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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No:	24/20408/A01
	Delivered:	25/09/2026

IN HIS MAJESTY’S COURT OF APPEAL IN NORTHERN IRELAND

THE KING

v

KORNELIJUS BRACAS

**Mr Connor KC with Ms Auret (instructed by the Public Prosecution Service) for the
Crown
Mr Mallon KC with Mr Cairns (instructed by G R Ingram & Co Solicitors Ltd Solicitors)
for the Appellant**

Before: Keegan LCJ, Colton LJ and McAlinden J

KEEGAN LCJ (*delivering the ex-tempore judgment of the court*)

Introduction

[1] This is an appeal with leave of the Single Judge against a murder tariff of 24 years imposed as part of a life sentence on the appellant. The sentence was imposed on 26 January 2026 by Madam Justice McBride (“the judge”). The victim in this case was the appellant’s sister.

[2] The appellant was also charged with theft of a bank card; arson being reckless as to endanger life and arson with intent to endanger the life of the daughter of the deceased. All of the sentences for those offences were made concurrent to the murder tariff and are not the subject of this appeal, but they are part of the background context of this case.

[3] Mr Mallon KC, on behalf of the appellant, has refined the appeal into three core points.

[4] The first ground is in relation to the starting point before credit or reduction for a plea of guilty. This ground was initially calibrated as - the judge made an error in the uplift of the 20 years starting point to 26 years. This has now been refined to a

claim that judge failed to take into account other mitigation, that the offending was spontaneous and not premeditated.

[5] The second ground remains that the judge applied an insufficient reduction for the guilty plea.

[6] The third ground is again refined and is now that the judge's choice of two years as part of the tariff for the domestic aggravation was manifestly excessive.

Factual background

[7] Dealing with these grounds of appeal it is important to reflect on the factual background of this case that is set out in the sentencing remarks. We will not repeat all of it in detail. However, it is important to refer to the salient features of this case.

[8] On 31 March 2023, at 2am the fire service attended at a fire at the deceased's home in Portadown. They found the deceased lying on the floor downstairs. Her 12-year-old daughter was rescued from a first-floor bedroom even though the appellant had blocked the door with a double-bed divan headboard. The autopsy report recorded that the deceased had been stabbed four times in the abdomen and had a deep incised wound to the left side of her neck which ultimately caused her death. There were 14-15 superficial abrasions to the neck and haemorrhages in the eyes which were indicative of manual strangulation and the application of a headlock.

[9] The evidence was to the effect that the deceased was alive when the fire started and thereafter sustained 60% burns to her body. During police interview, the appellant admitting killing his sister. He said that he put her in a headlock until she stopped breathing, took a knife from the kitchen and slit her throat before cleaning the knife and returning it to the kitchen. The victim was alive at this point; however, the appellant placed rubbish around her and placed a towel on top of her and set it on fire. The appellant also admitted soaking towels in heating oil and setting a fire downstairs and upstairs in the house outside his niece's bedroom. As will become apparent, whilst clearly admitting the killing, the appellant admitted that this was as a result of his loss of control due to the deceased's coercive control of him.

The sentencing exercise

[10] The pre-sentence report sets out the characteristics of the appellant. It refers to his age at 27 and his family relationships. It states that the appellant had been addicted to alcohol from the age of 20 and smoked cannabis from the age of 15. The probation officer noted that the appellant referred to his offending as an accident and "presented with a level of detachment or lack of emotion minimising his behaviour." He claimed to probation that he was a victim given the negative feelings that he was experiencing in his struggle in coping. Reference is made in this pre-sentence report to the fact that the offending seems to have stemmed from the

deceased's refusal to give the appellant money for alcohol. His claims that she treated him badly and did not appreciate him are also mapped in the probation report.

[11] The assessment of probation was that the appellant was presenting as a high likelihood of reoffending and as posing a significant risk of serious harm to the public. The probation officer noted that the appellant intended to kill his sister rather than to cause really serious harm and his propensity to use violence towards and instil fear of violence in family members who challenged him was also noted. The officer recorded his externalisation of culpability and lack of insight into the immeasurable harm caused, with reference to blocking the exit of his 12-year-old niece's bedroom which could have resulted in her death but mercifully she was rescued not due to anything that the appellant did.

[12] The probation report went on to say whilst the appellant has no established history of causing serious harm, the capacity for significant violence against a background of excessive alcohol use demonstrated in the index offending was to be noted and, finally, the harm that the appellant caused within a domestic context and, in particular, the murder of his sister and the significant psychological trauma inflicted on her daughter should also be taken into account.

[13] The appellant's previous convictions are also recorded as four convictions comprising common assault and criminal damage. There is some recitation of the facts of these convictions, in particular, the offending directed towards his mother and brother and the fact that the mother had a restraining order.

Discussion

[14] We have had the benefit of comprehensive sentencing remarks from the judge. From these we can see that the judge treated murder as the headline offence and set the appropriate tariff having imposed a life sentence. There is no issue with the law that she applied which has recently been re-articulated in the case of *R v Whitla* in this court, reported at [2024] NICA 65. That case recalibrated the categories of murder tariffs following a previous decision 20 years before in this jurisdiction of *R v McCandless* [2004] NICA 1.

[15] In any event, the common case made before the judge was that this was a case of exceptionally high culpability and so the higher starting point applied. That was based on the multiple injuries, so that higher starting point was 20 years. The judge then considered how that starting point should be varied upwards to reflect the aggravating factors. Mr Mallon has not raised any issue with this methodology. That is unsurprising as there were considerable aggravating factors in this case; the additional offences including two counts of arson, the fact that the victim was still alive when the appellant lit the fires and then tried to burn her body after she died. The judge rightly considered this desecration of the body to be a very serious

aggravating factor. Also of note were the appellant's attempts to destroy the crime scene by burning the house down and then domestic violence

[16] Mr Mallon has not mounted any challenge to the judge's assessment that the 20 years needed to be elevated to take into account the nature of this offending. The judge went to 26 years in relation to that. To our mind, there is absolutely no error in that analysis. The only substantive point that Mr Mallon advances relates to whether there was further mitigation. He maintains that was because the offending may not have been premeditated and was spontaneous in nature.

[17] He argues if there was additional mitigation, the judge should have taken it into account. She does not refer to this and, again, that is unsurprising on two fronts. Firstly, as Mr Mallon accepted before us, this was not argued in any concrete or clear way to the judge. Secondly, it does not appear as a ground of appeal and so the extent of this argument is weakened.

[18] However, even if there were a valid point it is without merit. The nature of this offending does not, in our view, allow on any realistic read a court to think there was any further mitigation because of the nature of the offending. There is a pattern to the index offending which militates against any reduction for alleged spontaneity or lack of premeditation. There was clearly meditation throughout the different steps that were taken by this appellant- firstly, strangling, secondly, slitting the throat of this unfortunate deceased and, thirdly, the burning. Hence the first ground of appeal is manifestly weak and must fail.

[19] The second ground of appeal is in relation to the reduction that was applied by the judge for the guilty plea. We have been referred to the judge's ruling in relation to this where she describes the plea as a late plea. That is accurate because it was not provided at arraignment. The judge also relies upon the judgment in *R v Turner* [2017] NICA 52, which is the guideline judgment in this jurisdiction when dealing with murder pleas which states that the reduction for a plea will be less because of the seriousness of the offending.

[20] In *Turner* the court provided some further guidance as follows. It 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, and if a judge is taking that line there have to be reasons for it.

[21] There is no error of law discernible in terms of how the judge approached the question of reduction for a guilty plea. The issue is, has the judge's evaluation of the reduction to be applied strayed outside a band that is reasonable because reduction for a plea is a discretionary matter. We understand Mr Mallon's argument on this ground of appeal because he relies upon the fact that the appellant admitted to the killing of his sister at interview and that is correct. He also stresses that at arraignment it was clearly articulated that this case would not require a trial. Against

that, the argument is rightly advanced that the delay in having the appellant rearraigned, whilst not actually of his making due to an expert witness issue, was caused by him advancing coercive control.

[22] Mr Mallon's argument is nuanced given that whilst the plea was late there was a context to this. Having considered the point, we do not think it alters the outcome. Viewed in the round there can be no complaint with how the judge dealt with this case. We reject Mr Mallon's argument that a reduction of 25% would be acceptable in the circumstances. Notwithstanding the admissions made at interview a holistic approach needs to be taken. Ultimately, in an area of discretionary judgment, we must decide whether the judge in allowing a reduction in and around one sixth or four years, reached a decision which was wrong in principle that we should interfere with. We are not so satisfied. The judge's evaluation is within the range of reasonable discretionary judgment. Perhaps some of the arguments in relation to how the plea came about could have been articulated differently but that is not a reason to interfere with the judge's decision as to the appropriate reduction. Hence, we dismiss the second ground of appeal albeit we do reflect that Mr Mallon has made a comprehensive argument on that ground.

[23] The third ground of appeal is in relation to the domestic violence aspect of this case. Again, there is no argument made that the Domestic Violence and Civil Proceedings Act 2021 legal requirements were met. This was a domestic murder which is the most extreme form of domestic abuse. The judge was obliged by virtue of that to satisfy herself what increase there should be for the domestic aspect. There were other background factors in relation to domestic history and a comment about misogyny. However, none of the arguments about these matters hold traction. This appeal point boils down to whether the judge's evaluation was outside of the range. We do not find that it was manifestly excessive to put two more years on the tariff due to the domestic nature of the offending.

[24] We do not need to provide further guidance on domestic aggravation. That is because this court has already clarified the methodology that is appropriate in the case of *R v Maguire* [2026] NICA 12 which considered *R v Haughey* [2025] NICA 10 and clarified the approach.

[25] In this case the judge had an eye to *Haughey* perhaps not being correct and so she found in the alternative. Hence, there is no error in her decision. Furthermore, we do not believe the two years added as domestic aggravation is manifestly excessive as part of an evaluative exercise. As we have said, this judge was entirely entitled to apply a domestic aggravator given the nature of this offending. Accordingly, we reject the third ground of appeal.

Conclusion

[26] The tariff 24 of years was appropriate for this remorseless and cold-blooded murder which as the judge said showed a callous disregard for a precious life. This

is a fact sensitive outcome. We too have read the victim impact statements which described Ms Nazarova, the deceased, as a cheerful person and a brilliant mother. The appellant's offending has left behind a trail of destruction and caused immeasurable damage to this entire family. The sentence imposed cannot be described as manifestly excessive. We dismiss the appeal.