



Courts and Tribunals Judiciary

IN THE CENTRAL CRIMINAL COURT

THE KING v. DYLAN WEATHERLEY, KYRIE MITCHELL-PEART AND ISAY STOYANOV

SENTENCING REMARKS

HHJ SARAH WHITEHOUSE KC

1. Preliminary matters

1.1 At the outset of these sentencing remarks, I make the appropriate order as to the payment of the statutory surcharge in each case, which will be collected administratively.

1.2 On 31.7.24, Dylan Weatherley was convicted of the kidnapping, and false imprisonment and manslaughter of Koray Alpergin.

On the same date, Isay Stoyanov was convicted of perverting the course of justice.

1.3 On 5.7.24, Kyrie Mitchell-Peart pleaded guilty to the kidnapping and false imprisonment of Koray Alpergin and Gozde Dalbudak.

1.4 All appear today for sentencing for those crimes.

1.5 This sentencing exercise concludes the second trial surrounding a series of terrible events. I presided over both trials, involving 10 defendants in total. The context and background is familiar to me. It is plain that the principal movers recruited others to carry out crimes while avoiding detection themselves. Some have fled the jurisdiction. It is clear that those who were the primary parties, and who inflicted the appalling suffering on Koray Alpergin, have so far escaped justice. Those who fail to be sentenced today were not present when Koray Alpergin was tortured and killed.

2. Background

2.1 On the evening of Thursday 13.10.22, Koray Alpergin went out to supper with

his girlfriend, Gozde Dalbudak, in a restaurant in Mayfair. After supper, he took Ms Dalbudak for a drive around London, doubtless to show her some of the sights, since she had recently arrived from Turkey.

- 2.2 After this pleasant evening, they arrived back at Mr Alpergin's flat in Enfield at around 10.30 pm. On parking, they were attacked by a group of males and bundled into the back of a van. Miss Dalbudak was hit and there is no doubt that Mr Alpergin was also assaulted in some way, since his blood was found on a scrap of fabric at the scene.
- 2.3 They were driven off to premises called the Stadium Lounge off White Hart Lane in Tottenham. Miss Dalbudak was locked into a ground floor lavatory and was kept there until she was released on the afternoon of Saturday 15.10.22. She was given very little to eat during that time.
- 2.4 During that first evening, Miss Dalbudak had to listen to the sounds of Mr Alpergin being tortured, and there is no doubt that he was tortured to death. Mr Alpergin sustained 94 injuries. Post mortem examination documented the presence of extensive traumatic injuries. These included bruises from punches or kicks, as well as impacts from a hard linear object, such as a baseball bat, which had caused rib fractures. He had black-eyes and a blow-out fracture to the left eye socket. There were indications of strangulation; he had been scalded with boiling water on many parts of his body. There was bruising to the genitals and rectum, the latter likely the result of forceful penetration by an object. He had been tortured to death.
- 2.5 After he was killed, in the early hours of Friday morning, his body was moved to different locations before being dumped, naked and wrapped in a piece of carpet, in woodland in Essex.
- 2.6 7 other defendants were charged in relation to these matters and 6 of them stood trial at the end of 2023, the 7th, Yigit Hurman, having pleaded guilty to perverting the course of justice. Tejean Kennedy and Ali Kavak were convicted of manslaughter, false imprisonment and kidnapping. Ali Kavak, in addition, was

convicted of perverting the course of justice. Steffan Gordon had earlier pleaded guilty to kidnapping and was convicted of false imprisonment and Samuel Owusu-Opuku was convicted of kidnapping. He had earlier pleaded guilty to perverting the course of justice.

3. Victim impact

3.1 Koray Alpergin was born on 20.2 79. At the time of his murder, he was 43 years old. He was formerly married to Eleonora and they had a son and a daughter aged 15 and 7. Koray and Eleonora remained on good terms and Koray played an active part in the lives of his children. Eleonora has described in very moving terms the enormous effect on these children because of the death of their father. She said that they loved spending time with him and he always made it fun. She has described the ongoing effects on her children: her daughter has nightmares, anger and a need for constant reassurance. Eleonora is heartbroken and says that their lives have been changed forever.

3.2 Deniz, Mr Alpergin's son, has also written a thoughtful statement in which he described everything that his father meant to him and the impact of his death. Deniz writes of the pain and anger he felt, and still feels.

"The weekend I found out he was gone my world changed, something inside of me went with him, I have a deep empty void that can never be filled. After he died I didn't want to see anyone and fell into a dark place and didn't want to live, I had no reason to continue, I had no reason to get up and do anything. I didn't want to speak to anyone or see anyone." This is just a part of a long statement in which nobody could fail to be moved by the far-reaching consequences of his death on the lives of his children.

3.3 Beste Gut, a cousin of Koray, writes that "Since October 15th 2022 Koray's mum and dad who was once a happy go lucky people have never smiled the same, Koray's dad has suffered two strokes and a heart attack because of the burden and pain of losing his son. Koray's mum has started taking all sorts of medication just to be able to find the strength to wake up every day and seek

justice for her only child. They have both made it their only purpose of existence, to seek justice for their beloved son.

Every day we are reminded of that gut wrenching feeling as we did the moment we got the news of his death. There is never a day we do not think of the pain he endured during the last moment of his life. The day Koray was brutally taken from us they also took away a part of us that can never be filled. Our smiles and happy moments are always missing a piece that we will never have again. Koray was not only our cousin, he was our brother, our mentor and one of many reasons why we smiled, we have now been stripped from our happiness."

3.4 Gozde Dalbudak was born on 13.6.89. She was 33 years of age. She described the impact of her ordeal in a witness statement.

"I was involved in the incidents leading up to and following the murder of Koray, and to this day the ordeal has left lasting trauma on me. I suffer from this daily to the point that I had to seek immediate medical help upon my return to Turkey. This has come in the form of doctor appointments initially, but now this has progressed to regular psychological therapy. I am scared of the dark now after being locked up in darkness for two days. Furthermore, in the weeks following I could not sleep alone. I often lose focus and drift away with thoughts of the incident in the form of flashbacks.

"Although I try my best to deal with the memories of the incident by keeping myself busy and following a new career, I am still not in a good place mentally and I can only hope that over time, I will recover. Any trial or interaction with police bringing the memories back will certainly slow my recovery. I will continue to have counselling to help me come to terms with what happened to me and I don't want anything to upset my recovery as just thinking about the incident makes me feel awful."

3.5 Members of Mr Alpergin's family have been present on occasions in the course of this trial, as they were at the trial last year of the other defendants. Eleonora, Deniz and Beste and others are in court today. I would like to thank them for the dignified

way in which they have listened through these very painful proceedings. I acknowledge that the sentences that I pass today cannot begin to reflect the enormous distress brought to them by the appalling circumstances of his death and the treatment of his body thereafter.

4. Facts and roles

- 4.1 There has been no evidence as to what lay behind the kidnapping, false imprisonment and brutal killing. It appears, from the evidence, that the group who committed these appalling crimes believed that Koray Alpergin had something of value - whether money or drugs or knowledge of the same.
- 4.2 What is clear is that the plan to kidnap Koray Alpergin had been in operation since at least 23.9.22 because in the early hours of that morning a tracking device had been placed under his car. The tracker was replaced by a second tracker in the early hours of 11.10.22.
- 4.3 The final date of the kidnapping must have been set in advance, although how far in advance is unknown. There is no evidence that any one of the three of you was involved in any of the planning of these crimes.
- 4.4 Mr Stoyanov and Mr Weatherly became involved only on the day of the kidnapping, 13.10.22. I am told that Kyrie Mitchell-Peart became involved in this offence after being recruited by Tejean Kennedy at lunchtime on the 13.10.22 and in the expectation of a financial reward. I have, however, also been told by the Prosecution today that there is new financial information which shows that Mr Mitchell-Peart received up to £5,000 in the days before the kidnapping, which was withdrawn in cash and may have been used to pay others who were involved in these events. The source of those funds was Tejean Kennedy, who laundered it through a man called Zubair Iqbal. Mr Mitchell-Peart may, therefore, have been involved earlier but it does not seem to me to be fair to assume that he was so involved, without the matter having been fully aired in court.
- 4.5 On 13.10.22 the planners of the kidnapping began gathering at a Turkish cafe in Pretoria Road North in the middle of the afternoon. Kyrie Mitchell-Peart was at

Pretoria Road in the early afternoon and Dylan Weatherley arrived at about quarter past eight that evening. Mr Stoyanov was there, but for a very brief time and did not feature again in the events until the evening of 15.10.22.

- 4.6 Koray Alpergin had met Gozde Dalbudak, who lives in Turkey, in Istanbul in June 2022. She had arrived in the London on 10.10.22 and was staying at his flat. On the evening of 13.10.22 Mr Alpergin and Ms Dalbudak went to a restaurant in Mayfair, travelling in Mr Alpergin's car. They arrived at the restaurant at about 18.30 hours.
- 4.7 The group gathered at Pretoria Road knew exactly where Mr Alpergin was, because of the tracker under the car and so were able to time the kidnapping to perfection. They knew that Mr Alpergin was in Mayfair at about 18.30 hours and they knew when he was on the move again at just after 20.30 hours.
- 4.8 While Mr Alpergin and Ms Dalbudak were in the restaurant you, Dylan Weatherley, arrived at the Pretoria Road cafe as the passenger in a white Audi SV68. You got there at about 20.13 hours. By that time, the other males involved in the plan were already gathered inside the cafe.
- 4.9 At quarter to ten that night, you, Dylan Weatherley and you, Kyrie Mitchell -Peart were part of a group of 9 males who left the cafe in Pretoria Road North. Steffan Gordon, Tejean Kennedy, Samuel Owusu-Opoku and you, Kyrie Mitchell-Peart, got into the white Doble van which had been collected earlier and was to be used for the kidnapping.
- 4.10 You, Dylan Weatherley together with Ali Kavak, and two other males, said to be Cem Orman and Ali Yildirim, who have fled the jurisdiction, got into Ali Kavak's VW Polo. This was described by the prosecution as the 'command vehicle'.
- 4.11 Another man, Junior Kettle, who was acquitted at the earlier trial, drove off in his Ford Focus car. He had been recruited by Steffan Gordon to wait near to the kidnap scene, possibly in case Mr Gordon needed to make a quick escape.
- 4.12 The three vehicles travelled to the vicinity of Koray Alpergin's home address. The 'command' car, Mr Kavak's VW Polo, parked a short distance away. The

people in that car were monitoring the whereabouts of Mr Alpergin's car via the tracking device and were regularly updating the occupants of the kidnap van. They were, in fact, using Mr Stoyanov's telephone to contact the group in the kidnapping van. You, Mr Stoyanov, were not there and I concluded at the trial that there was insufficient evidence upon which a jury could safely find that you had lent your telephone (if you did), knowing that it would be used to facilitate these crimes. Mr Yildrim and Mr Orman were also in contact with others at the Stadium Lounge, the premises to which the victims were to be taken.

- 4.13 When Mr Alpergin and Ms Dalbudak arrived back outside his flat, some of the occupants of the van jumped out. There was a violent struggle, and the two victims were forced into the back of the van, being injured in the process.
- 4.14 The van drove away to the Stadium Lounge in White Hart Lane. You, Mr Mitchell- Peart, were on board. In the meantime, you, Mr Weatherley, retrieved the tracking device from under Mr Alpergin's car where he had left it parked outside his flat. That was the most significant part of your role in these events.
- 4.15 The victims were taken into the Stadium Lounge where Ms Dalbudak was imprisoned and Mr Alpergin was tortured and killed. The VW Polo, driven by Mr Kavak, arrived at the courtyard at the back of the Stadium Lounge shortly after the kidnap van arrived there. Mr Yildrim and Mr Orman were probably dropped off at the Stadium Lounge and the VW Polo was driven back to the Pretoria Road cafe by Ali Kavak with you, Mr Weatherley, as the passenger.
- 4.16 As is perhaps plain, neither Kyrie Mitchell-Peart nor Dylan Weatherley were present at the Stadium Lounge when Koray Alpergin was tortured and killed. Kyrie Mitchell- Peart has now said, and it is accepted, that he made off from the Stadium Lounge soon after the kidnap victims were taken inside. Dylan Weatherley was driven back to the Pretoria Road cafe just after the kidnap victims arrived at the Stadium Lounge and he then left the Pretoria Road cafe not long afterwards in a mini cab. That was the end of his involvement.
- 4.17 Gozde Dalbudak was released late on the afternoon of Saturday 15.10.22. Later on

that day, Isay Stoyanov, went with others to the Stadium Lounge and cleaned it, attempting to remove all traces of what had happened there. They almost succeeded, but missed drops of Koray Alpergin's blood which were later found on the surface of a table.

5. Basis of sentence

5.1 I have now heard all the evidence in this case over the course of two lengthy trials, involving a total of 10 defendants. I am satisfied that none of you three were central players in the plan. As I have said, the main players used others to do their dirty work while avoiding detection themselves.

5.2 In considering the seriousness of an offence, s. 63 of the Sentencing Code provides that the court must consider the offender's culpability in committing the offence and any harm which the offence (i) caused (ii) was intended to cause, or (iii) might foreseeably have been caused.

5.3 That assessment does not necessarily apply to all the defendants equally. I have considered each of you individually, taking into account all that I have heard and read about each of you.

6. Antecedents

Dylan Weatherley

6.1 Dylan Weatherley was born on 11.3.04 and is now 20 years of age and 18 at the time of the offences. He has been convicted of 5 offences on two occasions, and has two conditional cautions. His criminal record includes a caution for possessing an offensive weapon in public and for possession of Class A drugs with intent to supply them.

6.2 Earlier this year, and before this trial began, Mr Weatherley was convicted of conspiracy to murder before the Crown Court at Harrow. This offence was committed on 7.1.23. Some of those involved in the conspiracy also featured in the trials before me and it appears that that offence, like these, were connected to the Tottenham Turks gang. Dylan Weatherley was sentenced to custody for life, the Judge having concluded that he met the statutory definition of 'dangerous'.

The minimum term was set at 16 years' imprisonment, reduced to 14 years and 310 days to reflect time spent in custody on remand.

Kyrie Mitchell-Peart

- 6.3 Mitchell-Peart was born on 21.6.92 and is now 33 years of age. He has 15 convictions for 25 offences, starting in August 2008, when he was 16 years old. They include burglary, possession of cannabis and driving offences.

Isay Stoyanov

- 6.4 Isay Stoyanov was born on 11.4.80 and is now 44 years of age. He has 5 previous convictions but they all arise from an incident in 2020, when he was convicted of driving with excess alcohol and associated driving offences as well as an offence of simple possession of cannabis.

- 6.5 I turn next to personal mitigation.

7. Personal mitigation

Dylan Weatherley

- 7.1 I have read a psychologist's report and the pre-sentence report prepared for the sentencing hearing in Feb 2024 after Dylan Weatherley was convicted of conspiracy to murder. I have also read a letter from Mr Weatherley's mother, setting out some of his background. The psychologist's report quotes also from a National Referral Mechanism report which was made in April 2019, and which returned what is known as a reasonable grounds decision, meaning that there was evidence to suggest that Mr Weatherley was a victim of criminal exploitation. This decision provides context to Dylan Weatherley's criminality.
- 7.2 All of this material leads me to conclude that Dylan Weatherley is vulnerable to exploitation. I note that he falls into the 'borderline' range of functioning in terms of his overall cognitive abilities.
- 7.3 There is also mitigation in his age, which was 18 at the time of this offending. Further, the author of the pre-sentence report concluded in February 2024 that "there were significant levels of immaturity present that will also likely impact his rational thinking."

Kyrie Mitchell-Peart 21.6.92

- 7.4 Kyrie Mitchell-Peart was 30 years old at the time of the offending on 13 October. Mitchell-Peart has a partner and five young children, under the age of 11, for whom he is a primary carer.
- 7.5 I am told that Mr Mitchell-Peart was born and brought up in significant poverty and that his acquisitive crimes were motivated by that poverty and a desire to help his mother and sister. The last acquisitive crime was in 2015. He has no convictions for offences of this nature or gravity. I am told that he deeply regrets his involvement and has made good progress while in prison.
- 7.6 Mr Mitchell-Peart is also entitled to some credit for his guilty plea. It was offered on the first day of the trial after submissions that the identification evidence against him had been rejected. I accept that he was entitled to await the outcome of submissions which were properly made on his behalf and so will allow credit of 10% in recognition of the pleas.

Isay Stoyanov

- 7.7 Isay Stoyanov was a man of good character until he was convicted of driving with excess alcohol and associated matters at the age of 40. He gave evidence at the trial and I heard something of this background.
- 7.8 He moved to the United Kingdom in 2011, and has settled status here. He has been in work for the majority of that time, working as a decorator. He lives with his partner, Chengler, and they have three children.
- 7.9 Mr Stoyanov has had little education, and is unable to read or write in any meaningful way. He is of low intelligence. He has poor social cognition, leading to errors of judgment and failure to consider the appropriateness and consequences of his actions.
- 7.10 I am told, and I accept, that after he gave evidence he was threatened on two occasions in Tottenham. This was reported to the police and DS Clayton has placed a flag on his address.

I turn then to the offences and the Sentencing Guidelines.

8. Manslaughter - Dylan Weatherley (11.3.04) (now 20 years of age; then 18)

- 8.1 The jury's verdict in relation to the charge of murder mean that the jury were not sure that Mr Weatherley intended that Koray Alpergin should suffer serious harm, or death.
- 8.2 The Prosecution submit that the foreseeable consequences of a kidnap in the circumstances of this case must have included violence and imprisonment and serious harm or death to Mr Alpergin. The reasons are that this was a carefully planned operation, with several participants and in the context of the supply of drugs as part of an international organised crime group.
- 8.3 The maximum sentence for manslaughter is life imprisonment. I have considered the Sentencing Council's Definitive Guideline on Unlawful Act Manslaughter.
- 8.4 The Prosecution submit that the culpability is category A, which is very high culpability, on the basis of the 'extreme character of one or more culpability B factors' and /or 'a combination of culpability B factors'.
- 8.5 The Prosecution submit that the applicable Category B factors are that:
- (i) Death was caused in the course of an unlawful act which involved an intention by the offender to cause harm falling just short of GBH; and
 - (ii) Death was caused in the course of an unlawful act which carried a high risk of death or GBH which was or ought to have been obvious to the offender.
- 8.6 The Prosecution accordingly submit that the starting point is 18 years' imprisonment, and the category range is 11 to 24 years' imprisonment.
- 8.7 Ms Moore KC, on behalf of Mr Weatherley, submits that it cannot be said with any certainty that he foresaw that there was a high risk what might happen at the Stadium Lounge, far less that he intended those consequences. Ms Moore KC points out that the jury acquitted him of the kidnapping and false imprisonment of Gozde Dalbudak which would indicate that Mr Weatherley was not privy to the details of the plan and it is common ground that he did not

physically participate in the kidnapping, false imprisonment or violence towards either of the victims.

8.8 Ms Moore KC submits that culpability is at the medium, category C: "where death was caused in the course of an unlawful act which involved an intention by the offender to cause harm (or recklessness as to whether harm would be caused) that falls between high and lower culpability."

8.9 The range, it is submitted, is 3-9 years with a starting point of 6 years. If the case does fall into category B, Ms Moore KC submits that it falls at the very lowest end of the range.

Decision

8.10 I bear in mind that foresight, of course, may be evidence of intention but is not determinative of it. It seems to me that, where intention, or lack of it, cannot be easily established and where the court is considering what harm an offence might foreseeably have caused, the question of what was foreseeable by any particular defendant should be addressed with considerable care, taking into account the context and circumstances.

8.11 Dylan Weatherley is in a very different position from Tejean Kennedy and Ali Kavak, who were convicted of manslaughter at the earlier trial: there was clear evidence that both of them were involved in the planning, the execution and in the disposal of the body of Mr Alpergin afterwards. Tejean Kennedy was especially close, it appeared to me, to the instigators.

8.12 Dylan Weatherley was not so closely involved and I do not accept, in his case, that the unlawful act in which he was engaged involved an intention on his part to cause harm falling just short of grievous bodily harm; neither do I accept that it was, or ought to have been, obvious to him that the unlawful act carried a high risk of death or serious bodily harm.

8.13 I have reached that conclusion for the following reasons. Dylan Weatherley did not appear at 79 Pretoria Road North until 20.13 hours on the evening of the kidnapping. By that time, the rest of the group had already gathered. He was

not, therefore, present during the day when doubtless discussions were taking place on the plans for the kidnapping and the arrangements made for collecting the kidnap van. He did not go into the Stadium Lounge, doubtless because it was not considered that his presence was required further and he was not part of the inner circle.

8.14 Mr Weatherley's culpability is not extinguished, but it is reduced. His role was very far down the chain of command. I bear in mind also what I have read about Mr Weatherley in the reports and in the NRM referral suggesting he was a victim of criminal exploitation.

8.15 I cannot ignore the fact that he chose to attach himself over a period of time to a group that was engaged in significant criminality and his continued association with the Tottenham Turks is an aggravating factor, as are his previous convictions.

8.16 Taking all these matters into account, I have concluded that his culpability is at the lower end of category B which carries a starting point of 12 years and a range of 8-16 years.

8.17 I will take manslaughter as the lead offence in his case, and treat the kidnapping and false imprisonment of Koray Alpergin as aggravating factors.

9. Totality: Dylan Weatherley

9.1 The sentencing of Dylan Weatherley raises a particular challenge. After he committed these offences, in October 2022, Dylan Weatherley committed an offence of conspiracy to murder, which culminated in a shooting on 7.1.23. He had yet to be charged or tried for that offence at the time that he became involved in the kidnapping of Koray Alpergin.

9.2 Dylan Weatherley stood trial and was convicted on 6.12.23. He was sentenced to custody for life with a minimum term of 16 years reduced to 14 years and 310 days to reflect the days he had spent on remand.

9.3 The position today, then, is that I am sentencing a young man who is already

serving a life sentence with an indeterminate end date. The sentence that I intend to impose is a determinate sentence. It will be lower than the minimum term of a little over 14 years which Mr Weatherley has yet to serve before he can be considered for release.

9.4 How, then, can the gravity of the offences against Koray Alpergin properly be reflected in a sentence I pass today while ensuring that I do not pass a disproportionate sentence?

9.5 The Sentencing Council Guideline on Totality addresses this situation and states that:

"The court can order a determinate sentence to run consecutively to an indeterminate sentence. The determinate sentence will commence on the expiry of the minimum term of the indeterminate sentence and the offender will become eligible for a parole review after becoming eligible for release from the determinate sentence. The court should consider the total sentence that the offender will serve before becoming eligible for consideration for release. If this is not just and proportionate, the court can reduce the length of the determinate sentence, or alternatively, can order the second sentence to be served concurrently."

9.6 I plainly cannot order my sentence today to run concurrently because, were I to do so, there would be no marking of the grave offences against Koray Alpergin. I can, therefore, only take the course of imposing a consecutive determinate sentence which will commence on the expiry of the minimum term.

9.7 That will necessarily require that I pass a sentence which is considerably lower than it would have been had it stood alone. I hope that the reasoning is clear to all parties.

9.8 I have considered the guidance of the Court of Appeal (Criminal Division) in *R v Michael Green* [2019] EWCA Crim 196 and *R v Casburn* [2013] EWCA Crim 1815. The Court in *Green* set out a number of possible factors, which the Court should consider. Many are irrelevant to the circumstances of this case and the list is not

exhaustive. It includes, however, consideration of

- (i) how recently the previous sentence was imposed;
- (ii) the similarity of the previous offences to the instant offences;
- (iii) whether the offences overlap in terms of the time they were committed;
- (iv) whether to take the previous sentence into account would, on the facts of the case, give the offender "an undeserved, uncovenanted bonus which would be contrary to the public interest"; and
- (v) whether, if no account is taken of the previous sentence, the length of the two sentences is such that, had they been passed together to be served consecutively, that would have offended the totality principle.

9.9 The Court in *Green* went on to say that, having considered such matters and any others relevant to the instant case, the judge, having reached the appropriate sentence for the instant offences (taking into account the totality principle in respect of the new offences alone), then has a discretion whether or not she should make some further allowance or reduction to take account of the previous sentence.

9.10 I have taken account of these factors. The instant offence and the conspiracy to murder all occurred in the context of a young man, who was, according to the NRM report, a victim of criminal exploitation. The offences were similar in nature, in that they arose from criminal activity by the same gang, and involved homicide. In both cases Dylan Weatherley appears to have been drawn in by others rather than by taking a central role himself. I take account also of the fact that, whatever sentence I impose, Mr Weatherley is serving a life sentence, which is more onerous than a determinate sentence because he has no certain end date.

10. **Kidnapping and false imprisonment**

10.1 Kyrie Mitchell Peart pleaded guilty to the kidnapping and false imprisonment of Koray Alpergin and Gozde Dalbudak. His guilty plea was entered on the basis that he left the Stadium Lounge soon after the victims arrived there. This

distinguishes him from, for example, Steffan Gordon, who was convicted of false imprisonment at the first trial.

10.2 I cannot find that Mr Mitchell-Peart foresaw the extent of the harm that was caused. However, he had been in the company of the other defendants for a period of some hours during the course of the afternoon when these matters must have been discussed. Furthermore, he cannot have been blind to what might be planned when 2 victims were kidnapped by a large group of males wearing disguises and forced into a van and then taken to a pre-arranged venue in a residential area.

10.3 While he may not have inflicted any violence himself on the victims, he was nevertheless part of a joint plan in which, even before the appalling attack on Koray Alpergin in the Stadium Lounge, the victims were attacked and injured as they were forced into the van. Quite apart from the physical violence, that stage of the chain of events was a terrifying ordeal for Miss Dalbudak and Mr Alpergin and Mr Mitchell-Peart was a part of it.

10.4 The aggravating factors of the kidnapping, and the false imprisonment as far as Mr Mitchell Peart is concerned are, then, as follows:

- (i) The kidnapping was carried out by 4 men wearing disguises and using at least one knife.
- (ii) There were two victims.
- (iii) Some violence was used in the course of the kidnapping.
- (iv) It was committed with a view to financial gain.
- (v) It was committed in a residential area.

Guidelines - kidnap and false imprisonment

10.5 There are no Sentencing Council guidelines for kidnap and false imprisonment.

10.6 In *Attorney General's Reference No 92 of 2014* [2014] EWCA Crim 2713, the Court of Appeal set out the relevant factors that should be used in assessing the seriousness of offences of kidnapping and false imprisonment.

10.7 The Court said:

"It seems to us that relevant factors in assessing the gravity of cases of this type will include the length of detention; the circumstances of detention, including location and any method of restraint; the extent of any violence used; the involvement of weapons; whether demands were made of others; whether threats were made to others; the effect on the victim and others; the extent of planning; the number of offenders involved; the use of torture or humiliation; whether what was done arose from or was in furtherance of previous criminal behaviour, and any particular vulnerability of the victim whether by reason of age or otherwise.

10.8 I have also been referred to a number of other decisions in such cases, and have read them all. They are helpful, but they are simply illustrations. Every case and every defendant is different.

11. **Perverting the course of justice - Guideline**

11.1 The maximum sentence for perverting the course of justice is life imprisonment.

11.2 The Sentencing Council's Guideline: Perverting the Course of Justice came into force on 1.10.23 and applies to offenders sentenced on or after that date.

11.3 The Prosecution submit that Mr Stoyanov's culpability is in category A: that is, high culpability, on the basis that the underlying offence was very serious.

11.4 In respect of harm, the Prosecution submit that the offence falls within category 1, on the basis that there was a serious impact on the administration of justice and, arguably, the offence caused 'substantial delay to the course of the justice'.

11.5 The Prosecution submit that the cleaning of the Stadium Lounge destroyed forensic evidence that would have linked those individuals who played an active role in the torture and killing of Alpergin to those events. At the first trial, every defendant denied having been in the premises.

11.6 It is, accordingly, open to the Court to conclude that the offending had a serious

impact on and caused substantial delay to the course of justice.

- 11.7 The starting point for an 'AI' offence is 4 years' imprisonment, with a category range of 2 to 7 years. The Prosecution do not submit that Stoyanov's previous convictions materially aggravate the seriousness of the offending.
- 11.8 Ms Lumsdon KC submits that Mr Stoyanov did not know the nature of the crime, and so offence should not be placed in a category according to the seriousness of the underlying offence. Where other 'culpability factors' are considered, it is submitted that the appropriate category is C, lower culpability because of these factors:
- (i) Unplanned and limited in scope and duration;
 - (ii) Unsophisticated nature of conduct;
 - (iii) Involved through exploitation;
 - (iv) The offender's responsibility was reduced by learning disability.
- 11.9 In relation to harm, Ms Lumsdon KC submits that although further floor mopping removed some traces relating to the other defendants, who had been at the scene earlier, they will have taken care to remove any traces of their presence themselves rather than entrusting that to Mr Stoyanov and his friends. And, indeed, forensic evidence was found indicating the presence of Mr Alpergin and Ms Dalbudak. It is submitted that Mr Stoyanov's activity will not have had a significant impact on the overall investigation.
- 11.10 As such, it is submitted that "harm" should be placed between Category 2: there was some impact upon the administration of justice and some delay caused to the course of justice but it was not sever.
- 11.11 My conclusions are as follows: I accept that Mr Stoyanov did not know the gravity of the underlying offences and although the Guideline is silent on the point, culpability means blameworthiness: a person cannot be blameworthy to the highest degree if he did not know the full extent of the horrible crimes he was helping to conceal. I do not find his culpability to be at the highest level. As far as harm is concerned, I accept that there was an impact on the administration of

justice and it was not slight, but it was not at the most severe level since it is highly unlikely that others would have left fingerprints and DNA.

- 11.12 I have concluded that this offence is at the higher end of category 2 harm and that culpability is medium (B): the starting points is 1 year with a range of 9 months - 2 years.

12. Dangerousness

- 12.1 I have to consider, in relation to Mr Weatherley and Mr Mitchell-Peart, the statutory test for dangerousness under s. 308 of the Sentencing Act 2020. In other words, whether there is a significant risk to members of the public of serious harm occasioned by the commission by either of them of further specified offences.

- 12.2 Dylan Weatherley has already been assessed as dangerous by the sentencing Judge in the Crown Court at Harrow, and is serving a life sentence. It does not appear, therefore, that it is necessary for me to embark on that assessment in his case.

- 12.3 I have concluded that Mr Mitchell-Peart does not meet this test because of the role that he played, the way in which he became involved, his antecedents and what I have been told about him.

13. Sentence structure and lead offences

- 13.1 The sentences will all be concurrent. In the case of Mr Weatherley I take manslaughter as the lead offence.

Would you all stand up please?

14. Sentences

- 14.1 Dylan Weatherley

For the offence of manslaughter, had it stood alone, the sentence would have been one of 10 years' imprisonment.

Taking account of the totality principle and all the factors that I have set out, I reduce that to one of 5 years' imprisonment which will be consecutive to the

minimum term of the life sentence that you are currently serving. In other words, it will take effect at the conclusion of the minimum term.

For the offences of kidnapping and false imprisonment the sentences on each one will be 5 years' imprisonment, to run concurrently to the sentence for manslaughter and consecutively to the minimum term that you must serve under the indeterminate sentence of custody for life.

14.2 Kyrie Mitchell-Peart

You were in breach of a suspended sentence order. I must activate it in whole or in part unless in all the circumstances it would be unjust to do so. I take the view that it would be unjust since the period of suspension was almost at end and you had complied with the conditions of suspension. So I mark it by imposing imprisonment for 1 day which I deem to have been served.

Turning to the sentences I must impose today:

If you had not pleaded guilty, I would have imposed a sentence of 7 years' imprisonment for false imprisonment on counts 3 and 4, and of 5 years' imprisonment for kidnapping, on counts 1 and 2.

Giving you 10% credit for your pleas of guilty, the sentence I impose are

False	6 years and 4 months
-------	----------------------

imprisonment	4 years
--------------	---------

Kidnap

These are all are to run concurrently. You may sit down.

14.3 Isay Stoyanov

I declare that you have spent 70 days on a qualifying curfew and that is to be deducted from your sentence. Any further time you have spent on remand will be deducted administratively.

The sentence I pass is one of 18 months' imprisonment. You would serve half of that time in custody and so it may be that, after being processed, you will spend

no further time in custody.

HHJ Sarah Whitehouse KC

5.9.24