

# Judicial Communications Office

**Tuesday 23 November 2010**

## JUDGE SENTENCES POLISH MAN FOR MANSLAUGHTER OF COUSIN

### Summary of Judgment

Mr Justice Hart, sitting today in Downpatrick Crown Court sitting at Belfast, sentenced Marius Demski to a determinate term of fourteen years for the manslaughter of his cousin Krzysztof Zlotnicki on 15 June 2009. The judge ordered that Mr Demski will serve seven years in custody and will be on licence for the remaining seven years of his sentence.

The court heard that there was a volatile relationship between the Demski ("the defendant") and Zlotnicki ("the deceased"). The defendant said that the deceased had a serious drink problem and had stolen from him and others to sustain that habit. In January 2009 the defendant and deceased were drinking. The defendant accused the deceased of stealing credit cards. He struck the deceased on the leg with a golf club causing a fracture. This formed the basis of the charge of causing grievous bodily harm.

On 15 June 2009 the defendant and the deceased were drinking throughout the day. They argued and the defendant accused the deceased of having stolen cash from him and for drinking before going to work. At 7.00 pm the deceased apparently left for work. Shortly afterwards, the defendant received a phone call from a friend to say that the deceased had been trying to buy drink on credit in an off licence. A few minutes later the deceased returned to the house and another argument took place. The defendant said that he was very angry and he "exploded" and "lashed out". He started hitting the deceased with the crutches that he had been using since the earlier attack. The pathologist told the court that the deceased had suffered 84 injuries including bruises, lacerations and fractures.

The jury found the defendant not guilty of murder but guilty of manslaughter.

Mr Justice Hart referred to the aggravating and mitigating factors in the case. He also referred to the guideline case from the NI Court of Appeal which sets out the range of sentence for gratuitous violence. He said the manslaughter was the result of a "sustained attack of exceptional ferocity". This was not the

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first time that the defendant had inflicted serious harm on the deceased. The judge also said that the loss of self control demonstrated by the defendant was contributed to by heavy drinking on both occasions.

Mr Justice Hart then went on to consider, in accordance with the Criminal Justice (NI) Order 2008, whether the defendant presents a significant risk of harm towards others. He concluded, with some hesitation, that the absence of any other indication that the defendant is prone to violence meant that it would not be appropriate for him to impose a life sentence, an indeterminate custodial sentence or an extended custodial sentence (because the defendant is not deemed to pose a significant risk to the public).

Mr Justice Hart concluded that this was a sustained and exceptionally violent attack upon the deceased. The aggravating factors as such that this must be regarded as a “very grave case of manslaughter and one that should result in a sentence at the top of the range of sentences appropriate to such cases”. He sentenced the defendant to a determinate term of fourteen years for the manslaughter charge (he will serve seven years in custody and will be on licence for the remaining seven years of his sentence). The judge also imposed a term of five years imprisonment for the grievous bodily harm charge. The sentences will be concurrent.

## NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website ([www.courtsni.gov.uk](http://www.courtsni.gov.uk)).
2. Mr Justice Hart’s judgment of 23 November 2010 is also available on the Court Service website.
3. The guideline case is R v Magee [2007] NICA 21.
4. Indeterminate custodial sentences, extended custodial sentences (where the court can impose an extended period for violent and sex offenders) and determinate custodial sentences are all forms of sentence available to sentencers under the Criminal Justice (NI) Order 2008.

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**ENDS**

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