JUDICIARY OF
ENGLAND AND WALES

**R v Stephen Port**

**Sentencing Remarks of Mr Justice Openshaw**

**Central Criminal Court**

**25th November 2016**

Following a lengthy trial, Stephen Port falls to be sentenced following his conviction for four separate offences of murder; the mandatory sentence for murder is life imprisonment, but I must consider whether to fix a minimum term and if so for how long; in order to do so I must set out the facts of these dreadful offences, and indeed the facts of the other serious sexual assaults committed upon seven other victims. The evidence took fully four weeks, I seek now only to summarise the facts in broad outline.

The defendant Stephen Port is now aged 41. The evidence establishes that his sexual preference is for penetrating very young men, whom he has rendered unconscious by the surreptitious administration of drugs. His drug of choice was GHB (or the closely related GBL), about which the evidence was given by a distinguished forensic toxicologist. The drug was originally manufactured as a medical anaesthetic. Now, often known simply as 'G', it is abused in low dosages to produce short-lived euphoria: however, beyond low dosages, the drug is highly dangerous, since the resultant toxicity, can cause dizziness, nausea, then in sequence drowsiness, unconsciousness and eventually coma, respiratory failure, cardiac arrest and death; the precise mechanism of death may vary, as was explained by the forensic pathologists who gave evidence at the trial.

One of the particular dangers presented by the drugs is that, whether presented as a dissolved powder or as a liquid, it is colourless and so can readily be used to 'spike' a drink without detection; the characteristic taste can readily be masked by mixing it with other strong flavours.

**Victim A**

The earliest a victim was A, an intelligent and articulate university student who in 2012 had just turned 19. He made contact with the defendant on Grindr, a gay dating website. He went to the defendant's flat; they chatted, the defendant seemed to him to be polite and friendly, his mood was relaxed; there was, he said, 'nothing to ring alarm bells'. He was then given a glass of red wine, which he drank; he noticed congealed powder at the bottom of the glass, he immediately suspected that his drink had been spiked. He described how he became dizzy and disoriented; his balance and thought processes were disturbed. He then lost unconsciousness; he was aware that he had been taken into the bedroom, undressed and raped by the defendant but he felt mentally and physically unable to resist because of his drugged state.

On his return to university, he made an immediate complaint to a friend and indeed sought medical advice because he believed that he had been drugged.

He came forward to the police following the report of the defendant's arrest.

This gives rise to the charge in count 1 of administering a substance with intent to stupefy or overpower the victim, so as to enable the defendant to engage in sexual activity with him contrary to section 61(1) of the Sexual Offences Act 2003 and to the charge of rape in count 2.

**Victim B**

B was aged 20 at the time that he met the defendant through another gay website in June 2014. He also said that, at first, he felt quite safe and comfortable with the defendant whom he thought to be 'a very nice guy'. He also was induced to take a (non-alcoholic) drink, which rendered him immediately unconscious. When he came round, he described what he called the terrifying effect: it felt as if he had no control over his body, he was shouting and screaming and calling out for help.

The defendant took him to the station at Barking, still in this state; there, officers from the Transport Police officer saw him distressed, incoherent, unsteady on his feet and producing green vomit. Significantly, the defendant said that he (B) had taken 'G'.

B was not able to say with certainty that the defendant had penetrated him in this condition, therefore there is no charge of rape, just a count of administering a substance with intent, as charged in count 3.

When the jury came to consider the defendant's knowledge and intention in relation to the next victim, Anthony Walgate, they will no doubt have had in mind the effect that he knew that that the administration of the drug had had upon A and B.

**Anthony Walgate**

I come then to Anthony Walgate, who was aged 23. He had come down to London from Hull to study. In her victim personal statement, which of course I have read with and sympathy, his mother describes Anthony as being clever, funny and talented; all he ever wanted was to be a famous fashion designer and with his passion and determination, she was sure that he would have made it.

One of his friends said that he was not very good at managing his money with the result that he resorted to working as an occasional gay escort. However, he took such precautions as he could: he always obtained the client's address in advance, and secured a photograph, which information the always posted to others so that they would know where he was and indeed who he was with.

Through a gay website the made contact with the defendant, and arranged to meet at Barking station on the evening of the 17 June 2014; they agreed that he would be paid £800 for an all-night session. Since the defendant had no savings of any kind, and certainly did not have access to £800, I do not think that he had the slightest intention of paying.

From a later examination of Anthony Walgate's Oyster card, confirmed by the cell siting of his mobile phone, it can be established that he arrived at the station just before a quarter past 10, that evening.

He was never seen alive again; nor was his telephone ever used again. I think that the inevitable and irresistible inference is that the defendant deliberately administered a drugs overdose to Anthony Walgate, with the intention of penetrating him whilst he was unconscious, which I have no doubt he did.

For a variety of reasons, which were explained by the pathologists, it is not possible to say precisely when Anthony died, but I am quite sure that he was dead when the defendant calmly went to work on the late shift the following day.

He returned from work at about 4 o'clock in the morning of now the 19 June. By this time he had dressed Anthony's body, which was probably already stiff with rigor mortis; he then dragged the body to deposit it on the path outside; he had planted in his pocket a small bottle of GHB, so as to give the impression that Anthony had died from a self-administered overdose; he then removed and disposed of Anthony's mobile phone, by which he feared that the contact between them would be traced. He then telephoned the ambulance reporting that he had, by chance, come upon the body young man collapsed outside his house. There Anthony's body was found.

He then repeated that version in a witness statement.

The pathologist reported that the GHB levels in Anthony's body were so high as to cause death by drugs toxicity.

Later, the defendant was interviewed again; even when the police put to him that they had discovered that the defendant had met Anthony through an on line dating app., he denied it.

He then changed his story to suggest that Anthony had visited him at his flat but that his death was the result of a self-administered overdose. The defendant said that he moved the body outside out of panic, lest the police should quite mistakenly think that he had in some way been responsible for his death; he even suggested that he feared that they might suspect him of murder.

His earlier lies led to his conviction for an offence of perverting the course of justice, and a short prison sentence; there the matter rested, his later story being apparently taken at face value. Whether the police were right to do so, in the light of what they knew or ought to have found out, is for others to decide having thoroughly inquired into the matter, which it has not been appropriate for us to do in the course of the criminal trial.

He repeated his later story in the course of his evidence to the jury, which they understandably rejected.

These events give rise to his conviction for murder as charged in Count 4, and administering a substance in count 6.

The jury were discharged from reaching a verdict on the alternative charge of manslaughter as charged in count 5 (as indeed they were on other such alternatives in counts 8, 11 and 24).

**Gabriel Kovari**

Gabriel Kovari was a 22-year-old Slovakian, who moved into the defendant's flat on the 23 August 2014.

It is, I think, quite clear that the defendant had designs upon Gabriel Kovari: the day after he moved in, the defendant asked a friend to come and meet 'his new Slovakian twink flatmate', and the next day he wrote, suggestively as it seems to me, that he was 'taking good care' of him. There are some indications that his feelings were not reciprocated, for example Gabriel Kovari sent a text to a friend saying that he had slept on the sofa and did not want to sleep in the same bed as the defendant; the friend warned him that the defendant would want to do so.

The last message set by Gariel Kovari's phone was at 5 o'clock on the morning of the 25th; he had not been there for two days. In the light of what happened later, I draw the inevitable inference that

shortly after that call was made, the defendant surreptitiously administered drugs to Gabriel Kovari, intending then to penetrate him when he was unconscious; the overdose that he administered proved fatal.

The next afternoon, that is to say the 26 August, the defendant changed his telephone number, and then told a friend that Gabriel had unexpectedly left. He gradually developed this story, adding a number of unconvincing details; he then claimed to have heard that Gabriel had gone off back to Spain where he had formerly lived with a partner.

Using a false name, the defendant did eventually correspond with this former partner, Thierry Amodio but to him he told a completely different story, to which I will turn later.

Meanwhile, by chance, the defendant sister rang him to find him in a very distressed state saying that there was the body of a young man in his flat, plainly that young man was Gabriel Kovari, although in his evidence to the jury the defendant told the most elaborate lie attempting to suggest that although he was speaking in the present tense, the body to which he was referring was Anthony Walgate, who had died several months before.

Gabriel Kovari's body must have remained in the defendant's flat for some days because it was not until the morning of 28 August that it was found sitting against the wall of the churchyard in the ruins of Barking Abbey. It is not immediately clear how he moved the body, because he denied doing any such thing, however he had again planted a bottle of GHB in his pocket and had disposed of his mobile phone.

The cause of death was a drug overdose, with very high and potentially fatal levels of GHB.

The murder of Gabriel Kovari is charged in count 7 of the indictment; administering a substance to him with intent is the subject of count 9.

I make entirely clear that I have read the victim personal statement given by Gabriel's brother, who movingly describes the impact that his death has had upon the family.

**Daniel Whitworth**

I come then to Daniel Whitworth aged 23, he was a skilled and ambitious chef, who was making his way in a fiercely competitive world. Again I have read the poignant memorials to him by members of his family who consider that they are facing a life sentence; they observed that they ha a rich and fulfilling life ahead of them with Daniel which has been stolen from them.

He and the defendant made contact through a gay dating website, called Fitlads. After very many exchanges they agreed to meet on the afternoon of the 18th September; Daniel left work early and texted his partner to say that he would be late back, but he clearly contemplated only a short visit to the defendant's flat in Barking.

As to what happened after he arrived, only the defendant now knows, but at half past 10 the next morning, 19th September, he deleted his Fitlads account, the obvious and inevitable inference is that he did so because Daniel Whitworth was already dead and he was attempting to delete traces of their contact.

That night, he carried Daniel Whitworth's body to the grounds of Barking Abbey, where he dumped the body in more or less precisely the same position that he had disposed of Gabriel Kovari. As he had done with the others, he had planted a bottle of GHB in his pocket and stole his mobile phone, so as to conceal the contacts that they had had the one with the other.

The cause of his death was GHB toxicity.

However, this time the defendant went further because he wrote what purported to be a suicide note written by Daniel Whitworth, explaining that he had deliberately taken a drugs overdose, consequent upon the remorse and guilt he felt at having himself administered the fatal overdose to Gabriel Kovari.

It was that this story which he drip fed to Thierry Amodio, Gabriel Kovari's partner in Spain, adding ever more elaborate inventions; the eventual story, which he told to the jury, was that Daniel Whitworth and Gabriel Kovari had met at a party, in Ilford, which the defendant had himself attended; that with his knowledge and consent, Gabriel and Daniel had gone back to the defendant's flat, that from there they had gone to the churchyard of Barking Abbey to have sex, that there Daniel Whitworth had administered a drug overdose to Gabriel Kovari, from which he had died, caused him such guilt that he later decided to take his own life.

When the police eventually pointed out to him that the handwriting expert demonstrated beyond doubt that he (the defendant) had written the suicide note, he continued to maintain that he had not. He then changed his story and claimed that he had written the suicide note at Daniel Whitworth's dictation.

These were wicked and monstrous lies, which must have caused immense distress Daniel's family. Of course, under cross-examination this story unravelled and the truth emerged, that he had killed them both.

The murder of Daniel Whitworth is the subject of count 10, count 12 charges him with administering a substance with intent.

**C**

Counts 13 and 14 alleged rape as against the witness C, with whom the defendant had a long standing relationship, which included many instances of consensual sex, some of which possibly – and perhaps even probably - occurred when C was unconscious.

It is therefore not in the least surprising that the jury might have been left wondering if they could be sure that C did not consent to what happened.

I would however pay tribute to C's courage in giving evidence; I do not doubt that some of the evidence he gave and certainly the CCTV footage of his engagement with the defendant may have informed their decisions on other counts.

**Victim D**

Victim D is aged 22, but he looked far less than his chronological age. He had some time been undergoing gender reassignment, but that transition process has recently been interrupted. He was suffering from the long term after-effects of a head injury caused in a criminal assault. He was, in my judgment, acutely vulnerable.

He described an occasion in January 2015, when he visited the defendant's flat and his drink had been spiked, which had rendered him unconscious. Yet the defendant had penetrated him in his condition, to which the witness had not consented. The defendant filmed the incident and even showed it to D the next day; D was outraged at what had happened and protested in earthly language.

This was charged as administering a substance with intent in charge 15 and rape in count 16.

**Victim E**

I move onto E; aged 35, E was rather older than the others. He met the defendant on Grindr in July 2015.

As was clear in the exchanges that have passed between the defendant and C, the defendant had by now experimented with administering the drug anally, which he said led to a more immediate absorption of the drugs into the body.

He pretended to E that he was applying lubricant inside his anus by a syringe type device, with a plunger or piston, which he called an applicator. E had consented to normal anal intercourse, but he had strong objections to the administration of drugs. Immediately after the defendant had inserted the applicator, E said that he flinched, having had an unpleasant sensation of burning or tingling, which caused a slight numbing. He knew that this was not right and immediately suspected that an attempt had been made to administer drugs to him. He managed to dress and left before any further offence could be committed.

This gives rise to the allegation in count 17 of assault by penetration, contrary to section 2 (1) of the 2003 Act.

**Victim F**

Victim F gave a very similar account. He met the defendant after exchanges on Grindr in August 2015; he had made very clear in their exchanges that he did not himself take drugs. The defendant also applied the applicator to his anus on the pretence that he was supplying lubrication, but he immediately felt a pain 'like a bite', he said. His mind then went completely blank; he was shocked and felt dizzy and whilst in this state the defendant penetrated him. He said that his brain was not functioning properly; he eventually fell unconscious. He repeatedly said that he had not consented to the administration of the drugs and neither had he consented to being penetrated whilst unconscious.

This gives rise to the allegations of assault by penetration as charged in count 18, administering a substance with intent as charged in count 19 and rape as charged in count 20.

**Victim G**

Victim G knew the defendant before. Contact was re-established in September 2015 after they encountered each other on Grindr. G was insistent that he did not do drugs and indeed had spelt that out in their exchanges, which were exhibited.

Again under the pretence of applying lubrication, the defendant inserted the applicator into G's anus and administered drugs, thereby causing him an intense pain after which he became dizzy, as if he was drunk, but fortunately he did not fall unconscious and was able to leave.

This gives rise to allegations was assault by penetration in count 21 and administering a substance with intent in count 22; because the defendant did not proceed to the full offence, there is no charge of rape.

I have read G's victim statement, in which he says that he feels somewhat responsible for the deaths of these young men and that he could and should have done something to stop it; there is nothing mire that he could have done; I pay tribute to his courage in coming forward to speak up now, as he did.

**Jack Taylor**

I come then to Jack Taylor, aged just 25 lived with his parents in Dagenham working as a forklift truck driver.

There is evidence that he had accessed gay dating websites before, but he was not 'out'; there were strong indications that he did not voluntarily take drugs.

After an evening of modest social drinking at a local club, he went home and accessed Grindr. He contacted the defendant and they agreed to meet at Barking railway station, which they did at about a quarter past three on the morning of 13 September. He then went back with the defendant to his flat.

Again as to what happened there the defendant is now the only living witness.

Just before 7:30 that morning the defendant blocked Jack Taylor's account on Grindr, thereby deleting the string of messages that had passed between them. The inevitable inference was that by that time Jack Taylor was already dead.

Later that morning the defendant deleted his own Grindr account.

The defendant sent a series of messages discouraging his flatmate from returning to the flat that morning, plainly he did not want him to return to find Jack Taylor's dead body, which must have remained in the flat all that day (the 13th); later that night he took the body to the churchyard; he positioned the body so as to appear as if he was sitting down, just over the wall from where he had left the bodies of Gabriel Kovari and Daniel Whitworth.

He had planted a bottle of GHB in his pocket, he also planted a tourniquet and some medical wipes so as to give some credence to the story which he eventually told. As he had done with the others, he removed and disposed of his phone.

The toxicologist found GHB at fatal levels; because Jack Taylor had been drinking at the club, and because drink and GHB can have a cumulative effect, the pathologist certified the cause of death as being a mixed drug and alcohol overdose.

It is not to me to say whether the seeming bizarre co-incidence of these three gay young men being found dead so close together might have given rise to suspicions that these deaths were not the result of ordinary self-administered drug overdoses but that is how their deaths, including Jack Taylor's death, was treated at the time; the competence and adequacy of the investigation will later be examined by others, as I have said.

Accordingly, his body was released and was in due course he was buried. His family then had the distress – the devastation they called it - of exhumation and a further post mortem to review the cause of death.

When the defendant was first asked about Jack Taylor he said he did not recognise his name. He did not recognise his photographs. He had not been in contact with him on Grindr. Jack Taylor had never been to his flat; he had never had sexual intercourse with him. He had no involvement in his death. Indeed he even said that Jack Taylor was not the sort of person he would go for, since he said he tended to go for younger boys, whereas Jack Taylor looked older.

When he gave evidence at the trial; he had changed his story. He said that Jack Taylor and indeed to his flat, that they had then moved into the churchyard to have sex. Jack Taylor administered drugs to himself, when he the defendant left him, he was alive and well and must therefore have died of his overdose afterwards.

Inevitably, as it seems to me, the jury dismissed this as a further pack of lies.

I have read the joint tribute that Jack Taylor's whole family have written in which they say he was an inspiration to them all: the life and soul of the family.

His murder is charged as count 23; administering a substance is charged in count 25.

**Victim H**

I come then to victim H, who was then aged 24. He had had a sexual relationship with the defendant some years before. In October 2015, he was in crisis: another relationship had broken down; he was homeless; he had, he said, lost everything. He had taken to drink to blot out his many problems and turned to Stephen Port, the only friend he had in the world, for help. Mr Rees QC for the prosecution accurately described him as being acutely vulnerable.

That month (October 2015), he went to stay with the defendant for two weekends. The described how during the first weekend, the defendant badgered him to take a line of drugs which he did; since this was with his consent, the taking of this drug does not form a count in the indictment. Following which the defendant did penetrate him, as he had done before. The witness said that he was too weak to argue with him. The jury, quite understandably as it seems to me, felt unable to be sure that this amounted to the offence of rape and acquitted on that charge as alleged in count 26.

I come then to the second weekend, after voluntarily having snorted a line of drugs, the defendant using the applicator under the pretence that he was administering lubrication, injected into his anus; this was without his knowledge or consent and forms the subject of assault by penetration as charged in count 27 and administering a substance with intent as charged in count 28. The drugs caused him to feel drowsy, he had palpitations and lost consciousness during which time the defendant penetrated him, which was without his consent; this gave rise to the charge of rape in count 29.

**The murders**

Having set out the facts. I seek to draw together the conclusions. I accept the submissions made by the prosecution that the following features are present in the cases of murder.

(i) First, there is the obvious fact that he murdered four young men and committed other serious offences upon them and upon others;

(ii) The murders were committed as part of a persistent course of conduct of the defendant surreptitiously drugging these young men so that he could penetrate them while they were unconscious;

(iii) A significant degree of planning went into obtaining the drugs in advance and in luring the victims to his flat;

(iv) Having killed them by administering an overdose, he dragged them out into the street in one case, or took them to the churchyard in the other cases, and abandoned their bodies in a manner which robbed them of their dignity, and thereby greatly increased the distress of their loving families;

(v) the defendant removed and disposed of their mobile telephones and planted drugs, drug paraphernalia and even the purported suicide note, in an attempt to divert suspicion.

(vi) the murders of Gabriel Kovari and Daniel Whitworth were committed while the defendant was on bail for the offence of perverting the course of justice into the investigation of the death of Anthony Walgate.

As to mitigation, I accept that his intention was only to cause really serious harm rather than to cause death, but he must have known and foreseen that there was a high risk of death, the more so after the death of Anthony Wallgate, the first victim and the loss and bereavement felt by the victims is none the less because he intended only to cause them some really serious harm.

I also accept that he has no previous convictions for violence, but that counts for little when set against the length and scale of his offending.

The defendant has been convicted of the murders of four young men. Each murder was committed in the course of satisfying his lust for penetrating young man whom he had rendered unconscious by the surreptitious administration of drugs. Having regard to paragraph 4 of schedule 21 of the Criminal Justice Act 2003, I have no doubt that the seriousness of the offending is so exceptionally high that the whole life order is justified; indeed it is required.

The sentence therefore upon the counts of murder is a sentence of life imprisonment; I decline to set a minimum term; the result is a whole life sentence and the defendant will die in prison.

**The rapes and other sexual offences**

I substantially accept the submission by the prosecution that the rapes and other serious sexual offences exhibit the following aggravating features:

(i) First, they extended over a period of fully 3½ years; the defendant committed four rapes on four different victims, and other very serious sexual offences upon other victims, including the four young men who died.

(ii) the rapes were committed as part of a persistent course of conduct involving the defendant surreptitiously drugging young men so that he could penetrate them while they were unconscious;

(iii) the surreptitious use of drugs, whether by way of spiking their drinks or by anal insertion, intended to render the victims unconscious was inherently dangerous, as the defendant was aware;

(iv) there was a significant degree of planning;

(v) the rape of D was recorded;

(vi) the rape of H, who was vulnerable and who turned to him for help, involved an abuse of trust;

I am unable to identify any mitigating features beyond the fact that the defendant has no previous convictions, which accounts for little when set against the scale of his offending, as I have already said.

Self-evidently, the defendant is highly dangerous; the offences of rape and assault by penetration are punishable with discretionary life imprisonment under section 225 of the Criminal Justice Act 2003. I pass such a sentence on these counts, which in my judgement it is the only appropriate sentence to mark the gravity and depravity of these offences.

The relevant sentencing Guideline indicates sentences of 20 years and more may be appropriate for campaigns of rape, such as this was. It is, in my opinion, appropriate to sentence each offence within the overall criminality, which requires condign punishment. The appropriate determinate sentence on each count of rape and assault by penetration would be 22 years; resulting in a life sentence on those counts with a minimum term on these counts of 11 years, less the time that he has spent in custody for those offences, which can be worked out administratively, and altered if it later appears that some mistake has been made..

The maximum sentence for administering a substance with intent is 10 years; this is one of those rare cases where the maximum sentence is justified, therefore on those counts I pass a sentence of 10 years imprisonment.

I direct that a transcript of these remarked is sent to the Life Imprisonment Unit at the Home Office.

I am required to say that the statutory surcharge applies.

**-ends-**