



Courts and Tribunals Judiciary

CENTRAL CRIMINAL COURT

THE KING

V

SANDIP PATEL

Sentencing Remarks of Mr Justice Cavanagh

16 February 2024

1. Sandip Patel was convicted at this Court on 15 February 2024, after a trial, of the murder of Marina Koppel on 8 August 1994. I was the trial judge.
2. This is the sentencing hearing. Sandip Patel has refused to leave his cell today so as to attend this hearing. He has signed a form which has given as the reason for this refusal that he is to be sentenced for a crime which he said that he did not commit. He was offered the opportunity to attend remotely by Prison Video Link but declined to avail himself of the offer.
3. I am satisfied that there is no good reason for Sandip Patel's non-attendance. He has been convicted by a jury after trial. He is not unwell. There are no reasons outside his control why he is unable to attend this hearing. He has simply taken the decision that he is not prepared to attend the sentencing hearing. I have considered, therefore, whether it is in the interests of justice for the hearing to proceed in his absence. I have decided that it should proceed. Sandip Patel has voluntarily waived his right to attend his sentencing hearing. He is represented by counsel, Mr Mathew Sherratt KC and Ms Stella Harris, who were trial counsel. He has had ample opportunity to give instructions to his solicitors and counsel in advance of this sentencing hearing. Mr Sherratt KC did not invite me to adjourn the sentencing hearing, and has mitigated ably on Sandip Patel's behalf. Sandip Patel's reason for refusing to attend sentence today would apply equally on any future occasion. To adjourn this hearing would cause great inconvenience for the Court and for other Court users, and, most importantly, it would potentially exacerbate the distress of his victim's family.

4. Accordingly, I will now proceed to pass sentence.
5. Before I do so, I make the following observation. This is yet another example of a distressing trend in which those who have been convicted of very serious offences decline to attend their sentencing hearing. This is an act of moral cowardice, and can serve to deny the victim's family the resolution and closure that a sentencing hearing should provide. In Sandip Patel's case, it is a clear indication of lack of remorse.
6. I will address the Sentencing Remarks to you, Sandip Patel, even though you are not here, and I direct that a written copy of them be given to you in prison.
7. The facts of this offence, so far as they can be known, are these:
8. In August 1994, Marina Koppel was 39 years old. She was originally from Colombia. She had moved to the United Kingdom some years before. She was married to David Koppel, known as Andy, and she had a son who lived in Colombia. Marina Koppel worked as a sex worker. She provided massages and also provided sexual services to clients. She worked mainly from home, which, at the time of her death, was a flat in York Mansions, Chiltern Street, London W1. She had a regular clientele and also advertised her services in a listings magazine.
9. Marina Koppel was a well-groomed, friendly, and vivacious person. She was kind, and she cared for and helped other people. She had a wide circle of friends and was very close to her son and other family members in Colombia. Her son called her the best mother in the world.
10. On Monday 8 August 1994, Marina Koppel was in London. Mr Koppel, who was based in Northampton, became concerned about his wife and drove to London to check that she was alright. He arrived at the flat in Chiltern Street at about 11pm. He discovered his wife's body on the floor of a bedroom in the flat, wrapped in bedding. She had been stabbed approximately 140 times, on her face, neck, chest and back. The blows on Ms Koppel's neck, on their own, would almost certainly have been sufficient to kill her. Dr Ian West, the forensic pathologist who attended the scene in 1994, described it as a frenzied attack. This was an apt description. Dr Stuart Hamilton, the forensic pathologist who gave evidence at your trial, said that it would have taken well over two minutes to inflict all of the injuries on Ms Koppel. There can be no doubt that you intended to kill your victim. Indeed, it was clear from the forensic evidence that you continued to inflict blows on Ms Koppel even after her heart had stopped beating. There were defensive injuries on Ms Koppel's hands and arms which showed that she had tried to defend herself during the attack. The Court was shown pictures of the

murder scene. It is no exaggeration to say that the scene was drenched in Ms Koppel's blood. The killing was brutal, vicious, and merciless.

11. Despite an intensive police investigation in 1994, you were not identified as a suspect at that stage. There was a cold-case review in 2008 and a further review of the evidence in 2022. It was at that stage that forensic evidence came to light implicating you in this murder. Improvements in DNA testing meant that a hair that was attached to a ring that Ms Koppel had been wearing when she was murdered was identified as coming from you. This led to your arrest. Subsequently, two footmarks in blood on the skirting board of the bedroom in which Ms Koppel's body was found were identified as being yours, and your fingerprints were found on a plastic carrier bag in the kitchen of her flat. It is only as a result of this impressive forensic work that you have been brought to trial for your actions.
12. You did not give evidence at trial, and there were no witnesses to Ms Koppel's murder. However, I am satisfied so that I am sure of a number of matters. First, it is clear that you had been admitted to Ms Koppel's flat as a client. This is the obvious inference from the fact that you were barefoot in her bedroom at the time of the murder. I have no doubt that you had taken your clothes off in the bedroom. Your bare feet made marks on the skirting board. Also, when she was found, Ms Koppel was wearing lace underwear and stockings and nothing else. This shows that you were involved in sexual activity with Ms Koppel, or had intended to be involved in sexual activity with her. Second, whilst, when the assault took place, you intended to kill Ms Koppel, there is nothing to suggest that you went to the flat with the intention of murdering Ms Koppel: you went there to avail yourself of her sexual services. Third, I cannot be sure that you had taken a knife with you to Ms Koppel's flat. There is no evidence that you had taken a decision to stab Ms Koppel before you arrived at the flat. There was a search for the murder weapon but it was never found, so you certainly took the knife away with you, but the evidence showed that the murder weapon had a singled-sided blade of the sort that is found on a kitchen knife. The likelihood is that the knife that you used came from Ms Koppel's kitchen. Therefore, whilst I cannot be sure that you brought a knife to the scene, I can be sure that at some stage you left the bedroom to obtain a knife and then went back into the bedroom to assault Ms Koppel.
13. I will come to my conclusions about whether the murder was committed for gain, and whether it involved sadistic or sexual conduct, in a moment.
14. The terror and pain that you inflicted on Ms Koppel is difficult to imagine. She was attacked with a knife in her own home, when she was at her most vulnerable. You stabbed her very many times, over a sustained period. She fought back but you carried on. One of her neighbours heard screams at about the time that the murder took place.

15. You deprived Ms Koppel of many more years of life and there can be no doubt that the murder caused great pain and anguish to her family and friends. I have been provided with Victim Personal Statements from Ms Koppel's son, Javier Rios, and her brother-in-law, Martin Koppel. Javier Rios's Statement spoke movingly of the void in his life that has been caused by the murder of his mother. Martin Koppel said that Ms Koppel had been the love of his brother's life, and that he effectively lost the will to live after she was murdered. The anguish of the family will no doubt have been compounded because it has taken nearly 30 years for the murderer to be convicted. No sentence that I pass can compensate the family of Ms Koppel for their loss.
16. As for your personal circumstances and mitigating factors, you were born on 26 August 1972. You were 21 years old and a student at the time of the murder. You had no previous convictions at the time. You are now 51 years old. In the almost 30 years since you committed this offence, you have not committed any offences of a similar seriousness. You have one conviction. This is for the offence of assault occasioning actual bodily harm. You committed this offence on 14 September 2013, and, upon conviction, were given a 12-month community order, and a restraining order. The offence was one of domestic violence. You punched your girlfriend causing cuts and bruising. This is an aggravating feature but I bear in mind that this offence was obviously very much less serious than the offence for which you are now to be sentenced. I should add that I do not consider the fact that you have not murdered anyone else since 1994 as a significant mitigating factor.
17. You have shown no remorse whatsoever for this offence.
18. There is only one sentence that the law allows me to pass for the offence of murder. It is a sentence of life imprisonment. That is the sentence that I will pass, but I am also required by Schedule 21 to the Sentencing Act 2020 to specify a minimum term which must elapse before you can be considered for release on licence. It will be for the Parole Board to consider whether, and, if so, when, you can be safely released.
19. There are special principles that apply in your case, because your offence was committed prior to 18 December 2003. I must first consider what minimum sentence would have been appropriate, under the current sentencing regime, if this offence had been committed within the last few years. Having decided that, I must adjust the minimum sentence, if necessary, so as to impose a minimum term that is no greater than the period which, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to have notified to you as the minimum period which in the view of the Secretary of State should be served before your release on licence.

20. I come first, therefore, to the minimum term that I would have imposed on you if this offence had been committed recently, under the current sentencing regime.
21. The first step is to consider the appropriate starting point. This is not a case in which the seriousness of the offence is so exceptionally high that the starting point of a whole life order would have been appropriate. The three other potential starting points are 30 years, 25 years, and 15 years. A 30 year starting point would be appropriate if this was a murder done for gain, or if it was a murder involving sadistic or sexual conduct. If those factors were not present, then a 25 year starting point would be appropriate if you had taken a knife to the scene. I have already said that I cannot be sure that you brought a knife to a scene. It follows that, if the offence had been committed under the current sentencing regime, and if the 30 year starting point would not have been appropriate, then the appropriate starting point would have been 15 years.
22. It follows in turn that whether the appropriate starting point would have been 30 years or 15 years depends upon whether I can be sure that the murder was committed for gain, and/or that it involved sadistic and/or sexual conduct. I will consider these in turn. As I have said, you did not give evidence and there were no witnesses. Accordingly, I must base myself on such evidence as there was in Court, bearing in mind that I must be satisfied so that I am sure of my conclusions.
23. As for murder for gain, Ms Koppel's bank card and PIN number were used to take money out of ATMs on several occasions on the two days after the murder. I have no doubt that it was you who took the money out. The Prosecution point out that it must follow that you obtained the PIN number from Ms Koppel, and say that this strongly suggests that your motive in killing Ms Koppel was financial. I agree that you must have obtained Ms Koppel's PIN number in some way, but I cannot be sure that there was a financial motive for the murder. You would not have needed to kill her in order to rob her of her bank card or to get her PIN number out of her, let alone to do it in such a brutal manner.
24. Again, despite the frenzied and brutal nature of the assault, I have concluded that this murder did not involve sadistic conduct. A murderer frequently takes satisfaction from the pain that he or she inflicts, but that does not amount to sadistic conduct for the purpose of the starting points. Sadistic conduct involves a significantly greater degree of awareness of pleasure in the infliction of pain, suffering or humiliation than that, and I cannot be sure that this was present in this case. This is not in any way to minimise the awfulness of this offence.
25. The next question is whether this murder involved sexual conduct. The Prosecution do not suggest that it does. The Court of Appeal has stated on several occasions that a murder will involve sexual conduct if the acts which resulted in the death of the victim

were sexual in nature or were accompanied by sexual activity that increased the ordeal of the victim, or the depravity of the murder, or both. The Court of Appeal has also said that the purpose of, and motivation for, the killing; the nature of the sexual conduct; whether the conduct was planned; and the timing of the sexual conduct relative to the death may all be relevant factors in answering this question, but each case will turn on its own facts. These principles are stated, most recently, in **R v Mottram** [2022] EWCA Crim 954, at paragraphs 35 and 38, and **R v McCullam** [2023] EWCA Crim 349, at paragraphs 23-26.

26. Applying those principles, it follows that the fact that the murder took place on an occasion when you had gone to Ms Koppel's flat to obtain sexual services does not mean, of itself, that the murder involved sexual conduct. I do not sentence you on the basis that you obtained sexual gratification from the killing. I am not in a position, on the evidence, to come to this conclusion, and I note that you have no other convictions for offences of sexual violence, before or since. This is not a case in which the murder of Ms Koppel was accompanied by sexual activity which increased the ordeal of the victim or the depravity of the murder, or both. There was no evidence of sexual activity having taken place between you, even though that is what you went there to do. I have considered whether I can be sure that, after booking an appointment with a sex worker, you found yourself unable to perform sexually and in your humiliation and embarrassment you lost your temper and killed Ms Koppel. If that were the position, then, in my view, this would be a murder that involved sexual conduct. Sexual conduct, for these purposes, is not limited to conduct which is designed to, or which does, produce sexual pleasure. I have a strong suspicion that you killed Ms Koppel because of shame and embarrassment at your sexual performance, but I cannot exclude the possibility that there was another reason and so I cannot be sure of it. Therefore, I do not proceed on the basis that this was a murder that involved sexual conduct.
27. It follows that if you were to be sentenced under the current sentencing regime, the starting point would have been 15 years. However, the starting point is not the end point. Aggravating and mitigating factors must be taken into account and I must decide whether to adjust the minimum term accordingly. I say immediately that, in light of the circumstances of this case, the minimum term that I would have specified under the current sentencing regime would be substantially higher than the starting point.
28. There is one relevant statutory aggravating factor. This is that you inflicted mental and physical suffering on your victim before death. It is true that the assault probably only took a few minutes, but during those few minutes the suffering of Ms Koppel must have been appalling. She must also have suffered mentally for a period before the stabbing began, when she saw you come in from the kitchen with a knife, and realised what you

were about to do to her. In addition to the statutory aggravating factor, there is another major aggravating factor. This is that your victim was particularly vulnerable. Ms Koppel was a vulnerable woman, in her own home. She was described as a tiny woman. She was attacked in a bedroom when she was undressed and at a time when she was engaged in sexual activity with you. Even though the murder did not involve sexual conduct, as defined in the legislation, this is a significant aggravating factor. There are other aggravating factors. You used a knife. After the murder, you took steps to dispose of the knife, and you took Ms Koppel's bank card and PIN number and withdrew funds from her bank account in the days that followed. You have shown no remorse.

29. As for mitigating factors, there was a lack of premeditation, in the sense that you had not planned to murder Ms Koppel before you arrived at her flat. However, there was a short period of premeditation when you left the bedroom to find a knife so that you could come back and stab her. Your relative youth at the time is a mitigating factor, and it is also a mitigating factor that you have only one conviction, and that is for a very much less serious offence.
30. Balancing those aggravating and mitigating factors, if you had fallen to be sentenced in the current sentencing regime, the minimum term that I would have imposed would have been 24 years.
31. However, I do not impose that minimum term. The law requires me to impose a minimum term that is no greater than the minimum term that would have been imposed by the Secretary of State in 1994. In this regard, I have taken into account the guidance of the Court of Appeal in **R v Sullivan** [2004] EWCA Crim 1762, and **R v Shahid Mohammed** [2020] EWCA Crim 766, and the guidance to be found in the contents of a letter sent to judges by Lord Bingham CJ on 10th February 1997.
32. The letter from Lord Bingham said that the period actually to be served for the "actual", "normal" or "unexceptional" murder was 14 years. Among the examples of factors which he outlined as being capable, in appropriate cases, of mitigating the normal penalty, the relevant ones for present purposes are youth, and spontaneity and lack of premeditation – though tempered in the present case by the fact that there were some moments of premeditation. The factors which apply to this case which Lord Bingham said were likely to call for a sentence more severe than the norm, were the killing of a vulnerable victim, and evidence of gratuitous violence. As I have said, in this case, Ms Koppel was particularly vulnerable, and there was gratuitous violence as you used more violence than would have been necessary to kill her and continued to stab her even after her heart had stopped beating.
33. Lord Bingham's letter made clear that the list of aggravating and mitigating factors in his letter was not exhaustive. In my judgment a Court in 1994 would have taken into

account all of the aggravating and mitigating factors that I have mentioned when considering the current sentencing regime. The other aggravating factors include that the circumstances of the crime, and the sexual context, were particularly degrading for your victim; that you used a knife; that, after the murder, you took steps to dispose of the knife; that you took Ms Koppel's bank card and PIN number and withdrew funds from her bank account in the days that followed; and that you have shown no remorse. The other main mitigating factor is that you committed no offences before this offence or any in the 30 years since it was committed, apart from the one offence of assault occasioning actual bodily harm.

34. Applying the guidance, and, again, taking into account all aggravating and mitigating factors, I have decided that the appropriate minimum term which I should impose, and which is no greater than the minimum term that would have been imposed by the Secretary of State in 1994, is 19 years. It is far from being an "average", "normal" or "unexceptional" murder. In my judgment, the circumstances, and, in particular, the brutality of this murder, require an uplift from this figure, even after the mitigating factors are taken into account.
35. Nevertheless, it is clear that the minimum term for this murder in 1994 is less than the minimum term you would have received if you had committed the murder today.
36. Two matters require emphasising.
37. First, there is no injustice in this outcome. In accordance with normal principles of sentencing, it is right that you should be sentenced by reference to the sentencing regime that applied at the time of the offence. The fact that the minimum term that I have set for you is considerably lower than the minimum term that I would have set if the same offence had been committed in 2023 or 2024 simply reflects changes in the sentencing regime.
38. Second, it is important that you – and everyone concerned with this case or reading or reporting this sentence – understands what your sentence for murder in fact means. The minimum term is not a fixed term after which you will automatically qualify for release, but is the minimum time that you must spend in custody before your case can be considered by the Parole Board. It is for the Parole Board to say, after expiry of the minimum term, whether or not you are fit to be released. There is no guarantee that an offender upon whom a minimum term order has been imposed will be released once the minimum term has expired, or at any particular time thereafter. If and when you are released, you will be subject to licence and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, such as if you reoffend, you will be recalled to continue to serve your sentence in custody.

39. Time spent on remand will be deducted from the minimum term. The appropriate statutory surcharge will apply.

40. I now come to the sentence.

41. Sandip Patel, for the murder of Marina Koppel, I sentence you to imprisonment for life. Taking account of all the factors that I have set out, the minimum term will be 19 years, minus 343 days to take account of time spent on remand.