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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No: 24/020408
	Delivered: 26/01/2026

**IN THE CROWN COURT IN NORTHERN IRELAND
SITTING AT LAGANSIDE COURTHOUSE, BELFAST**

THE KING

v

KORNELIJUS BRACAS

Mr Neil Connor KC with Ms Nicola Auret (instructed by Public Prosecution Service) for
the Crown
Mr Kieran Mallon KC with Mr Gavyn Cairns (instructed by GR Ingram Solicitors) for the
Defendant

SENTENCING REMARKS

McBRIDE J

I order that in accordance with Article 22(1) of the Criminal Justice (Children) (NI) Order 1998 nothing should be disclosed which would lead to the child being identified as being concerned in these proceedings.

Introduction

[1] The defendant was charged with the murder of Alesia Nazarova (“the deceased”) (count 1), the attempted murder of the deceased’s daughter (count 2), theft of a bank card (count 3) and arson being reckless as to endanger life (count 4).

[2] He was arraigned on 6 September 2024 and pleaded not guilty to all counts.

[3] On 10 October 2025, the defendant was rearraigned and pleaded guilty to counts 1, 3 and 4. An additional count of arson with intent to endanger the life of the deceased’s daughter was added to the indictment as count 5. The defendant pleaded guilty to count 5 and count 2 was not proceeded with by the Crown.

[4] The pleas were entered on a “full facts” basis as set out in the depositions.

[5] I held a sentencing hearing on 18 December 2025. Subsequently addendum submissions were provided by both the prosecution and the defence.

[6] I have carefully listened to the plea in mitigation made on behalf of the defendant. I also wish to acknowledge the comprehensive and carefully measured and considered oral and written submissions made by Mr Connor KC on behalf of the Crown and by Mr Kieron Mallon KC on behalf of the defendant. Those submissions and skeleton arguments were of much assistance to this court in its deliberations.

The deceased

[7] The deceased, Alesia Nazarova, was born in Lithuania. She moved with her family from Lithuania to live in Northern Ireland in or around 2006. At the time of her death she was aged 37 years of age. She was a single mother who worked locally and lived with her daughter.

[8] I have read the moving statement by the father of the deceased's daughter and partner of the deceased. He eloquently sets out the devastating impact the defendant's offending has had upon him and upon his daughter. In this statement, I have been given an insight into the type of person the deceased was. She is described as being a really cheerful person and "a brilliant mum." The deceased has now had her life taken from her and will no longer be able to watch her daughter grow into a young woman and she has callously and cruelly been denied the opportunity to see significant events in her daughter's life.

[9] The child not only was a victim, but also a witness to the aftermath of her mother's death. The defendant's actions have had a traumatising effect upon his niece and she continues to suffer from mental upset and distress. Following her mother's death she had to move to live with her father in America and she will now have to grow up without a mother and is denied the support and guidance, which the father observes, only a mother can give. The defendant's offending has left behind a trail of destruction and he has caused immeasurable damage to this family.

[10] These are matters that I will consider when I am determining the appropriate sentence for the defendant. But, as has been said many times, no term of imprisonment can equate to or restore human life, nor can it alleviate the profound grief, pain and loss that the deceased's family now have to live with on a daily basis.

Background

[11] On Tuesday 21 March 2023, shortly after 02:00 hrs, the Northern Ireland Fire and Rescue Service received a number of telephone calls from concerned members of the public alerting them to a fire at a terraced house at 63 Church Street, Portadown.

Upon arrival officers could see that the house was on fire and a male was using a ladder in an attempt to rescue a young girl from a first floor window.

[12] Firefighters entered the property and rescued the young girl from a first floor bedroom. The bedroom was filled with smoke as was the rest of the property and the entrance to the room had been blocked with a double bed divan headboard. The two firefighters were able to move it, but it would have been difficult for a child to push it away from the door.

[13] The child was identified as the daughter of the deceased. She was 12 years old and lived in the house with her mother, Alesia Nazarova.

[14] Ms Nazarova was located in the living room, she was lying on the floor in an archway between the living and dining rooms. She was removed from the property and it was apparent that she had a significant wound to the left side of her neck. CPR was attempted but life was pronounced extinct at 02:42 hrs.

[15] An autopsy report was carried out by Dr Peter Ingram, Assistant State Pathologist for Northern Ireland on 22 March. Dr Ingram noted that the deceased had been alive when the fire started as evidenced by soot in the airways and carbon monoxide within the blood stream. She had sustained serious burns which were primarily located on the face, torso, upper limbs and feet. The burns were found to have covered 60% of the body surface, although not all would have been sustained during life.

[16] The most significant injury was a deep incised wound to the left side of the neck and death was due to haemorrhage from this injury. The wound had completely divided the left sternocleidomastoid muscle and about three quarters transected the left internal jugular vein. This wound would have bled profusely and would have required very urgent medical treatment to preserve life. There were also 14-15 superficial abrasions to the neck and four stab wounds to the abdomen, although only one had penetrated the abdominal cavity. There were also two superficial incisions of the abdominal skin. Dr Ingram also noted numerous petechial haemorrhages within the lining of the eyes. This could have been due to manual strangulation or the application of a "head lock." Although intense coughing as a result of inhalation could not be excluded as a possible cause, there were no defensive injuries.

[17] In conclusion, it was noted that "whilst the burns and the penetrating abdominal stab wound would have required urgent medical attention, death was as a result of haemorrhage from the incised wound on the left side of the neck."

Arrest and interview

[18] The defendant was arrested on the evening of 21 March 2023, on a river towpath adjacent to Tesco's car park, Portadown. He made no reply after caution.

[19] Police detected a strong smell of kerosene/heating oil from his clothing. He was searched and found to be in possession of a bank card belonging to the deceased. The card had been used by him to purchase items from Tesco earlier that morning.

[20] The defendant was interviewed at Musgrave Street Police Station over the course of two days. During interview he admitted killing the deceased. He also admitted stealing her bank card and setting five separate fires at 63 Church Street with the intention of burning down the property. He denied attempting to murder his niece.

[21] He told police that in the early hours of the 21st he was packing up to leave when he met his sister and an argument ensued. He stated that his sister screamed at him and that he “snapped.” She started to climb the stairs and he grabbed her and placed her in a headlock and continued to exert pressure on her throat until she stopped breathing. He then took a knife from the kitchen and “slit her throat.” He cleaned the knife and returned it to the kitchen. He placed rubbish around her prone body and set fire to it. He soaked towels in heating oil and set a fire on the ground floor. He also admitted setting a fire outside his niece’s bedroom door.

[22] His sister had taken him in when he had been evicted from the homes of his father and then his mother. He was unable to explain his actions other than to say that the deceased did not “appreciate” him and had treated him like “garbage.” He stated that he was made to do household chores and babysit for his niece.

Criminal record

[23] The defendant has four convictions in this jurisdiction. He was convicted of common assault and criminal damage on 21 August 2021 in Coleraine Magistrates’ Court on 23 August 2021. These offences relate to the defendant arriving at his mother’s home in an intoxicated state and smashing the front door window. Following this, his older brother went out to calm him, at which point the defendant became more aggressive and grabbed his brother by the shirt. The defendant was also convicted of common assault on 1 September 2021 in Ballymena Magistrates’ Court on 2 September 2021. This offence relates to the defendant becoming angry because he was in an intoxicated state and he wanted his mother to leave the room, but she refused. He grabbed her and shoved her out of the room. The defendant has a further conviction for a motoring related offence.

[24] The police have also provided a domestic call-out history which details further incidents where the defendant had been under the influence of alcohol and had allegedly offended against his mother and brother which resulted in a restraining order being imposed in relation to his mother. Not all of these incidents led to a conviction.

Personal circumstances

[25] I have read the pre-sentence report prepared by the Probation Board. I note that the defendant is a 26-year-old single man who originates from Lithuania. He moved with his father to Northern Ireland when he was still of primary school age. He recalls a lack of consistent emotional warmth from his parents who ultimately separated. He came to Northern Ireland he initially worked with his father in the construction arena. Later he moved to Dublin where he worked for a furniture company. As a result of back pain, due to scoliosis, he has not worked since.

[26] The defendant commenced consuming alcohol aged 14 and by the age of 20 he stated he was addicted. He also started to smoke cannabis from age 15 and later experimented with cocaine. The defendant however has never engaged with any addiction services.

[27] In respect of the index offending he said it was an accident, minimised his behaviour and sought to externalise his culpability by stating he was not in control. Although he referred to having mental health struggles, he has never sought mental health support.

[28] At police interview he advised his sister treated him like “garbage” and that she did not appreciate him. In retrospect he now accepts that the victim was supporting him.

[29] He is assessed as at a high likelihood of general reoffending and was assessed as presenting a serious risk of serious harm.

Sentencing principles

Dangerousness

[30] Counts 4 and 5, namely arson endangering life are serious specified offences under the Criminal Justice (Northern Ireland) Order 2008. In such cases the court is required to determine whether the defendant is dangerous within the meaning of the legislation.

[31] In this case, the defendant has pleaded guilty to murder, and as required by law I have already imposed a life sentence. I consider the life sentence already imposed provides greater public protection than any other sentence available under the 2008 Order, namely an extended sentence or an indeterminate custodial sentence. It is for this reason, I consider murder is not one of the specified offences under the 2008 Order.

[32] The practical difference between a life sentence and an indeterminate custodial sentence is that the person sentenced to life imprisonment remains subject to being recalled to prison at any time during his natural life if he has been released

by the Parole Commissioners after serving the minimum term of imprisonment proscribed by this court. A person sentenced to an indeterminate custodial sentence is also released on licence when it is considered appropriate to do so by Parole Commissioners. Unlike a life sentence prisoner, however, he has the right to apply to the court to have his licence condition revoked 10 years after release, having served the minimum term of imprisonment imposed by the court.

[33] Accordingly, I do not consider I need to determine whether the defendant is dangerous under the 2008 Order in relation to counts 4 and 5 given that the defendant has pleaded guilty to murder and is already subject to a life sentence.

[34] Unsurprisingly, the Probation Board has assessed the defendant as dangerous. Counsel did not disagree. Similarly, the court does not disagree with that assessment, but in the circumstances of this case, it is unnecessary for the court to make such an assessment as the life sentence already imposed supersedes any sentence that could be imposed following a finding of dangerousness.

Murder Tariff

[35] I intend to treat murder as the headline offence and now turn to the principles for setting the appropriate tariff.

[36] Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 (“the 2001 Order”) provides that the minimum term:

“(2) ... shall be such part as the court considers appropriate to satisfy the requirements of retribution and deterrence having regard to the seriousness of the offence, or of the combination of the offence and one or more offences associated with it.”

[37] The relevant legal principles the court should apply in fixing a minimum term were set out in *R v McCandless* [2004] NICA 1 and were recently updated by the Court of Appeal in *R v Whitla* [2024] NICA 65.

[38] In *McCandless*, the Court of Appeal held that the Practice Statement issued by Lord Woolf CJ and recorded at [2003] 3 All ER 412 should be applied by sentencers in this jurisdiction who are required to fix tariffs under the 2001 Order. The relevant parts of the Practice Statement are as follows:

“The normal starting point of 12 years

10. Cases falling within this starting point will normally involve the killing of an adult victim, arising from a quarrel or loss of temper between two people known to each other. It will not have the characteristics

referred to in para 12. Exceptionally, the starting point may be reduced because of the sort of circumstances described in the next paragraph.

11. The normal starting point can be reduced because the murder is one where the offender's culpability is significantly reduced, for example, because: (a) the case came close to the borderline between murder and manslaughter; or (b) the offender suffered from mental disorder, or from a mental disability which lowered the degree of his criminal responsibility for the killing, although not affording a defence of diminished responsibility; or (c) the offender was provoked (in a non-technical sense), such as by prolonged and eventually unsupportable stress; or (d) the case involved an overreaction in self-defence; or (e) the offence was a mercy killing. These factors could justify a reduction to eight/nine years (equivalent to 16/18 years).

The higher starting point of 15/16 years

12. The higher starting point will apply to cases where the offender's culpability was exceptionally high or the victim was in a particularly vulnerable position. Such cases will be characterised by a feature which makes the crime especially serious, such as: (a) the killing was 'professional' or a contract killing; (b) the killing was politically motivated; (c) the killing was done for gain (in the course of a burglary, robbery etc); (d) the killing was intended to defeat the ends of justice (as in the killing of a witness or potential witness); (e) the victim was providing a public service; (f) the victim was a child or was otherwise vulnerable; (g) the killing was racially aggravated; (h) the victim was deliberately targeted because of his or her religion or sexual orientation; (i) there was evidence of sadism, gratuitous violence or sexual maltreatment, humiliation or degradation of the victim before the killing; (j) extensive and/or multiple injuries were inflicted on the victim before death; (k) the offender committed multiple murders.

Variation of the starting point

13. Whichever starting point is selected in a particular case, it may be appropriate for the trial judge to vary the starting point upwards or downwards, to take account of

aggravating or mitigating factors, which relate to either the offence or the offender, in the particular case.

14. Aggravating factors relating to the offence can include: (a) the fact that the killing was planned; (b) the use of a firearm; (c) arming with a weapon in advance; (d) concealment of the body, destruction of the crime scene and/or dismemberment of the body; (e) particularly in domestic violence cases, the fact that the murder was the culmination of cruel and violent behaviour by the offender over a period of time.

15. Aggravating factors relating to the offender will include the offender's previous record and failures to respond to previous sentences, to the extent that this is relevant to culpability rather than to risk.

16. Mitigating factors relating to the offence will include: (a) an intention to cause grievous bodily harm, rather than to kill; (b) spontaneity and lack of pre-meditation.

17. Mitigating factors relating to the offender may include: (a) the offender's age; (b) clear evidence of remorse or contrition; (c) a timely plea of guilty.

Very serious cases

18. A substantial upward adjustment may be appropriate in the most serious cases, for example, those involving a substantial number of murders, or if there are several factors identified as attracting the higher starting point present. In suitable cases, the result might even be a minimum term of 30 years (equivalent to 60 years) which would offer little or no hope of the offender's eventual release. In cases of exceptional gravity, the judge, rather than setting a whole life minimum term, can state that there is no minimum period which could properly be set in that particular case."

[39] In *R v Whitla*, the Court of Appeal held that the time had come to refresh the *McCandless* categories. The court held that the normal starting point is 15/16 years based on high culpability. In cases of exceptionally high culpability the starting point is 20 years.

[40] The Court of Appeal noted that the descriptors adopted in *McCandless* cover most circumstances that arise for this higher bracket based upon exceptionally high culpability but repeated that sentencers have flexibility to vary the starting point upwards or downwards to take account of the particular circumstances of the case and stressed that judges should be free to consider factors not specifically mentioned in *McCandless* including for example, a track record of domestic violence (see *R v Hutchison*) and desecration of a dead body (*R v Nauburaitis*). The court noted it was “important to avoid an overly mechanistic approach to the issue, while guarding against the danger of double counting.”

The starting point

[41] The Crown submitted, and the defendant accepted, that this was a case of exceptionally high culpability (20 years) on the basis the deceased sustained multiple injuries. These were caused by multiple stabbings before her death, as appears from the pathology report.

[42] I consider this higher starting point is correct based upon multiple injuries caused by multiple stabbings.

[43] I consider this starting point should be varied upwards to reflect the following aggravating features:

- (a) In addition to the murder charge the defendant was convicted of a number of other counts including the offence of arson with intent to endanger the life of the deceased’s daughter. I consider the additional offences and in particular the offence of arson with intent to endanger the life of a child is a very serious aggravating feature. The defendant blocked his niece, who was aged 12 at the time, in her bedroom and then set fire outside the door. She would have been unable to effect an escape and she only survived because of the brave actions of neighbours and the Northern Ireland Fire and Rescue Service. In all the circumstances I find the other offending in this case amounts to a very serious aggravating factor.
- (b) Secondly, the defendant set fire to the deceased whilst she was still alive and tried to burn her body after she died. I consider this desecration of the body is a very serious aggravating factor.
- (c) Thirdly, the defendant tried to burn the house down and, therefore, attempted to destroy the crime scene.
- (d) Fourthly, the Crown submitted that use of a weapon and multiple stabbings were additional aggravating factors but accepted they were not the most significant aggravating factors in this case. I consider that it may amount to double counting to treat the use of a weapon and multiple stabbings as aggravating factors as I have placed this case in the exceptionally high

category based on the multiple injuries, which were caused by multiple stabbing caused by use of a knife.

- (e) Fifthly, in *Whitla*, the Court of Appeal observed that a track record of domestic violence is an aggravating factor. Domestic violence involves not just intimate partners but wider family relations. It causes havoc in families and is a scourge in our society. Northern Ireland has one of the highest rates of femicide in Western Europe and there is a need for deterrence to show society's abhorrence of such conduct and as a tool to end this blight in our society. In this case, the defendant has a criminal record for domestic violence against his mother and brother and was on bail for pending offences. The defendant before he killed his sister admits that he manually strangled her. Additionally, the defendant has been convicted of arson with intent to endanger the life of his niece who was a child and his niece witnessed the aftermath of his murder of her mother. All the offending took place in the home of the deceased where she and her daughter ought to have felt safe. The offending, therefore, involved a very serious breach of trust in relation to family members. The motivation for the killing, according to the defendant was because his sister asked him to do household chores and some babysitting and he concluded she was treating him like "garbage." I consider these comments indicate a misogynistic attitude towards women. Far from treating him badly, the deceased was supporting him and offered him a home whilst on bail. I consider all these circumstances constitute serious aggravation by reason of domestic abuse.

[44] The defendant is charged with murder as aggravated by reason of involving domestic abuse, contrary to section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. In *R v Haughey* [2025] NICA 10 the court set out the method by which the statutory aggravator should be applied. It stated that the statutory domestic aggravator should be applied separately from all other aggravating factors. The court should firstly identify the lead offence and calculate the starting point having regard to all applicable aggravating and mitigating features except the statutory aggravator. The court should then apply the reduction for the plea and, finally, the statutory domestic abuse aggravator should be calculated and applied to the reduced sentence. Accordingly, the statutory aggravator should be the last step in the sentencing process. For this reason, I do not treat what I said about domestic violence in para [43(e)] above as an aggravating factor at this stage of the sentencing process.

[45] Having regard to the multiple serious aggravating factors which I have set out above, excluding domestic violence, I consider the appropriate starting point is one of 26 years.

Mitigation

[46] The only mitigating factor in this case is the defendant's guilty plea. He admitted the killing at interview but pleaded not guilty at the first arraignment. He gave instructions to his legal advisors that he was under coercive control. Accordingly, there was delay as they quite properly engaged experts to explore this issue. In the event the defendant did not pursue this argument and later pleaded guilty. I consider no criticism can be made of his legal advisors for the delay in obtaining the relevant professional expert evidence in respect of coercive control. I nonetheless consider that the defendant was responsible for the delay in pleading guilty because the delay was based on something he knew did not have a basis in fact.

[47] I, therefore, consider this is a case where, notwithstanding his admissions at police interview, he did not enter a plea at first arraignment. I also note that he has not expressed any genuine or real remorse.

[48] In *R v Turner* [2017] NICA 52, the Northern Ireland Court of Appeal at para [40] set out that very few cases of murder are capable of attracting a discount close to one third for a guilty plea. The court stated that an offender who enters a not guilty plea at the first arraignment is unlikely to receive a discount for a plea on re-arraignment greater than one-sixth and that a discount for a plea in excess of five years would be wholly exceptional even in the case of a substantial tariff.

[49] I consider having regard to the late plea and the lack of remorse that the appropriate reduction is one of four years. Accordingly, I reduce the sentence to one of 22 years.

Domestic aggravator

[50] Having regard to the domestic context, I consider that there should be an additional period of two years. Accordingly, I consider the appropriate tariff in this case is one of 24 years. This means that this is the minimum period which the defendant must serve in prison before he is considered for release. After that time, it will fall to the Parole Commissioners to decide whether he should be released on licence subject to specific conditions.

[51] Counsel submitted that *Haughey* was due to be reconsidered by the Court of Appeal in the near future and counsel submitted that the court should treat domestic violence as an aggravating factor which increased the starting point and then discount for the plea. I consider that even if I had applied this approach the result would be the same. I would have added two years to the starting point making it one of 28 years and then reduced it by four years for the plea giving the same tariff of 24 years.

Deportation

[52] The prosecution asked the court to recommend that the defendant be deported in accordance with the provisions of section 3(6) and section 6(1) of the Immigration Act 1971. In *R v Kluxen* [2010] EWCA Crim 1084, the court ruled, whether offenders were EU or non-EU nationals, it was not necessary or appropriate for the courts to make recommendations for the deportation of those who qualified as “foreign criminals” under the UK Borders Act 2007, section 33.

[53] Section 32 of the UK Borders Act 2007, provides for automatic deportation by order of the Secretary of State of any person who is not a British citizen who has been convicted of a specified criminal offence anywhere in the UK and as a result of that conviction, has been sentenced to imprisonment for at least 12 months.

[54] In this case, the defendant is not a British citizen and he has been sentenced to more than 12 months. The arson offences are specified criminal offences as set out in the Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order (SI 2004/1910).

[55] In accordance with the ruling in *Kluxen*, I therefore, do not make a recommendation for deportation as such a recommendation is not necessary or appropriate in the circumstances of this case.

Conclusion – Defendant asked to rise

[56] You are one of the most brutal, remorseless and cold-blooded murderers that I have had to deal with. This is exemplified by the hard-hearted way you told the police at interview that you took a knife from the kitchen, slit your sister’s throat, then cleaned the knife and returned it to the kitchen. You have demonstrated gratuitous violence and a callous disregard for life.

[57] I sentence you to 24 years in prison. You will serve this time before you will be considered for release. After that time, it will fall to the Parole Commissioners to decide whether you should be released on licence subject to specific conditions.

[58] I also sentence you to six months in respect of count 2, four years in respect of count 4 and eight years in respect of count 5. All these sentences are to run concurrently.