". In two segments of video footage lasting around one hour recorded on that same phone later in January, we hear the sounds of you Latoszewski hitting Sebastian. Although the abuse takes place off camera, I have no doubt that

what is recorded on that phone is the sound of you beating the soles of Sebastian's feet with a broken spindle from the stair case. We hear Sebastian's shrieks in pain. We hear your torrent of vile insults as you accused Sebastian of lying. Kalinowska you then covered up what had happened by lying to the school over the following few days, explaining that Sebastian could not come to school because he had a fever. No doubt you were both worried that the presence of bruising on Sebastian's body or his injuries would have raised alarm at school.

11. I have no doubt that the abuse continued between January 2021 and the timing of the installation of the CCTV in mid-June. There is an audio recording of you Kalinowska speaking to Latoszewski during this period in which you refer to your son as a piece of shit. You tell Latoszewski that you have already "smacked his gob" and you ask Latoszewski to come and sort him out. How often Sebastian was beaten and how severely during this period, I cannot be sure.
12. It is at the start of the school summer holiday however the abuse becomes more frequent and more serious. Over the course of the following 3 weeks, until his death on 13 August, there is scarcely a day that goes by that Sebastian is not subjected to some form of serious physical abuse.
13. I describe just four occasions upon which Sebastian was abused.
  - a. On 30 July CCTV shows Sebastian performing squats and push ups. His exercise regime is interrupted by you Latoszewski striking him on the back and the side of the head. You knee him and punch him in the chest repeatedly. You kick him in the side of his body. You stamp on him between his legs. All of this takes place in the presence of you Kalinowska. You watch on, whilst continuing to eat your morning toast. An hour later you Kalinowska hit him with a pillow whilst he is continuing his sit ups. There are further punches from you Latoszewski later that morning. From around 11.15 Sebastian is seen on CCTV in his bedroom facing the wall. He remains there for the rest of the day.
  - b. On 10 August, Sebastian is seen on CCTV exercising in his bedroom. He is interrupted by you Latoszewski. You push him over the bed pulling down his shorts to show the very serious injuries you have already inflicted to his lower back and buttocks. You whip him with the electrical cable 59 times. Blood stains his bedding and his shorts. He is whipped on other occasions throughout the day. Sebastian is made to clean up the blood from the mattress. When not being whipped, he is kicked and punched or forced to exercise. You Kalinowska place weights into his hands to make the exercise harder. You grab and punch him and slap him about the head. Throughout all of this, Sebastian appears weak and is obviously struggling to breathe.
  - c. On 12 August, the day before his death, you Kalinowska complain that Sebastian had been taking too long to eat his meals. Seemingly, in response to those complaints we see you Latoszewski forcing food into Sebastian's mouth and around his face and water down his throat. In the corner of the living room is a pile of hypodermic needles which you Latoszewski used to inject yourself with anabolic steroids. You both use these needles to jab Sebastian through his clothing causing him to squirm and flinch.
  - d. On the day of his death, Sebastian gets up early. He moves around his room like a very old man. He is hunched up. His breathing is abnormally shallow and rapid. At 7.24 in the morning, you Kalinowska go into his room and charge at him, grabbing him around the throat and pushing him on to a piece of furniture. You drag him towards you by the throat and he falls to the floor. There is then further abuse by Latoszewski until Sebastian is dragged off in the direction of the bathroom. When next seen on CCTV Sebastian is unconscious with no apparent signs of life.

14. You then delayed calling an ambulance. By no later than 08.40 it must have been obvious to you both that Sebastian was dead, or dying. You Latoszewski appear to appreciate the seriousness of the situation and give CPR compressions and breaths. You Kalinowska do absolutely nothing other than wander downstairs making sure that the curtain is lowered on the window in the back door. You clean up the table and you drink from a mug. At 09.26 the CCTV is disconnected and the cameras ripped from the walls. You try and hide the hard drive in the drawer in the living room. You Latoszewski telephoned your work, explaining that you can't come in today as you have "big problems." No ambulance is called until 10.55. When arrested by the police you both lied. In this trial Latoszewski your defence was that your punishment of Sebastian (which you could not deny) was reasonable. Kalinowska you told the jury that you were coerced into going along with Latoszewski's abuse of Sebastian because you were frightened that you too were the victim of his violence.
15. Anyone who has watched even part of the CCTV footage of what took place in that house last summer could only be utterly horrified by what they saw and quite bewildered that anyone would behave in this way towards a teenage boy, let alone one who should be a much loved child or step child. It begs the question why anyone would behave in this way.
16. It is quite clear to me Latoszewski that, by your physical abuse of Sebastian, you sought to demonstrate your control and your dominance over him. You made him call you Mr Andrzej. You installed CCTV so that, in your paranoia, you could make sure that Sebastian was performing his punishment exercises when you were not there. You are a bully. Minor perceived misdemeanours or teenage acts of defiance were dealt with by extreme punishments. Like all bullies, unable to obtain respect in any other way you sought to intimidate and frighten those who were weaker than you. In Sebastian you had easy prey. You have no self-control. The CCTV footage shows you often flying into a rage, pacing the room with a grimace on your face as you scream at Sebastian. There are times when I was viewing the footage that it seemed to me that you had lost awareness that you were actually hitting a human being rather than your punchbag and between punches you would pause to admire your physique in the full length mirror in the living room.
17. As for you Kalinowska the explanation is simple, You just did not care about Sebastian. You were only interested in yourself. The letter which you wrote to Latoszewski whilst on remand tells me all that I need to know about your relationship towards your son. In that letter which is lengthy, you write about yourself; your relationship with Latoszewski and your continued love for him telling him you would happily marry him even wearing prison uniform. Your only real worry was what had happened to your cat after your arrest and where it had been taken. In that very long letter there was not one word about your son, Sebastian, about his death and the loss of that life.
18. I have had the benefit of reading the statement of Sebastian's father. In contrast he speaks movingly of his sense of loss and his anger, understandable anger, at Sebastian's murder. It is clear to me that Sebastian's wider family in Poland will never forget him and that his death is mourned.
19. It is against this background that I now turn to consider the appropriate starting point for the sentence which I will impose. As I have said the first question is whether the correct starting point is a whole life order or 30 years imprisonment before adjustment for any aggravating or mitigating factors.
20. For the purposes of this case, paragraph 2 of Schedule 21 of the Sentencing Act 2020 provides that the appropriate starting point is a whole life order if the court considers the seriousness of

the murder to be “exceptionally high.” Schedule 21, paragraph 2(2) of the Sentencing Act 2020 provides a non-exhaustive list of cases which will normally fall within the category justifying a whole life term. The list includes at (b), the murder of a child involving the abduction of the child or sexual or sadistic motivation. The appropriate starting point is a term of 30 years if the seriousness of the offence is “particularly high.” Paragraph 3(2) provides that cases normally falling within the category justifying a starting point of 30 years include(e a murder involving sexual or sadistic conduct.

21. A recent decision of the Court of Appeal provides me with assistance on the approach which I should take to sentencing in this case. The court emphasised that all cases will be fact specific. It re-stated that even when a mandatory life sentence is required, a whole life order is very rarely made. Such a sentence is reserved for the few exceptionally serious offences in which, after reflecting on all the features of aggravation and mitigation, the judge is satisfied that the element of just punishment and retribution requires the imposition of a whole life order. The court continued by stating this: that cases of murder involve taking a human life where the offender intended to kill or cause really serious harm. All murders are necessarily extremely serious crimes and for that reason they attract the mandatory life sentence. The requirement that the seriousness of the offence must be exceptionally high before a whole life order is made therefore arises in that context. Often where such an order is called for, the case will not be on the borderline and the facts of the case considered as a whole will leave the judge in no doubt that the offender must be kept in prison for the rest of his or her own life. Putting it starkly, the case must be exceptionally serious even in the context of murder.
22. It is with this guidance in mind therefore that I have therefore considered whether the murder of Sebastian Kalinowski was of such exceptional seriousness that the starting point for sentence is a whole life order. In my judgement none of the factors which might “normally” in the words of Schedule 21 lead to the imposition of a whole life term are present. I do not find that the murder of Sebastian was motivated by sadism. Putting it another way I do not find that either of you acted as they did towards Sebastian because you took pleasure in the pain or trauma which you inflicted. Clearly both of you must have been aware of the pain you were inflicting but the true motivation, certainly so far as you Latoszewski is concerned, is I find rather more complicated. As I have already said, I find that your abuse was motivated by the need to dominate and control Sebastian to the point of oppression. In your case Kalinowska you just didn't care what happened to Sebastian one way or another.
23. Standing back, and taking into account all those factors which I must have in mind, I am not sure that this offence is one of such exceptional seriousness as to require me to take that starting point of a whole life term.
24. I take 30 years as my starting point for the minimum term which you must serve before consideration is given to your release by the Parole Board . I emphasise however that the 30 years is simply the starting point. I must take into account aggravating factors and mitigating factors. I recognise that the aggravating factors might, in theory, lead to the imposition of a whole life term. Alternatively even if I do not impose a whole life order the effect of my sentence may be equivalent given your ages.
25. In this case there are a number of powerful aggravating factors:
  - a. Sebastian's vulnerability. He was a young teenage boy who spoke little (if any) English with neither friends nor allies in this country. He was wholly dependent upon you both for his wellbeing. He attended school where he encountered teachers who were

interested in him, but these events took place during the time of covid. There was little continuity of attendance.

- b. The abuse of the relationship of trust which should have existed between you both and Sebastian.
  - c. The length of the abuse, starting at the latest in January 2021.
  - d. The extent of the abuse involving injuries to the torso (ribs, heart, lungs) and serious muscle injuries to the thigh and buttocks.
  - e. The extreme pain which you caused Sebastian and, his painful death.
  - f. Your failure to seek hospital or medical assistance in the few days before his death when it would or should have been apparent to you that Sebastian was seriously ill from infection.
  - g. Your delay in calling the emergency services after Sebastian's collapse on 13 August.
26. Latoszewski you 38 are years old; Kalinowska you are 36 years. Neither of you has any real mitigation. It is submitted on your behalf that neither of you had the intention to kill which I accept. I take this into account but its relevance is marginal given the nature of the assaults any one of a number of which could have inflicted fatal injury. Kalinowska I bear in mind that you were not the principal perpetrator of the physical abuse. I make no token reduction in your sentence to reflect this. I see you as a full and willing participant in all that took place over the course of last summer. You may not have hit Sebastian as often as Latoszewski or anything like as hard, but by your acts and words you encouraged his violence.
27. As for the offence of cruelty to a child, the maximum sentence which I can impose is 10 years imprisonment. The sentence which I impose in respect of this offence will be served concurrently. I am told that you have both served 444 days on remand and that will be taken into account in calculating the term of imprisonment which you will serve. If that figure is inaccurate then it can be dealt with administratively. The victim surcharge will apply.

**Stand up.**

28. Latoszewski for the murder of Sebastian Kalinowski, the sentence of the court is imprisonment for life. You will serve a minimum term of 39 years before consideration is given to your release by the Parole Board. For the offence of cruelty to a child, the sentence is one of 9 years.
29. Kalinowska for the murder of your son Sebastian Kalinowski, the sentence of the court is imprisonment for life. You will serve a minimum term of 39 years before consideration is given to your release by the Parole Board. For the offence of cruelty to a child, the sentence is one of 9 years.