

Judicial Communications Office

26 January 2026

COURT SENTENCES KORNELIJUS BRACAS FOR MURDER

Summary of Judgment

Madam Justice McBride, sitting today in the Crown Court, sentenced Kornelijus Bracas to serve a minimum of 24 years in prison before he can be considered for release following his plea of guilty to the murder of his sister Alesia Naxarova. He pleaded not guilty to the attempted murder of the deceased's daughter, his niece, but this charge was substituted with one of arson with intent to endanger her life which he pleaded guilty to. The charge of attempted murder was not proceeded with by the Crown. The defendant also pleaded guilty to the theft of a bank card from the deceased and arson.

Background

Alesia Nazarova ("the deceased") was born in Lithuania. She moved with her family to live in Northern Ireland in 2006. At the time of her death, she was 37 years of age, she was single and lived with her 12-year-old daughter. On Tuesday 21 March 2023, shortly after 02:00 hrs, the Northern Ireland Fire and Rescue Service received a number of telephone calls from members of the public alerting them to a fire at a house on Church Street, Portadown. Upon arrival officers could see that the house was on fire and a male was using a ladder in an attempt rescue a girl from an upstairs window. Firefighters entered the property and rescued the young girl from a first-floor bedroom. The bedroom was filled with smoke and the entrance to the room had been blocked with a double bed divan headboard. The deceased was located lying on the floor in the living room. 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.

An autopsy report noted that the deceased had been alive when the fire started. She had sustained serious burns covering 60% of her body, although not all would have been sustained during life. 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. There were also 14-15 superficial abrasions to the neck and four stab wounds to the abdomen. The pathologist noted numerous petechial haemorrhages within the lining of the eyes which could have been due to manual strangulation or the application of a "head lock."

The defendant was arrested on the evening of 21 March 2023, on a river towpath. 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 which had been used by him to purchase items from Tesco earlier that morning. During police interviews, the defendant admitted killing the deceased. He also admitted stealing her bank card and setting five separate fires at her house with the intention to burning down the property. He denied attempting to murder his niece. The defendant told police that he was packing up to leave his sister's house when an argument ensued. He said his sister screamed at him and he "snapped." She started to climb the stairs, and he grabbed her and placed her in headlock and continued to exert pressure on her throat until she stopped breathing. The defendant 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

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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. 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.

The defendant has four convictions in this jurisdiction. He was convicted of common assault and criminal damage 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, he grabbed his brother by the shirt. The defendant was also convicted of common assault 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. The police 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 led to a conviction.

Sentencing principles

Article 5(2) of the Life Sentences (Northern Ireland) Order 2001 ("the 2001 Order") provides that the minimum term imposed following conviction for murder "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." The relevant legal principles the court should apply in fixing a minimum term were set out in *R v McCandless* [2004] NICA 1, recently updated in *R v Whitla* [2024] NICA 65.

In *R v Whitla*, the Court of Appeal held that what had previously been termed the higher starting point of 15/16 years which involves high culpability should now be termed the normal starting point. The court further stressed that where exceptionally high culpability arises a higher starting point of 20 years or more can be applied. Multiple stabbing cases can come within this bracket. The Court of Appeal stressed that judges should be free to consider factors not specifically mentioned in *McCandless* as aggravation in a particular case and reminded judges of the flexibility to vary the starting point upwards or downwards to take into account the particular circumstances of each case. It further noted that the court could take into account factors not mentioned in *McCandless* as aggravation including a track record of domestic violence and desecration of a dead body. The court also said it was important to avoid an over mechanistic approach to the issue, while guarding against the danger of double counting.

The starting point

The Crown submitted, and the defendant accepted, that this was a case of exceptionally high culpability (that is a starting point of 20 years) on the basis that the deceased sustained multiple injuries before her death. The court considered that this starting point should be varied upwards to reflect the following aggravating features:

- The court treated murder as the headline offence and the other counts, particularly the offence of arson with intent to endanger the life of the deceased's daughter as very serious

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aggravating features. The defendant blocked the child in her bedroom and then set fire outside the door. She would have been unable to escape and she only survived because of the actions of neighbours and the Fire and Rescue Service. The court therefore considered that the other offending in this case amounted to a very serious aggravating factor.

- The defendant set fire to the deceased whilst she was still alive and desecration of the body, again, is a very serious aggravating factor.
- The defendant tried to burn the house down and, therefore, attempted to destroy the crime scene.
- The Crown said that use of a weapon was an additional aggravating factor. The court, however, considered that this may amount to double counting as it had placed this case in the exceptionally high category based on the multiple injuries caused by stabbing which were caused by the use of a weapon.
- In *Whitla*, the Court of Appeal said that a track record of domestic violence is an aggravating factor. In this case, the defendant killed his sister and was guilty of the offence of arson with intent to endanger the life of his niece who was a child at the time. The court said the offending, therefore, involved a very serious breach of trust in relation to family members. This was in a context where the defendant was on bail for domestic offending against his mother and brother, the mother and brother also of the deceased. In addition, he has a criminal record for domestic violence. The court added that the offending took place in the home of the deceased and her daughter where both of them ought to have felt safe. The motivation of the defendant for the killing was that his sister, he said, treated him like garbage because she asked him to do household chores and some babysitting. The court considered these comments indicate a certain attitude to the role of women within the home:

“This is a case where far from treating him badly, his sister was supporting him and offering him a home whilst on bail for domestic violence against other family members. In addition, domestic violence also featured in this offending because he accepted that he manually strangled the deceased. Further, domestic violence not only takes account of what was done to the deceased but in this case, the child witnessed some of this conduct and certainly was a witness to the aftermath. And, again, I consider that is something that can form part of the aggravating factor in respect of domestic violence.”

In *R v Haughey* [2025] NICA 10, the Court of Appeal set out guidelines on how to apply the domestic aggravator provided for by section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. The Court of Appeal recommended a sequential approach, treating the statutory domestic aggravator separately from all other aggravating factors. It stated that a sentencing court should 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, the court did not treat what it said about domestic violence as an aggravator at this stage of the sentencing process.

Having regard to all the serious multiple aggravating factors in this case, excluding domestic violence, the court considered the appropriate starting point was one of 26 years.

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Mitigation

The only mitigating factor in this case was the defendant's guilty plea. He admitted the killing at interview, but he pleaded not guilty at the first arraignment. This was because he had given instructions that he was under the coercive control of his sister and, accordingly, his counsel and legal team had to explore this matter. This led to delay, but in the event, he did not pursue this argument and then changed his plea. The court therefore considered that the defendant was responsible for the delay in pleading guilty based on something that he knew did not have a basis in fact. The court also noted that the defendant had not expressed any any genuine or real remorse.

In *R v Turner* [2017] NICA 52, the Court of Appeal set out that very few cases of murder are capable of attracting a discount close to one third for a guilty plea. It went on to state 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. The court considered, having regard to the date on which the defendant entered his plea and the lack of remorse, that an appropriate reduction was one of four years. Accordingly, that reduced the sentence to one of 22 years.

Domestic aggravator

Having regard to the domestic context, the court considered that there should be an additional period of two years. Accordingly, it considered the appropriate tariff in this case was one of 24 years. 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.

Dangerousness

While the counts of arson endangering life are serious specified offences under the Criminal Justice (Northern Ireland) Order 2008, and the court is required to determine whether the defendant is dangerous within the meaning of the legislation, it said that in this case the defendant has pleaded guilty to murder, which was treated as the headline offence. The court considered the sentence imposed supersedes the issue of dangerousness. That is because the imposition of the mandatory life sentence, which entails someone being on licence for life, provides the necessary protection to the public and provides more protection than the alternative sentences which are available. A 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 the court whereas, a person sentenced to an indeterminate custodial sentence has the right to apply to the court to have his licence conditions revoked 10 years after release, having served the minimum term of imprisonment imposed by the court.

Deportation

In *Kluxen v R* [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, as the Act provides for automatic deportation by order of the Secretary of State of any person who is not

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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. 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 and therefore the automatic deportation provisions apply.

Conclusion

The court concluded by saying:

“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. 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 he should be released on licence subject to specific conditions. 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.”

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 shortly on the Judiciary NI website (<https://www.judiciaryni.uk/>).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Lady Chief Justice’s Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

E-mail: LCJOffice@judiciaryni.uk