



MR JUSTICE WALL

IN THE CROWN COURT AT BIRMINGHAM

R -V- KOZLOWSKI, JONES, WOODEN, ARTHUR AND KOZLOWSKA

SENTENCING REMARKS

1. I must sentence you, Kozlowski and Jones, for offences of murder, conspiracy to kidnap, conspiracy to falsely imprison, and conspiracy to cause grievous bodily harm. They are related offences. I will pass a sentence for the murder which reflects the totality of your criminality and concurrent sentences for the other offences.
2. You Jones pleaded guilty at trial to manslaughter as an alternative to murder. There will be no separate penalty imposed for that offence. The indictment will be marked with the words "convicted of a more serious offence".
3. I must sentence you, Wooden and Arthur, for offences of manslaughter, conspiracy to kidnap, and conspiracy to falsely imprison. Again, given the related nature of these offences, I will pass a sentence for manslaughter which reflects the totality of your offending and concurrent terms for the remaining offences. I have been urged by Mr Raggatt KC to take an offence other than manslaughter as the lead offence in your cases. That would be inappropriate. The most serious offence is that of manslaughter and it on that count that a sentence should be passed to reflect the totality of your offending.
4. Sandra Kozlowska. I must sentence you for an offence of assisting an offender.
5. The surcharge applies in each of your cases and the orders will be drawn up in the appropriate amounts.
6. You were all convicted of these offences after trial save that you, Wooden and Arthur, pleaded guilty to conspiracy to kidnap and conspiracy to falsely imprison before the trial began (on first arraignment in your case Wooden and on later rearrangement in your case Arthur), and you, Jones and Kozlowski, pleaded guilty to those same offences during the course of the trial.

7. You all chose to involve yourselves in a truly horrific series of events. Tomasz Samel was kidnapped in Birmingham in front of his wife and young children and taken in a van to Liverpool. The motive for this was that he was in possession of a consignment of cigarettes worth £1 million illegally imported from Poland, when they were seized by HMRC. He was held responsible for their loss. Following his kidnap, Mr Samel was detained in the Liverpool area for some time. It is impossible to say how he was treated during the early part of his detention because the extent of his later-inflicted burn injuries did not allow for his body to be examined for other marks of violence. I do not sentence you on the basis that he was tortured during this time. However, this lengthy period of detention must have been terrifying for him. After a number of hours of detention, he was stripped naked, and, while seated and defenceless, petrol was thrown over him and he was set alight. He suffered extensive burns to most of his body. He was then dressed and driven to a remote area where he was thrown out of a vehicle onto the side of the road. His injuries were so serious that anyone who saw him after they were inflicted and chose to leave him without assistance of any kind must have intended that he would die of them.
8. Somehow, he managed to walk to a cottage and get help. The descriptions of his injuries by the resident of the cottage and the paramedics who then attended were harrowing and disturbing. He was in hospital for almost three months before he died. The level of his suffering between the time at which the injuries were inflicted and his death is difficult to imagine.
9. In her impact statement, Tomasz Samel's parter, Beata Ostrowska, sets out the enormous impact this crime has had on her and her young children. She describes the close relationship between Tomasz and his children and their reaction to losing him; the despair of their youngest child and the trauma response of their elder son. She writes of the difficult three months when she would visit Tomasz in hospital with the hope that he might recover; the practical financial impact of losing him; and the effect of the long wait for the trial. Nothing can bring Tomasz back to his grieving family. The sentence I pass can only reflect the seriousness of your actions.
10. You played different parts in what happened. I am sure that you, Kozlowski and Jones, were organisers of these events. You both had a financial stake in the cigarettes that went missing and had a motive to punish the man whom you considered had lost them. You both went to Poland after they went missing. I am sure that this was part of the planning process. You, Kozlowski, were the man who was able to identify Samel's address so that he could be kidnapped. You were also able to tell the kidnappers that there was an international arrest warrant in existence in respect of Thomaz Samel which information was used by them to affect the kidnaping. You, Jones, had connection with the kidnappers. That is clear from the fact that you knew where to meet them in Birmingham on the night preceding the kidnapping and were in the company of one of them in South America after the event. I reject the suggestion you, Jones, made in your evidence that you met up with one of kidnappers coincidentally in a South American city some time after these events. You both travelled from Liverpool, where you resided, to Birmingham, where the kidnapping was to take place, twice on the day before it happened. On the second of those occasions, you met those who were to carry out the kidnapping, handed them money and showed them where Tomasz Samel could be found. You organised a getaway vehicle to be used by the kidnappers to leave Liverpool after they had delivered Tomasz Samel to you. You, Kozlowski, drove the

kidnappers around in Liverpool before they left. I am sure that you, Kozlowski, were present when Tomasz Samel was set alight. I reject the suggestion that you were there because you too were a victim of kidnap and were in as much danger as Tomasz Samel. Having heard the evidence at trial, I am sure that you were there as part of the execution of the plan you had made. I cannot say that you lit the flame but you knew what was to happen. I am also sure that you, Jones, knew what was to happen even if you might not have been present. This was a carefully executed plan. It was not, as you both suggested in evidence, one made the night before the kidnapping after your first visit to Birmingham when you could not find Tomasz Samel. It is clear from the evidence that the kidnapping team had already been engaged and were making preparations well before that. Mr Samel's fate was not decided on the spur of the moment by others in your absence. You both then absconded to Ireland, Europe and, in your case, Jones, beyond.

11. There might have been others in Poland or in this country who also played a role in the organisation of these events. It might be that they were able to exert some pressure on you to do what you did. But any organisational involvement by others does not diminish your responsibility for what happened.
12. I am sure that the two of you intended that Samel would die. If you had intended anything short of death, you would have made some arrangement for his being returned to Birmingham after he was assaulted. Rather, you disposed of the van he was brought to Liverpool in and sent the kidnappers away without asking them to wait to take Tomasz Samel home. Your chosen method of inflicting violence was fire. Fire is self-evidently not a weapon which can be controlled to a nicety allowing for the infliction of serious injury rather than death. In any event, even if your intention had been that he should not be killed but be really seriously injured, this affords you no mitigation for an attack carried out as it was. The distinction between an intention to kill and one to cause grievous bodily harm when someone is set alight with petrol is paper thin if it exists at all.
13. You, Wooden and Arthur, were recruited to this plan. You were paid to act as you did. You, along with a third person still unidentified, were to kidnap Samel and deliver him to Liverpool. I accept that you achieved this by subterfuge – pretending at first to be Amazon delivery men and then law enforcement officers – but the jury's verdicts of guilty of manslaughter make clear that you knew that violence was to be meted out to Samel after you had delivered him. You were recruited some time before the event as is evidenced by your coming into possession of the van used in the kidnapping some time before the kidnapping occurred and your buying in advance an earpiece to add verisimilitude to your claim to be law enforcement officers.
14. I turn to sentence.
15. Kozlowski and Jones, there is only one sentence I can pass for murder and that is life imprisonment. It is the only sentence open to me in law and one that is richly deserved in your cases.
16. I must then set the minimum term you must serve. You will serve every day of that minimum term. Only once you have served the whole of that term, can you apply for release on licence. Any application for release you make will be considered by the Parole Board. It is only if they

consider it safe to release you that they will do so. Otherwise, you will remain in prison for the rest of your lives.

17. I set the minimum term by reference to the guidance given by Parliament in Schedule 21 to the Sentencing Act 2020. I have concluded that this is a murder where the seriousness of the offence and those associated with it is particularly high. This is a case which might not fit exactly into the examples given of such cases in the statute, but a combination of the fact that it is to be regarded as the equivalent of a murder done for gain (in that it was done to punish someone for the loss of money) and the extreme method of killing (the application of fire to a defenceless man with no means of escape) renders it so. The starting point for setting the minimum term is therefore one of thirty years.
18. There are aggravating features to the offending. There was significant planning and premeditation. There was a very high degree of mental and physical suffering inflicted on Tomasz Samel before he died – both in the period where he was being held hostage and the period of three months while he was in hospital. Your victim was vulnerable at the time he was set alight – he was naked and outnumbered. The minimum term must also reflect the totality of your offending as reflected in your guilty pleas to other counts.
19. In your case, Jones, your position is made worse by your lengthy record of previous convictions in this country including for offences of violence, and your criminal activity in Greece, where you have been sentenced for trafficking cocaine valued at £42 million.
20. Neither of you has mitigation of any value.
21. Therefore, in your case, Kozlowski, I will sentence you to life imprisonment with a minimum term to serve of 33 years less the time you have spent in custody already (that being 378 days).
22. In your case Jones the sentence will be life imprisonment with a minimum term to serve of 34 years less the 274 days you have spent in custody.
23. I fix the concurrent terms for the other offences based on the relevant Sentencing Council definitive guidelines for those offences. In each case the offences fall into category A1 of the guidelines. There are many aggravating features and no mitigation. The sentence after trial on each of you would have been 15 years. I give you each minimal credit for late guilty pleas and fix the sentence on each of counts 1, 2 and 3 on each of you at 14 years. I do not sentence you as dangerous offenders for these offences. The life sentences I pass for murder will serve to protect the public.
24. Will you both stand.
25. Tobiasz Kozloswski. On counts 1, 2 and 3 I sentence you to 14 years' imprisonment. On count 4, I sentence you to life imprisonment with a minimum term to serve of 31 years 352 days. Those sentences will all run concurrently with each other.

26. Neil Jones. On counts 1, 2 and 3 I sentence you to 14 years' years' imprisonment. On count 4 I sentence you to Life imprisonment with a minimum term to serve of 33 years 91 days. Those sentences will run concurrently with each other.
27. You can take them down.
28. Wooden and Arthur. I have considered the Sentencing Council definitive guideline for the offence of unlawful act manslaughter. I have concluded that this a manslaughter which falls within category A in that guideline; that is, a case where there is very high culpability. There was a high risk of death or really serious injury which was or should have been obvious to you. The facts of this case render that an extreme culpability factor as is required by the Guideline to move this case into the top category of seriousness. You kidnapped and drove Thomasz Samel to Liverpool to hand him over to those who wanted him, knowing that violence was likely to occur. That much is reflected in your convictions for manslaughter. While your acquittal of murder means that you did not intend that Mr Samel should die or suffer really serious injury, the circumstances of your offending made it obvious that really serious violence might be meted out to him with his resultant death or serious injury happening to him. In reaching that conclusion, of which I am sure, I take into account the degree of planning involved in the enterprise. The relatively large sum of money you were paid (£18,000 to be divided between three of you for a few hours work). The plan involved Mr Samel being left in Liverpool and not driven back to Birmingham. You deliberately took him away from his home without shoes and would have taken him without a jacket but for the entreaties of his wife. I do not conclude that you foresaw the use of petrol in particular.
29. The starting point for your sentence is therefore one of 18 years.
30. There are a number of aggravating features. You acted as a group of three. The kidnapping was committed in the victim's own home and in front of the victim's wife and children. This was a highly planned activity in which you did not become involved at the last moment. In addition, your sentence must reflect the totality of your offending.
31. Your position, Wooden, is also aggravated by your previous convictions including for offences of violence.
32. There is no mitigation for either of you.
33. The sentence on you, Wooden, will be one of 23 years. On you, Arthur, the sentence, one of 22 years.
34. The concurrent sentences I pass for counts 1 and 2 are set as were those for Kozlowski and Jones. That is, with the starting point for a category 1A offence, namely 11 years. The aggravating features mean that the proper sentence after trial in your case, Wooden, would have been 14 years. You are entitled to a 33 % reduction to reflect your guilty pleas, resulting in a sentence of 9y 6m. I decline to give you full credit as you did not indicate a guilty plea in the Magistrates' Court as it was open to you to do.
35. In your case, Arthur, your sentence after trial would have been one of 13 years. You are entitled to a reduction of 20% for your guilty pleas, resulting in a sentence of 10y 4m.

36. I do not sentence you as dangerous offenders. That is because you played a more limited part in these events than Kozlowski and Jones; you did not intend serious harm to occur; and the sentences I pass will serve to protect the public in the future. This means that you will serve at least half of these sentences before you are released. Once you are released, you will be on licence. If you breach the terms of your licence you will be returned to custody.
37. Will the two of you please stand.
38. Kevin Wooden. On counts 1 and 2 I sentence you to 9 years 6 months' imprisonment. On count 5 I sentence you to a term of 23 years' imprisonment. Those terms to run concurrently. I certify that you spent 59 days in custody in Mexico awaiting extradition to this country. That verification means that these days should be credited to your sentence. Time spent on remand in this country will automatically count to your sentence as it will in the case of Kye Arthur. In fixing the length of your sentence, I have also had in mind the fact that you spend some time on remand in Mexico which cannot be credited back to you.
39. Kye Arthur. I sentence you on counts 1 and 2 to 10 years 4 months' imprisonment. On count 5, I sentence you to a term of 22 years' imprisonment. Those sentences will run concurrently.
40. Take them down.
41. Finally, I deal with you Sandra Kozlowska. The maximum sentence in your case is one of 7 years imprisonment. This case clearly crosses the custody threshold. You tried to arrange for a car with incriminating fingerprints in it to be cleaned. You told an incomplete and misleading story to the police to protect your husband; and you helped to fund your husband's account so that he could live while he was on the run. You were trying to protect him from an allegation of serious violence rather than death. However, the messages you exchanged with your husband made it clear that you were aware the Tomasz Samel might die. I am asked to accept that some pressure was put on you by your husband to act as you did. Some of your messaging suggests that this might be true. However, in other messages you are the person who is giving him ideas as to how to avoid prosecution for these offences.
42. I conclude that your efforts to assist your husband were persistent and varied and they allowed your husband to evade justice for some time. There is no Guideline for this offence. It is an offence which requires an element of deterrence. In my judgment the proper sentence on you is one of three years imprisonment.
43. Until earlier this year, I would have had no power suspend that sentence. Now I am under a duty to consider whether it can be suspended. There are two factors which persuade me that I should do so. The first is that your offending took place in 2019, seven years ago. Before that you were of good character. Since then, you have been of good character. The second is that you have a son of 11. He will lose his father as a result of the sentence I pass on your husband today. There is no other relative in this country to look after him. The effect on him of sending you immediately to custody would be massive. It is the combination of these two unusual factors which lead me to take the exceptional course of suspending your sentence for three years. That means that you will not serve this sentence unless you commit another offence in

the next three years. If you do, you will serve this sentence along with any further sentence for the new offence.

44. You must be punished in the community. That will be by way of an unpaid work requirement for 200 hours. You must do that work as and when you are told to do so. If you do not, breach proceedings can be taken which might result in the loss of your liberty.
45. There will also be a Probation Requirement so that you can be assisted with your on-going difficulties as outlined in the Pre Sentence Report. That will last for the duration of this suspended sentence order.