



Regina

v

Vasilios Ofogeli

at the Crown Court in Maidstone

on 21st May, 2020

Sentencing remarks of Mrs Justice Cutts DBE

1. Vasilios Ofogeli, - I am to sentence you today for the murder of Andre Bent. For this grave offence there is only one sentence prescribed by law – detention at her Majesty’s pleasure. That is the sentence I shall pass upon you in due course. I am required to determine the minimum period you should serve in custody before you are eligible for release on parole. It is most important that you and everyone concerned with this case should understand what that means. The minimum term is not a fixed term after which you will be automatically released but is the minimum term that you must serve before the Parole Board can determine whether you should be released. If and when you are released you will be subject to licence for the rest of your life. If for any reason your licence is revoked you will be recalled to prison to serve your life sentence in custody.
2. I have also to sentence you for the attempted murder of Lucas Baker and Patrick Concaicao, for wounding Joshua Robinson with intent to cause grievous bodily harm and for violent disorder.
3. In August last year Andre Bent was aged 21 years. He was the youngest son of his parents. His mother describes him as a happy loving son who was the light of her life. He cared for his friends, encouraged them to return to education and looked out for their welfare. He worked hard at school to achieve good grades at GCSE which, together with a certificate in construction and the building industry were enough to

get him into university. At the time of his death he was studying for a degree in business and finance, a course in which he excelled. He was on course for good results. Unbeknown to Andre Bent, his fiancée found out on the day that he died that she was carrying his child. This child, recently born, will grow up without the love and support of their father. Andre Bent had his life in front of him – a life which you took. The devastating impact of your actions upon Andre Bent's family cannot be overstated. Some of them sat through your trial with quiet dignity. You must face the consequences of your actions. Whatever those are, Andre Bent cannot be brought back and his family must always live with his loss.

4. In the early hours of 25th August 2019, a warm bank holiday night, you went with friends from London to Maidstone to watch Montell Daly, a rapper, perform at The Gallery Nightclub. You were the youngest of the group by far, only 16 years of age. It would seem that you had not told your mother where you were going in the knowledge that she would not have allowed you to go. You would have been wise at your age to comply with what she would have wanted.
5. It should have been a peaceful and enjoyable time; indeed it was inside the club itself but as the venue closed and a large number of people were leaving, serious violence and public disorder erupted in the streets outside. The level of violence and the number of people involved was extremely frightening to all those who were present. I accept that you played no part in instigating that violence but, rather than back away or leave the scene as you should so clearly have done, you yourself became involved in it. Your movements and actions could be clearly seen on footage from CCTV cameras, body worn footage and footage filmed by some who were there on mobile telephones all painstakingly put together by the police.
6. Early on in the incident you, with two others from your group went to the car of one of them which was parked nearby and got in. You got into the back. You emerged within seconds from the rear of the vehicle, this time armed with an extremely large hunter's knife. You did not arrive in Maidstone in that car and I therefore accept that this was not your knife. I reject, however, any suggestion that you found it there by chance. The only plausible explanation in my view is that you went to that car knowing there was a knife within and intending to arm yourself with it. You put the knife in the waist band of your trousers and pulled your jumper up over your face in a clear attempt to disguise yourself. It may be that you armed yourself on hearing that others not in your group intended to get a knife. That is no excuse. Your response on hearing that was to extricate yourself, not arm yourself with a large hunters knife and stab unarmed men on the ground.
7. Immediately thereafter you went towards where Andre Bent was with a friend of his, Mr Badejo. Mr Bent had come to Maidstone that evening to celebrate a friend's birthday. Unbeknown to him you were holding the knife to your side and slightly behind you. Montell Daly could see that knife and he intervened to pull you back and

attempted to push you away. This was once more an opportunity for you to see the error of your ways and to extricate yourself from what was going on but you did not.

8. People other than those in your group were initially involved in the violence but within a very short time your group became involved and could be seen chasing others away from the location of the club towards Jubilee Square. You followed them. As you did so you stabbed Lucas Baker in his upper back. The wound entered his back and shoulder area and exited his front shoulder. You claimed in your trial that this was in self-defence. It was no such thing. He was not involved in the violence and was facing away from you. He was no threat to anyone at that time. In my view you stabbed him as you believed him to be part of the group which were by this time being attacked by your friends. The jury convicted you of attempting to murder this man. They were satisfied that in stabbing him you intended to kill him.
9. You moved swiftly to where Patrick Concaicao was on the floor being attacked by your friends. Once again he was no threat to anyone at that time. Whilst he was on the floor you stabbed him three times. At hospital he was found to have 3 stab wounds to his back, 2 fractures to his spine, and a punctured lung. Again I reject any suggestion that this was in self-defence or defence of another. Once again the jury convicted you of attempting to murder PC. You had intended to kill him. Mr Concaicao had to spend 6 days in hospital. He was in severe pain and discomfort. In his impact statement he speaks of missing the start of the new university term in consequence of his injuries. He had stopped going out and frequently relived the incident. He described the impact of the incident on his life as “huge”.
10. You backed away from the violence for a moment but did not remain there. Seeing your friends attack another unarmed man on the floor – Joshua Robinson – you again lent over them and stabbed him twice to his upper left buttock and rear right thigh which required stitching. In relation to Mr Robinson the jury found you guilty of wounding him with intent to cause him GBH. In his impact statement he speaks of how the incident affected him – mostly in a mental and physical sense. He had severely restricted his social engagements and lost his job as he could not work after he was injured. He has felt anxious and depressed. His relationship with his girlfriend came to an end as she found it difficult to cope with his anxiety.
11. You stabbed each of these men with a large knife with the intent to kill them or, in Mr Robinson’s case, to cause him GBH. It is a matter of luck and the skill of the medics that each of them did not also die that night.
12. Having stabbed Mr Robinson you moved towards another man. Andre Bent moved towards you whereupon you stabbed him to the left hand side of his chest. Within a short time he had sadly died.

13. You then left the scene with your friends, pausing to hide the knife before you went home. You left the jurisdiction shortly afterwards but then returned whereupon you were arrested. Your actions that night have affected the lives of many.
14. You have been on remand since your arrest. Following your conviction by the jury you came into possession of an illicit mobile telephone upon which you recorded yourself performing rap lyrics which you had written and posted that onto social media. They were drill lyrics about the fact that you killed one person but it should have been more. This inevitably came to the attention of Mr Bent's fiancée close to the time that she went into labour. It was an unkind and wicked thing to do. I do not increase your sentence as a result of this action but it speaks volumes of your lack of remorse and understanding of the impact of your crimes. It also undermines your claims to the author of the pre-sentence report that you are remorseful for what you did and that your actions that night do not reveal the real you. Further rap lyrics concerning the trial were found in your cell.
15. As I have said you were only 16 years of age at the time of these offences and are only 17 now. Accordingly, pursuant to Schedule 21(7) of the Criminal Justice Act 2003 when coming to the minimum term for the offence of murder the starting point is one of 12 years.
16. That offence is aggravated by:
 - a. The fact that you brought a knife to the scene. As I have said I accept that you did not bring it to Maidstone from London. However, you went to the car to fetch it and bring it back for use. If you were an adult the starting point for the murder alone would have been in the region of 25 years.
 - b. The murder was committed in public at a time when many people were present and would have witnessed the killing.
 - c. I find none of the aggravating factors set out in schedule 21(10) to be present.
17. The offence is mitigated by your lack of previous convictions and by your age. Your age is of course reflected in the starting point of 12 years but it is also a relevant factor in considering the appropriate length of the minimum term. I have regard to the definitive sentencing council guideline on sentencing children and young people. I am to pass a mandatory sentence which means that the focus on rehabilitation and welfare do not apply. However, paragraph 1.5 of that guideline is of importance. I recognise that young people are not fully developed and have not attained full maturity and it is important to consider the extent to which you were acting impulsively, emotionally volatile and susceptible to peer pressure.

18. I take into account what is said in this regard in the pre-sentence report. You have witnessed violence in your childhood and this is likely to have had an effect upon you. Although you are not assessed by the author of the report as being particularly immature for your age, you were only 16 years old. I consider it likely that immaturity played a part in your actions that night. Once you had taken the poor decision to arm yourself with a knife you acted largely on adrenalin. I do consider that to an extent you were acting impulsively and were susceptible to peer pressure. It seems to me unlikely that you would have acted in this way had you not been with older friends. I accept that you did not go out that night to involve yourself in violence.
19. I take into account all that has been said on your behalf:
- a. You are clearly not an unintelligent young man. During the course of your trial you showed yourself to be articulate and able. You achieved good GCSE results. I note from the PSR your interest in Greece and its culture and history. You are said to want to further your education in custody. I hope that is the case.
 - b. I accept also that you are prepared to engage in restorative justice should there ever be a time when that is appropriate.
 - c. You have largely been behaving well in custody and achieved enhanced status.
20. I have also to sentence you for the offences of attempted murder. I place each of these in category 2 of the relevant sentencing council guideline. The offence of wounding with intent I place within category 2 of the relevant guideline. The aggravating and mitigating factors are the same for these offences as for the offence of murder.
21. The sentence I impose on each of these offences will by necessity be concurrent to the sentence I impose for the offence of murder. I will take them into account as an aggravating factor in reaching the minimum term. In light of their seriousness they warrant a significant increase in the term that I impose.
22. In coming to your sentence I step back to look at the overall sentence to ensure that it reflects the overall seriousness of the offences you committed. Taking into account all of the aggravating factors and such mitigating factors as exist were I sentencing you as an adult the minimum term that I would have imposed for the offence of murder would have been one of 30 years imprisonment. The appropriate minimum term given your age and maturity in my view is one of 20 years detention. I have also to deduct from the minimum term which starts today the time you have served on remand which will not otherwise count towards your sentence. This amounts to 262 days.

23. On counts 2 and 4 the sentence is one of 8 years detention. On count 7 it is one of 4 years detention. These sentences to run concurrently with each other and with the sentence imposed on count 1. There will be no separate penalty for the offence of violent disorder in count 8.

24. Stand Up

25. Vasilios Ofogeli for the murder of Andre Bent you will be detained at her Majesty's pleasure. You will serve a minimum term of 20 years detention less the 262 days you have spent on remand. Thereafter it will be for the parole board to decide when, if ever, you should be released. If you are ever released you will remain on licence for the rest of your life.