



JUDICIARY OF  
ENGLAND AND WALES

**R v Mariusz Krezolek and Magdalena Luczak (T20127199)**

**Birmingham Crown Court**

**2 August 2013**

**Sentencing remarks of Mrs Justice Cox**

Mariusz Krezolek and Magdalena Luczak, the sentence for the crime of murder is fixed by law. It is one of life imprisonment; and that is the sentence I now impose upon each of you.

I must therefore specify the minimum term of imprisonment which each of you must serve, before the Parole Board can even consider whether you might be released. That is the punitive period I consider appropriate, having regard to the particular facts of the case and the overall seriousness of this offence.

The facts of this case are deeply shocking and disturbing.

As the trial has progressed, harrowing details of the unimaginable acts of cruelty and brutality inflicted on little Daniel, over many months, have exposed both the torment and despair he must have suffered and your callous disregard for his pain and distress. Time and again, knowing exactly what you were doing to him, both of you concealed your conduct from the authorities by a series of deliberate and elaborate lies, designed to put them off the scent and to prevent them discovering Daniel's true plight. Your campaign of cruelty, as it has accurately been described, culminated in the severe blow or blows to his head that killed him. He was just 4½ years old.

Exactly when this appalling cruelty started is not clear. Until your relationship began, in early 2010, Daniel appears to have been a healthy child, developing appropriately and giving no real cause for concern.

While the evidence demonstrates that systematic cruelty probably began when Daniel started school in September 2011, your complicity in his ill treatment was first evidenced by the displaced fracture to his arm, sustained 14 months before his death on 5 January 2011, when he was just 3½. This serious injury would have resulted immediately in excruciating pain and loss of function, yet you did not take him to hospital until the following day, clearly increasing his mental and physical suffering. I have no doubt that you, Mariusz Krezolek, deliberately used considerable force to inflict that injury, and that you Magdalena Luczak, discovering what had happened, joined with him in waiting to see if you could keep it secret,

and then in lying to the doctors about how it had happened. This determination to lie and to protect yourselves at all costs was to become the hallmark of your subsequent conduct.

There was further evidence of your real attitude towards Daniel, Mariusz Krezolek, in your description of him in July, to a colleague at work, as “all fucked up” and autistic, and not worth beating because he wouldn’t feel pain.

Nevertheless, at the time he started school in September 2011, Daniel was described by the Reception staff as appearing to be a healthy and well cared for little boy. It may be that he had some behavioural or communication difficulties, as you have constantly suggested, though such difficulties as he had are in my view more likely to have been due to your abusive treatment of him rather than to any other cause. They would have warranted, in any event, even greater affection, care and support for Daniel – not less.

Instead, over the months that followed, he was subjected by both of you to deliberate, escalating and incomprehensible brutality, which continued right up to his death. There is no evidence of such ill treatment by you towards your two daughters. But, for reasons which are unfathomable, Daniel became a target for derision, abuse and systematic cruelty, designed to cause him significant mental and physical suffering.

The scale of his suffering was truly horrific.

He was subjected to acts described by you as punishments but which, in reality, were acts designed to cause pain, to humiliate and to intimidate. He was required to kneel on the floor for long periods of time, to run continuously around the living room, or to perform squats repeatedly and slowly.

He was repeatedly forced to swallow salt, which you admit was poured neat into his mouth from the salt container and which caused him to vomit.

He was subjected to a form of cold water punishment, being held under cold water until the point of unconsciousness, something his [sibling], then aged 6, saw and had to describe to this court. Exactly what form that particular punishment took we will never know, since neither of you has explained it. He must have been absolutely terrified.

He was subjected to regular beatings, as the teachers’ observations of bruising and the multiple bruises seen on his body after death testify. There were nine separate bruises to his head.

He was confined for regular and prolonged periods of time in the small, bare box room upstairs. The inner door handle was removed and the metal panel so arranged that he could not even see out of the keyhole. The small hand and finger marks on the inside of that door provided a poignant image of his desperate attempts to escape. The urine stains to the mattress on which he was made to sleep and the damp state of the carpet testify to his inability to go to the toilet when he needed. There is evidence of him soiling himself.

It is a particularly grave aggravating feature in this case that, before the fatal blows to his head, Daniel was the victim of chronic and systematic starvation. Both of you deliberately deprived him of food over a prolonged period of time. He was literally wasting away. His starvation was so chronic that his bones ceased to grow. Expert medical witnesses and others with extensive experience in the field of child protection described their shock at the extent of Daniel's emaciation at his death. They regarded it as unprecedented in this country. They likened his appearance to those who failed to survive concentration camps, and that comparison was not made lightly. As the months passed, Daniel increasingly scavenged for food, from other children's lunch boxes, from the playground or from rubbish bins. He would have suffered extraordinary hunger, increasing abdominal pain and, ultimately, a feeling of hopelessness. You, Magdalena Luczak, knowing of his hunger, gave specific instructions to his teachers that Daniel was not to eat any more food than the small packed lunch he had with him.

Both of you constructed a careful and wholly untruthful account that Daniel had a serious eating disorder and learning difficulties, which he may have inherited and for which he was receiving medical treatment. This account was deliberately designed to prevent interference by school, medical and welfare personnel, and to perpetuate the brutality being meted out to him. You instructed and encouraged Daniel's older [sibling] to tell lies to the authorities if she were asked any questions about what was happening at home.

At some time in the evening of Thursday 1 March 2012, by which time Daniel's weakened physical condition made him particularly vulnerable, I am satisfied on all the evidence that in the minutes preceding the fatal blow or blows to his head, he was subjected to a brutal assault, in which he was given salt and subjected to a form of cold water punishment in the bath. It is submitted in mitigation that I cannot be sure that cold water punishment was inflicted in the minutes before he died, but I cannot accept that submission. On all the evidence, including the computer searches on the Friday morning, as Daniel lay unconscious, and the failure of each of you to explain them, I am entirely satisfied that it was.

The preponderance of the medical evidence establishes that the injury then inflicted to his head was severe, resulting as it did in damage to the bridging veins, axonal damage and a large subdural haematoma. I am satisfied, Mariusz Krezolek, that this head injury was inflicted by you and that you applied considerable force. By their verdict, Magdalena Luczak, the jury clearly rejected your account that you tried to intervene and were sure that you were jointly liable for Daniel's death.

The combined neuropathological and neurosurgical opinion is that Daniel would have lost consciousness immediately, or almost immediately after this impact so that any lucid interval, involving undoubted mental anguish and physical pain, would, mercifully, have been short.

Daniel then lay alone in the box room, as his life slipped away, from that Thursday evening until just before 3 a.m. on Saturday morning, while you both continued your lives, hoping that he would regain consciousness and that your conduct towards him could continue unabated and undiscovered.

Your internet searches on that Friday morning reveal both the scale of the cruelty you had inflicted on him and your growing realisation that he was not responding. Still you did not take him to hospital, until you discovered in the early hours that he was not breathing and eventually called the emergency services. I am in no doubt that, before you made that call, you had deliberately planned the detailed lies you would tell in an attempt to deceive the authorities and save your own skin. That plan was put into action even in the call to the emergency operator.

Before your arrest you made concerted efforts to remove evidence by deleting the computer search history, attempting to tidy the house and concealing the stained mattress from the box room. You lied persistently when you were interviewed by the police. By their verdicts the jury were sure that you continued to lie at this trial. Over the nine weeks of acutely distressing evidence I have not observed a single sign of genuine remorse at any stage from either of you.

In my judgment there is no basis for distinguishing between you in relation to this campaign of cruelty and the assault leading to Daniel's death. While the evidence indicates that you, Magdalena Luczak, were the victim of domestic violence by your partner on occasions, I do not consider that lessens your culpability in this case. On your own admission you had a supportive network of family and friends to whom you could have turned for help, as well as the names of organisations and contact details provided to you by midwives or health visitors. In any event your relationship has been revealed on the evidence to be an intense and stormy one, marked by heavy drinking, mutual acts of aggression and yet strong physical attraction. Your continuing affection for and loyalty towards each other was demonstrated by the intimate gestures observed between you when you were produced before the Magistrates Court on 7 March 2012. That you, Magdalena Luczak, were fully complicit in these acts of incomprehensible cruelty towards your own son is clearly established by the chilling text messages you sent to Mariusz Krezolek, between 7 October and 2 March. Yours, as the Crown have contended throughout, was always a partnership of equals.

In relation to the minimum term to be served, it has been common ground before me that the starting point in this case, having regard to the relevant statutory provisions, is 15 years imprisonment. That, however, is only the starting point. Each case will depend on its own particular facts, as will the level of overall seriousness. There are in this case exceptionally serious aggravating features, as the facts I have set out demonstrate.

At the time he was murdered Daniel was just 4 years old and was therefore particularly vulnerable because of his young age. However, his vulnerability was considerably increased by his wretched physical condition, which rendered him completely defenceless.

I am satisfied that acts of brutality were inflicted on him in the minutes before the final blows to his head, including forcing him to eat salt and applying a form of cold water punishment in the bath, thereby inflicting serious mental and physical suffering upon Daniel immediately before his death.

After the blows to his head there may have been a lucid interval which, though short-lived, would have resulted in Daniel suffering fear, anguish and physical pain before he lost

consciousness. Further, for the reasons already set out in detail, Daniel had already been subjected to persistent and escalating cruelty on an unprecedented scale over the course of approximately 6 months before he died, which was plainly designed to cause him, and must have caused him significant mental and physical suffering. Your concerted, deliberate and prolonged starvation of Daniel is particularly grave. There was also an earlier serious fracture to his arm, deliberately inflicted, when you delayed in seeking prompt medical treatment for him, causing him severe pain and distress.

Both of you are in breach of what is probably the most important position of trust, as the parents of a small child who was entitled to their protection, their love and their care. Your breach of trust, Magdalena Luczak, is wholly irreconcilable with the loving care that a mother should show towards her own son.

Both of you carried out a deliberate and cynical deception of teaching, welfare and medical personnel, which was designed to conceal what was happening, to prevent any help being provided for Daniel and to enable you to continue your ill treatment of him without interference. You instructed and encouraged Daniel's older [sibling] to tell lies to anyone in authority about what was happening at home.

Once you became aware that Daniel had stopped breathing, you made a concerted and deliberate attempt to deceive the authorities from the outset, and to seek to remove evidence of your involvement in Daniel's abuse and death.

I have listened carefully to all the matters your counsel have advanced by way of mitigation, but in my judgment there are no real mitigating features in this case. The fact that you intended to cause Daniel really serious bodily harm, rather than to kill him, in my judgment provides minimal mitigation in this case. This is one of those rare cases where the sustained campaign of cruelty you carried out over many months, which culminated in the fatal blows to his head, amounted in my judgment to conduct likely to cause or which may possibly have caused Daniel's death, notwithstanding that such a consequence may have been unintended. The level of culpability for each of you is extremely high. Your expressions of regret and sorrow made now ring hollow in the circumstances of this case.

I shall direct that the period of days, which each of you has already spent in custody on remand, are to be deducted from the minimum term that each of you is to serve, and which I will now pronounce. In your case, Mariusz Krezolek, I am told that is a period of 345 days; and in your case, Magdalena Luczak, it is 510 days. But if either period is later shown to be incorrectly calculated it can be amended administratively.

On Count 4, the charge of child cruelty to which you pleaded guilty on a limited basis not accepted by the Crown, I shall order that there is no separate penalty in the circumstances.

I emphasise that the minimum term I now specify is the minimum amount of time that you will spend in prison, from the date of sentence, before the Parole Board can even consider whether you might be released. If it remains necessary for the protection of the public you will continue to be detained in custody after that date. You will in any event remain on licence for the rest of your life.

In all the circumstances, and having regard to what I consider are exceptionally serious aggravating features, I judge this case to be one where the overall seriousness is particularly high. The minimum term that each of you is to serve will be 30 years imprisonment.