

**IN THE CENTRAL CRIMINAL COURT**

**The Hon. Mrs Justice May**

**T20220320 & T20220638**

**R.**

**-v-**

**WAYNE COUZENS**

**SENTENCING REMARKS**

On 13 February 2023 the defendant, who is now aged 50, pleaded guilty to three offences of exposure contrary to section 66 of the Sexual Offences Act 2003. Three further exposure counts were ordered to lie on the file. He is attending by link from prison today.

The background to these proceedings is as follows: On 12 April 2022 the defendant appeared before Westminster Magistrates Court charged with four counts of exposure arising from visits to a drive-thru McDonalds at Swanley Services, Kent in January and February 2021. The case was remitted for trial at this court. At a Pre Trial Preparation Hearing on 24 May 2022 he pleaded not guilty to all four counts; a trial date of 6 March 2023 was subsequently identified. In the meantime, on 2 September 2022 he was charged on a separate indictment with two further counts of exposure, arising from earlier incidents in June 2015 and November 2020. The Crown applied to join both indictments so that all offences could be heard together at a single trial.

On 2 October 2022 I heard a defence application to stay all counts on both indictments for abuse, on the principal basis that the defendant's notoriety would prevent his having a fair trial. I dismissed that application, after which the defence issued a further application, this time to dismiss the two counts on the second indictment for want of reliable evidence, alternatively to sever those counts to be heard at a separate trial. Those applications were listed for hearing on 13 February 2023; however on that day the defendant changed his plea from not guilty to guilty on two of the counts on the first indictment, at the same time entering a guilty plea to one of the counts on the second indictment, with a not guilty plea to the other. The prosecution accepted the guilty pleas to three of the six offences, inviting the court to order that the remaining three counts lie on the file, not to be proceeded with without further order.

The consequence is that today, which would have been the first day of trial, is instead a sentencing hearing.

Under section 57 of the Sentencing Act 2020 a court when passing sentence must have regard to five purposes of sentencing, identified as: punishment of the offender, reduction of crime,

reform and rehabilitation of the offender, protection of the public and the making of reparation.

None of these purposes is directly relevant to sentencing this defendant for the present offences as he is currently serving a whole life sentence for the kidnap, rape and murder of Sarah Everard in March 2021. The sentence I pass today will not affect that whole life term. Given the sexual nature of the present offences, Notification is automatic, that too is academic. A surcharge order will apply in the ordinary way.

But sentencing also serves as a public recognition of the fact that offences have been committed, to note the impact upon the victim or victims, and, where appropriate, to mark with gratitude their courage and resilience in reporting the offences, giving statements about what happened to them and being prepared to follow through by giving evidence at any trial. Without that persistence and fortitude by members of the public who have been offended against justice could not happen.

As victims of a sexual offence, each of the women are entitled to anonymity for their lifetimes, I shall refer to them as A B and C. Each of them is to be commended for reporting, and following through.

The first of the offences in time involved A, who was cycling up a narrow country lane between Deal and Dover on 13 November 2020 at around 2.30 in the afternoon. Photographs of the lane in question show that has a banked verge up one side, with some woodland at the top. As A cycled up a man stepped out from the trees. He was naked, energetically masturbating his erect penis, looking directly into A's eyes as he did so. From the photographs he must have been less than 2m away from her as she passed; she could do nothing but cycle on, pedalling slowly up the hill past him as he continued to stand there, manipulating his penis. Further on, A noted an old black car parked up in a lay-by. She came across some walkers, one of them a female police officer, and told them what had happened. She phoned her husband who went to meet her. He reported the incident to a police car in the area and when she got home A reported the offence to Kent police online, giving what she remembered of the numberplate of the black car, insufficient, as it turned out, to enable any tracing. No one got back to her. But when, in March 2021, A's husband drew her attention to the reporting of Sarah Everard's murder, A recognised the person who had exposed himself to her and immediately contacted police.

In the meantime, on two separate occasions a fortnight apart in February 2021, B and C, two female members of staff at the drive-in MacDonalds at Swanley Service Station were confronted by a man in a black car stopping to pay and to collect food with his erect penis out and in full view as they took his money and handed his order down. He was looking at them in the face as they did so, the window down, his genitals right there in their line of sight, at a time when their job required them to interact with him. His car was caught on CCTV and the registration number was noted by their manager at the time of the second incident; moreover he had used the same credit card to pay on both occasions, he could easily have been traced through the car or the card. The incidents were reported to the police on 28 February 2021,

together with the registration number of the car, again nothing was done at the time. Sarah Everard was taken three days later on 3 March 2021.

The victim personal statements of A, B and C, read in court just now, speak justly of their shock and upset at this defendant's selfish, sexually aggressive acts. All have spoken of their sense of freedom and security taken from them, of feeling vulnerable and fearful for themselves and others going about their ordinary lives. One woman, after discovering who had done this and what he had gone on to do, speaks of a wholly understandable sense of survivor's guilt.

The fact that no police came to find him or his black car, to question him about these incidents, can only have served to confirm and strengthen, in the defendant's mind, a dangerous belief in his invincibility; in his power sexually to dominate and abuse women without being stopped.

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In arriving at sentence I have had regard to the Sentencing Council Guideline for the offence of Exposure, the Guideline on Totality, and the Guideline on Reduction in sentence for a guilty plea.

The statutory maximum sentence for the offence of Exposure is 2 years. The offence against A, involving masturbation, falls into Category 2 of the applicable Sentencing Council Guideline. With a view to Totality, I shall treat this as the lead offence, aggravated by the two subsequent offences at McDonalds, passing concurrent sentences for each of them. The offence against A is further aggravated by the location in an isolated country lane. The McDonalds offences are made more serious by the timing, late at night in the dark. All offences are very seriously aggravated by the fact that the defendant was a serving police officer at the time, being a constable in the Metropolitan Police and a member of the Diplomatic Protection Group. On the day he exposed himself to A the defendant was actually on duty, working from home. The combination of these features takes all the offences well outside the otherwise applicable category range in the Guideline. The only mitigation is the guilty pleas entered on 13 February. I take into account that this was the first time the defendant was arraigned on the second indictment, however it was by no means the earliest occasion on which the defendant could have indicated a guilty plea.

The defendant is attending via a link from his prison; he is to stay seated where he is.

For the offence against A, count 2 on indictment number T20220638, the sentence is one of 19 months imprisonment. There will be concurrent sentences of 6 months on each of Counts 2 and 3 on indictment T20220320. The total sentence is accordingly one of 19 months. As I have already said this sentence will make no difference to the existing whole of life sentence, from which the defendant will never be released.

Mrs Justice May

6 March 2023