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MANCHESTER CROWN COURT

The Law Courts,  
Crown Square,  
Manchester.

Case No: T20117285

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Tuesday, 17<sup>th</sup> January, 2012

Before:

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HIS HONOUR JUDGE STEIGER QC

R E G I N A

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-v-

OLIVER O'NEILL, DANIEL CHRAPKOWSKI AND THOMAS LANE

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MISS S. FLYNN appeared on behalf of the prosecution.

MR. M. SMITH appeared on behalf of the defendant O'NEIL.

MISS K. JONES appeared on behalf of the defendant CHRAPKOWSKI.

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MR. P. HODGKINSON appeared on behalf of the defendant LANE.

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Transcript prepared from the official record by  
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S E N T E N C E

Tuesday, 17<sup>th</sup> January, 2011

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JUDGE STEIGER: These three defendants, Oliver O'Neill, Daniel Chrapkowski and Thomas Lane, are all in their early 20s, none has any previous convictions and all are from an apparently respectable background.

They fall now for sentence for two incidents: First, on 19<sup>th</sup> November 2010 concerning O'Neill alone. On that occasion the defendant became involved in an argument with a member of the public who was attempting to prevent O'Neill from being abusive to the staff in the Late Night Store at about 3 o'clock in the morning. O'Neill was with others, waited outside the store, where there was a discussion which quickly turned into violence in which O'Neill kicked several times, three or four, the head of Mr. Rogeiro, the member of the public attempting to restrain bad behaviour inside the shop. In the course of that incident Mr. Rogeiro had a fracture to part of his skull, the eye socket. The defendant was eventually traced for that matter and was seen by the police and interviewed on 26<sup>th</sup> November.

The second incident took place three days after that date on 29<sup>th</sup> November when all three again or rather all three were in central Manchester in the early hours of the morning having been drinking a considerable amount. So far as O'Neill and Chrapkowski are concerned they fall to be sentenced for inflicting grievous bodily harm, the same charge as relates to O'Neill on the earlier occasion. Lane, the third member of the trio, pleaded guilty only to the lesser charge of affray.

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There are some similarities with the second incident and the first in that at about 3 o'clock in the morning a member of the public was objecting to the manner in which the three defendants were engaging in hooliganism. There was a confrontation. It is accepted by Lane that he began the incident with, as it were, shadow boxing with Mr. O'Reilly, shortly after that other two became involved. Chrapkowski punched Mr. O'Reilly, appears to have then tripped him up and kicked him in the stomach. O'Neill at a time when O'Reilly was on the ground kicked him forcefully to the head such as to cause a fractured jaw and contusion or bruising to the brain from which the victim appears still to be suffering as revealed in his victim impact statement.

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That incident so far as O'Neill was concerned, I repeat, took place only three days after the defendant being bailed for the earlier and indeed was a topic apparently boasted of by him to those who were present and listening.

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The defendants have all pleaded guilty, Lane to the charge of affray at the plea and case management hearing on 8<sup>th</sup> August and O'Neill, although not on that occasion, did at about that time signify that he was prepared to plead guilty to the offence of inflicting grievous bodily harm. He pleaded guilty at the outset to the earlier incident. So far as Chrapkowski is concerned he did not plead guilty until the trial, which necessitated the attendance of witnesses, he had until that point been asserting self-defence but abandoned that claim and accordingly he is

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entitled to significantly less credit than the others for  
their pleas of guilty.

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I have carefully considered the material submitted and  
the oral arguments advanced by counsel in relation to these  
three defendants, the pre-sentence reports and all of the  
testimonials and letters, which in some cases are very  
complimentary. I have borne in mind I hope that no defendant  
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has any previous convictions and to the extent to which it  
might be seen as mitigation drink was involved and O'Neill in  
particular has now taken steps to give it up. I repeat  
that the defendants have pleaded guilty and I bear in mind  
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the factual basis of the plea, which I have attempted to  
recite in the facts so far as both Lane and Chrapkowski  
concerned. In particular in the case of O'Neill I bear in  
mind that the two incidents that he was responsible  
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personally for the infliction of significant bodily harm  
on the two victims and the range of sentencing prescribed  
by the Sentencing Council and earlier authorities.

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The very least sentence in the case of O'Neill is 27  
months' imprisonment, which will be arrived at as to 12  
months for count 2 on T117165 and 15 months consecutive on  
count 2 to T117285. There is no time to count against him,  
is there, Miss Flynn?

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MISS FLYNN: No, there is not, your Honour.

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JUDGE STEIGER: Very good, take him down, please. In the case of  
Chrapkowski, there will be a sentence on count 2 of T117385  
of 12 months' imprisonment. I have, however, reflected

A on the mitigation advanced and bear in mind that Chrapkowski  
was only involved in the one incident and was not involved in  
any kicking to O'Reilly's head. Not without some hesitation,  
B I am persuaded by the submissions of counsel and the other  
material in the case that it might be just in his case to  
suspend the sentence.

C Stand up Chrapkowski. The sentence of 12 months in your  
case will be suspended for 12 months, which means that if you  
commit any offence within the next 12 months punishable with  
D imprisonment you will serve that sentence and whatever else  
may be appropriate. You must perform unpaid work for the  
public totalling 160 hours in all within the next 12 months.  
Should you fail to perform that the suspended sentence can be  
E implemented and, finally, there will be a curfew to be  
electronically monitored in your case that you remain at home  
indoors between the hours of 9pm and 5am. Breach of those  
terms will result again in the sentence being implemented.  
You are free to leave the dock but you should not leave court  
before speaking to the probation officer.

F MISS FLYNN: Can I just check the time?

G JUDGE STEIGER: Two months 9-5. In the case of Lane he on the  
facts was the least involved in the second incident and in  
particular there was no physical contact between him and Mr.  
Reilly, although but for his activities the later and more  
serious phrases of that episode might never have occurred.

H Stand up, Lane. In your case the sentence is that you be  
the subject of a community order for 12 months and that you

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carry out unpaid work for the community totalling 120 hours within the next 12 months. You too must abide by a curfew of a shorter duration than that for Chrapkowski, in your case it will be for one month between the hours of 9pm and 5am.

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Finally, since you are in work, unlike the others, you must pay £250 towards the costs of the prosecution within the next six months. You should not leave court before speaking to the probation officer about when you are to start your unpaid work.

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MR. HODGKINSON: Would your Honour accept payment at the rate of £50 per month?

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JUDGE STEIGER: Yes, I will.

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