



JUDICIARY OF
ENGLAND AND WALES

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RAFAL NOWAK, ANNA LAGWINOWICZ & TADEUSZ DMYTRYSZYN

BRISTOL CROWN COURT

10 JUNE 2013

SENTENCING REMARKS OF MRS JUSTICE SHARP

Many tears have been shed in this court. But the only tears that anyone should shed are for Catherine Wells-Burr and her family: her mother Jayne, her father Philip and her sister Leanne.

For many weeks now, the evidence against these three defendants, Rafal Nowak, Anna Lagwinowicz, and Tadeusz Dmytryszyn, has been presented, tested and scrutinised with conspicuous care.

Now they have been convicted of Catherine's murder, our first thoughts, and my first words will be about her.

Catherine was 23 years old when she was murdered. She was a beloved daughter and sister: beautiful, bright and hardworking.

Catherine's parents worked at the Numatics Factory in Chard. Her family had every reason – and still have every reason - to be proud of her. With their support, Catherine went to Bath Spa University where she excelled. She obtained a first class honours degree in business administration, and in 2011 joined Numatics as a graduate trainee.

On 12th September last year, her badly burned remains were found in her car at Ashill, in a quiet lane by the main road between Taunton and Chard – a cold blooded murder by these defendants – which had been carefully planned over a considerable period of time.

Catherine worked on the production line at Numatics in her university vacation. It was there, in 2010, that she met Nowak; their relationship began, and he left his then girlfriend, Lagwinowicz.

I suspect even then, Catherine's family had their reservations. By the time of her death, Jayne, with a mother's instinct certainly did. But because they are decent and kind people and because they loved their daughter, they opened their hearts and their home to the man she loved, who they treated like a son.

What they could never have known was that behind the mask of a loving partner Nowak presented to them, was a man without scruple or decency, prepared to murder their daughter for money and to blacken her name after her death.

Lagwinowicz never accepted the new relationship and in the months after it began, did everything she could to undermine it.

She planted items in the flat Catherine and Nowak shared – designed to give the impression that Catherine was being unfaithful to the Nowak. On Catherine's graduation day in 2011, Lagwinowicz sent a text to Catherine, telling her Nowak was in her bed, as he was, though he claimed he had been lured there by Lagwinowicz and drugged.

Catherine then left Nowak. But she soon took him back, because, as Leanne was to say in evidence, she loved him.

Within months, Catherine and Nowak had bought a house together with the help of her parents: a small neat house in Willow Way in Chard.

By the end of March 2012 life insurance was in place to cover the mortgage of £123,000 if either died.

A matter of weeks later, Nowak and Lagwinowicz were back together, but in secret: hours on the phone together, regular meetings, sometimes twice a day and sex. All this can be seen from the evidence, painstakingly, and meticulously put together by the police after Catherine's death.

By May 2012, I cannot be sure that Nowak and Lagwinowicz had yet formulated the plan to kill Catherine which they later carried out. I am sure however that by then, the green shoots of such a plan were beginning to emerge: Lagwinowicz and Nowak both made trips to solicitors – not in Chard, where the Wells Burr family, and Catherine might find out about it – but in Taunton, where they asked questions about the nature of Nowak's rights over his joint share in the house. Nowak made inquiries of their life insurance company, though he was later to claim, falsely, to the police he did not know Catherine's life was covered.

At the same time, Lagwinowicz did things her own counsel described to the jury as despicable. She set up numerous fake email accounts which she used to send offensive messages to Catherine, purporting to be from men interested in her sexually. She created fake profiles for Catherine on pornographic dating websites, putting her lovely face next to revolting pornographic images, pretending to be of her, taken from the internet.

One of those profiles was accessed by Dmytryszyn the day after Lagwinowicz created it.

Nowak himself spied on Catherine in her own home in a horrible way, using his phone and a recording device supplied by Lagwinowicz to do so.

Nowak denied he knew what Lagwinowicz was up to, but the evidence satisfies me, that the two of them were complicit in this deeply unpleasant behaviour.

Whatever lay behind it, by the end of July 2012 I am sure that between them, Nowak and Lagwinowicz had hatched a plan to kill Catherine – and to kill her for the money she

insurance would pay out for the mortgage if she was dead; and for her half share in the house in Willow Way.

It was all about money. Nowak and Catherine had no ties: they were not married - there were no children. The murder of Catherine was motivated by money, selfishness and greed, and, in the case of Lagwinowicz by a twisted jealousy and a desire for revenge.

From then on, Nowak and Lagwinowicz went to great lengths to cover their tracks. They communicated via her library email account, and on new sim cards bought especially for that purpose. They planned to lay a false trail after Catherine's death, which would lead the police to believe Catherine had a mystery lover who had killed her. The plan to kill Catherine needed a trusted third person, and Dmytryszyn - like a brother to Lagwinowicz - was that man.

There was a failed attempt to put the plan into effect in the early hours of the morning of the 10th September, frustrated by a wrong number call to Catherine in the middle of the night, which probably woke her up.

There was no such failure two days later. In the early hours of the morning of the 12th September Catherine was killed in her home by Nowak. It is likely that she was smothered in her bed, killed while she slept, a noiseless bloodless killing, though the state of her body after death was such that the exact cause of death could not be ascertained.

Her body was removed from her home. Two cars - one of them Catherine's - were then driven to Ashill. While the cars were on the move, fake lovers' texts were sent using Catherine's phone to give the impression she had left home to meet her mystery lover.

At some point, her skull was fractured by a heavy blow to mislead the police into thinking the mystery lover had killed her.

At Ashill, Catherine's body was placed in the driver's seat of her car, and the car was set alight. I am sure from all the evidence in this case, that the fire was set using petrol Lagwinowicz and Dmytryszyn had bought days earlier for that purpose.

The defendants knew the fire would quickly be seen; it was started as Nowak arrived for work, to give him a fake alibi whilst the others made good their escape.

What the defendants did not know was the speed with which the police would act. Nowak was arrested then Lagwinowicz. In her car they found the carefully concealed sim card from which the fake lovers' texts had been sent, a vital clue which, with the many pieces of evidence discovered by the police, ultimately linked all three defendants to Catherine's death.

In a conversation secretly recorded by police after their arrest, Nowak and Lagwinowicz said they loved each other. But as their story unravelled, and cornered by the evidence against them, they resorted to blaming each other.

In one last twist, a few days before this trial began, Lagwinowicz wrote a fake letter to the prosecuting authorities which she gave to a fellow prisoner to post outside jail. The letter pretended to be from a Polish hit man. It gave some distressing details, whether

true or not, of what was said to have happened. It said that Lagwinowicz and her uncle had nothing to do with Catherine's death, and blamed Nowak alone for the murder.

Catherine's parents and her sister have endured the unimaginable, listening with quiet dignity in this court to the harrowing details of what befell her. They now speak very movingly of the pain – their grief - their suffering.

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Will the defendants please stand.

Rafal Nowak, Anna Lagwinowicz, Tadeusz Dmytryszyn.

This was a dreadful, pitiless crime, committed in cold blood in grotesque breach of trust, in which each of you played your full part. You murdered a fine young woman with everything to live for, for money. It involved a significant degree of planning, the destruction of her body which was charred beyond recognition, and an attempt to destroy her reputation after her death.

Rafal Nowak, the images of you leading Catherine round by the hand the evening before her death – buying items for what you knew would be her last meal – are utterly chilling. You are unscrupulous, cold hearted and ruthless. Your only emotion has been for yourself.

Anna Lagwinowicz, you suffer from a long term medical condition which is your misfortune. I have carefully considered the information about it which has been provided to me, but there is nothing in it which affects my view of the sentence that should be passed. Your conduct has been deceitful, manipulative and cruel. You played your full part in this wicked crime.

So did you Tadeusz Dmytryszyn. You were a willing recruit. You knew what the plan was, I am sure you knew why the plan was made, and you took your full part in carrying it out. I reject the submission made on your behalf that the sentence which must be passed on those who commit murder for gain should not apply to you.

Lagwinowicz, and Dmytryszyn, you have no other convictions recorded against you, but given the gravity of this crime, and the planning that led up to it, that carries no weight in my view.

You are each sentenced to life imprisonment.

I must set the minimum period which, less the time you have each spent on remand in custody, you must serve before the Parole Board can consider whether it is safe to release you. Even if, and I emphasise the word if, that occurs, you will remain on licence for the rest of your lives and will be liable to recall by the Secretary of State. In considering what that period should be, the starting point for each of you is that this was a murder in the expectation of gain. There was, in addition, significant aggravation, and no mitigation. In the circumstances, I am not persuaded there is any reason to distinguish between you.

The minimum term for each of you is set at 32 years.