



SENTENCING REMARKS
HHJ HYAMS-PARISH

R v SOROSH AMINI

There is an order in place which protects the identity of the complainant in this case. It means that no matter relating to the complainant shall, during that person's lifetime, be included in any publication if it is likely to lead members of the public to identify that person.

SOROSH AMINI, you fall to be sentenced by me today for one offence of rape and one offence of sexual assault.

You were found guilty of both offences following a trial by jury.

The complainant for each offence was a young girl who I shall refer to as S.

PROSECUTION FACTS

These offences were committed on 4 August 2024. You were 20 at the time, just over 3 months before your 21st birthday.

This incident began when she passed you on the High Street in West Croydon and you tried talking to her. She was not paying attention to you. You either whistled at her or just looked at her up and down. She felt uncomfortable but she just tried to brush it off and walk away.

She saw you again outside a barber's shop near a place called Kaspers. You asked how old she was, and she said she was 13. You then tried to suggest to her that she was 16. You wouldn't accept that she was 13 despite her telling you more than once that she was 13.

You said you were 17 years old despite S thinking you looked over 20. You had a spliff in your hand and you asked her whether she smoked weed. She said no. She then began to walk up the High Street towards Tesco and Costa and she realised you were following her. You kept on asking her whether she smoked weed. You then asked her, "Do you want to go to the park?" to which S said that she didn't. You repeatedly asked her to go to the park. In order to get you off her back, she said she was waiting for a friend.

You were seen on the CCTV placing your arm around her shoulders. She said when you did this she pulled away. At one point she said "*I was trying to get away from him, but he seemed angry, and I didn't want to get myself involved in something that I didn't want to. Sometimes I laugh when I am nervous. I can't remember what he was saying. I think he might have said, because I was on the phone at the time, he told me to end the call.*"

Her evidence is that you said “*Come down here. Come down here*” indicating to go down the alleyway. She kept on saying, “*No, no, I’m good, I’m good*”.

Then she said “*I saw that he got a little bit mad, so obviously, I’m a small girl compared to him, he’s a big man. Obviously, people were minding their own business, and he started yelling at me, he said, ‘Come here’ I knew I shouldn’t have done it, but I slowly walked towards him. Cos I was, like, if anything, I’m not getting stabbed. I would do anything to not get stabbed, especially in Croydon*”

There was then a discussion about someone being stabbed in Croydon the previous day and S said you told her that your friend did that. Her friends were calling her, and you got her to decline the calls.

She described you as getting really mad, so she felt she had to do it. She said “*If I make a wrong move, what could happen? He could have killed me*”. She said that she could see in YOUR face YOU WERE getting impatient”.

When you were both in the alleyway, you tried to kiss her. She pushed herself away from you and told you to stop it. You asked her if she was a virgin, and she told you she was 13 and in any event it was none of your business. You continued to pester her about her age, not accepting her word that she was 13.

She described you holding her. She said [sic] “*He had his hand on my face. He held me and his grip was really, really strong and I couldn’t get away. But he held me from my back and my waist and he held me there. And so, obviously, I couldn’t even stop it*”

She described you kissing her. You put your tongue in her mouth. She described you touching her body. She said she didn’t know what to do and she was scared.

You turned her around. You asked her if she was a virgin to which she replied that she was. You pulled your pants down with one hand and held on to S with the other. She said she saw your penis was erect. You then pushed her head down, holding her by the neck and you put your penis in her mouth. She said she started gagging. You took your penis out and ejaculated on the floor.

SENTENCING GUIDELINES AND CATEGORY

In sentencing you today, there are sentencing guidelines which I must and will follow. I have considered where your offending sits within those sentencing guidelines, and in doing so I have listened carefully to submissions made by Counsel.

For the offence of rape, I place your offending into category B2.

The prosecution submit this is a B2 offence and that categorisation is not disputed by your counsel.

The prosecution submits there are two factors that justify it being in Harm 2. Firstly, that severe psychological harm was caused to S; secondly because S was particularly vulnerable. The defence do not take issue with S being particularly vulnerable and for that reason do not dispute that this case falls within category Harm 2. They do dispute whether *severe* psychological harm was caused to S.

It makes no difference to the categorisation but reading the victim impact statement, and recalling S giving evidence, and of course without wishing to minimise at all the impact of your actions on S, I have concluded that whilst there is no doubt that she was caused psychological harm, I have concluded it falls just short of severe psychological harm. But as I say it makes little difference to this offence because there is still her vulnerability which places it in Harm 2.

A B2 offence has a starting point of 8 years imprisonment and a range starting at 7 years, going up to 9 years, imprisonment.

In terms of aggravating factors, I take the view there are two.

- This complainant was taken into an alleyway out of sight of people on the high street. I consider that to be a separate factor to that of her age and vulnerability.
- I am also sure that you were under the influence of cannabis and I am also sure that the taking of such a drug would have had an effect on your offending for the very reason mentioned by the author of the pre-sentence report.

For the offence of sexual assault, I place your offending into B2. The level of harm does not sit in Category 1 due to what I have said about the psychological harm caused. It does sit in Category 2 because S was particularly vulnerable.

A B2 offence for a sexual assault has a starting point of 1 year's imprisonment and a range starting at High Level Community Order up to 2 years imprisonment.

I bear in mind the principle of totality. I propose to treat the rape as the lead offence and impose a sentence for that offence which reflects your total criminality. I must not forget, however, that you have committed two offences against this young girl. I reflect that fact in the sentence I deem appropriate before taking into account mitigation.

PERSONAL MITIGATION

You were born on 14/11/2003 and you are now 21 years old. At the time of your offending, you were 20 years old.

I have read your PSR and listened carefully to everything said on your behalf by your Counsel.

I note that prior to this conviction you were a person of good character.

In sentencing you today, I make allowance for your age and having not reached full maturity. I do of course also note that you were into adulthood when you committed the offence.

I take into account your background and the circumstances in which you came to this country.

DANGEROUSNESS

I have considered whether you are a dangerous person which would allow me to pass an extended sentence. However, I do not think there is sufficient evidence before me to be satisfied that you meet the criteria to be considered a dangerous person.

ANCILLARY MATTERS

Before I tell you the sentence I impose, I will deal with certain ancillary matters:

Statutory surcharge

The statutory surcharge shall apply and the court shall draw up the necessary order.

Remand

The days which you have spent on remand in custody will automatically count towards your sentence. That calculation will be dealt with administratively.

Notification

I certify that you have been convicted of a sexual offence so that you must, for an indefinite period, keep the police informed at all times of your personal particulars, the address at which you are living and any alteration in the name you are using. You will be given full details of these requirements on a form at the end of this hearing.

Sexual Harm Prevention Order

I have considered whether to make a sexual harm prevention order. In particular, I have considered whether such an order is necessary to protect the public from sexual harm through the commission of further scheduled offences, and whether the terms proposed are oppressive or proportionate.

Having considered all of these matters I have decided to make an order in the terms proposed, for a period of 10 years.

SENTENCE

In my judgment your offending is so serious that only a term of immediate imprisonment can be justified.

C1: RAPE

The appropriate sentence before taking into account mitigation and your age, is one of 9 years imprisonment. This reflects the fact that there are two offences and the fact of there being aggravating features.

When I take into account your age, and your mitigation, I bring that sentence down to one of 7 years imprisonment.

C2: SEXUAL ASSAULT

The sentence I impose for this offence is a term of imprisonment of 1 year to run concurrently with the sentence on Count 1.

That all means that I am imposing a term of imprisonment of 7 years in total.

PASSING SENTENCE

The total sentence I pass up on you for these offences is one of 7 years imprisonment.

You will be released no later than two thirds of the way through the sentence and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, and commit no further offences, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.