



JUDICIARY OF  
ENGLAND AND WALES

**R**

**-v-**

**CAN ARSLAN**

Sentencing remarks of the Honourable Mrs Justice Cutts DBE

At the Crown Court in Bristol

On the 9<sup>th</sup> day of June 2022

1. Can Arslan, I am to sentence you for the murder of Matthew Boorman. For this grave offence there is only one sentence prescribed by law and that is imprisonment for life. That is the sentence I shall impose upon you in due course. However, I am required to determine the minimum period you should serve in prison before you are eligible to be considered for release on parole.
2. I am also to sentence you for the attempted murder of Peter Marsden, wounding Sarah Boorman with intent and affray. I approach your sentence by increasing the minimum term to reflect those offences and the overall seriousness of your conduct.
3. It is most important that you and everyone concerned with this case should understand what in fact the minimum term means. The minimum term is not a fixed term after which you will be automatically released but the minimum time that you will spend in custody before your case can be considered by the Parole Board and it will be for the Parole Board to say at that time whether or not you will be released. If they say you should not, you will remain in custody. If and when you are released you will still be subject to licence and this will be the case for the rest of your life. If for any reason your licence were to be revoked you would be recalled to prison to serve your life sentence in custody. I direct that if the surcharge applies in this case it should be drawn up in the appropriate amount.

4. In the late afternoon of 5<sup>th</sup> October 2021 families in Snowdonia Road in Tewkesbury were going about their ordinary lives. Children were playing in the street, dinner was being cooked and all was at peace. That peace and those lives were shattered when your anger, resentment and rage exploded into a spree of planned violence which left a man dead, his wife wounded as she tried to save him and another man seriously injured.
5. By October last year you had been fortunate to have lived in Walton Cardiff in Tewkesbury for at least 12 years. I say fortunate as it was clear from the CCTV footage shown in the trial that this should have been a comfortable and welcoming place in which to live. Your neighbours were trying to bring their children up in peace, working hard and wanting to enjoy the family life to which they were entitled.
6. Yet for many years before the horrendous events of the 5<sup>th</sup> October, you made the lives of your closest neighbours an absolute misery. You took against those who spoke to you of minor matters such as where you were parking your car. You mounted a campaign of harassment and abuse of the most extreme nature, for over 12 years in the case of Peter Marsden. You threatened to rape and to kill. You would make loud noises and pretend to speak on the telephone about them. You shone torches into their homes. You spoke of a massacre. You caused very real fear to those you treated in this way. Your neighbours, including the victims in this case, went to considerable expense to install CCTV and other security measures. They felt unable to use their gardens and felt highly anxious in and around their homes, the very places in which they should and were entitled to feel safe.
7. As law-abiding people they made every application they could to prevent you from behaving in this way. By the 5<sup>th</sup> October various proceedings were underway against you:
  - You had been served with a Community Protection Notice on 24<sup>th</sup> April 2021;
  - The Council had issued you with an injunction on 22<sup>nd</sup> June 2021 forbidding you from causing a nuisance or using or threatening violence. Because you had been away this was not served on you until 23<sup>rd</sup> September, just 12 days before these offences. Mr and Mrs Boorman, Mr Alonso and Mr Marsden had given statements in support of this injunction. In a prescient phrase Mrs Boorman stated that someone would be badly hurt by you very soon. Mr Boorman's health had been affected by your actions with him suffering a breakdown at the end of 2020.
  - On 28<sup>th</sup> September 2021, a week before the events of 5<sup>th</sup> October you had been charged with the harassment of Mr and Mrs Boorman and Mr Alonso. You were on bail for these offences when you murdered Mr Boorman and seriously assaulted others.

- You had been told by your landlord that you were to be evicted from your home, something you brought entirely upon yourself but about which you brooded and resented.
8. On the evening of 4<sup>th</sup> October 2021 the police had occasion to call you about counter allegations you had made about Matthew Boorman. You told the officer you would “murder him”. He took you to mean Mr Boorman. It is plain from what happened next that this was your settled intention.
  9. The 5<sup>th</sup> October was a bright and sunny day. In the late afternoon Mr Boorman was returning to his family, and on a work conference call on his journey home. He pulled up in front of his house as he always did not knowing that you were lying in wait for him. He did not make the short distance from his car to his house. You took the knife you had ready and attacked him with it. You took him by surprise. He had no chance to defend himself. You stabbed him multiple times to the neck, back and right side of his body. You did not desist even when he fell forward, instead sitting on his prone body and continuing to stab him. Neighbours came rushing out as they heard the screams. One described you not acting in a frenzy but in a calm and controlled way, positioning the knife on each occasion before driving it into him. Mr Boorman did not stand a chance. He sustained in total 27 stab wounds to his face, neck, and back. As others shouted at you to stop, you sat on Mr Boorman’s prone body and lit a cigarette.
  10. Mrs Boorman and their three young children were at home that afternoon, waiting for Matthew to come home. All heard the dreadful screaming from outside. Mrs Boorman came out, trying to drag you from her husband. In the process you stabbed her to the thigh, intending her as you accepted by your guilty plea, really serious bodily injury. You were heard to tell her to go, all your attention being on her husband. She had to make the terrible decision to return to the house for fear that her children would lose both their parents. Those children aged 12, 8 and 3 all heard their parents screaming. The 12 year old saw what you were doing. The impact on them of that moment, in addition to the loss of their father, has been deeply traumatic. It is beyond anything such young children should ever have to witness.
  11. Finally you got up from Matthew Boorman. But you did not leave things there. Next on your list was another neighbour who had supported the injunction against you and who had long suffered harassment and abuse at your hands – Peter Marsden. You made your way to his house, forced the gate to his garden open and entered his kitchen where he was cooking dinner with his wife. Mr Marsden did not know you had a knife and he forced you out of his house. As he did so an off duty police officer of extraordinary bravery, Stephen Wilkinson, came into the garden and swung a plank of wood to disarm you. In my view he saved Mr Marsden’s life. This allowed Mr Marsden to get back into his house. He had sustained 6 abdominal wounds and two wounds to his shoulder. He suffered extensive bleeding and had to take four months off work but fortunately has made a good recovery. You accept in your guilty plea

that you intended to kill him.

12. You left the Marsden's house and seemed to be moving towards the Alonso household. Again brave neighbours, some only armed with golf clubs, managed to hold you at bay until the police arrived. You threatened others with your knife in the street over a period of 18 minutes, threatening to kill them and causing them great fear and have pleaded to an affray in relation to that conduct. You told them in an interview that you had intended to kill all the people in the injunction, repeating later that you had said that you would kill him.
13. You have shown no guilt or remorse at any stage about Mr Boorman's death. Rather you were telling the psychiatrists who examined you before your trial that he deserved to die. You have continued to utter threats to your neighbours from prison. You are without doubt a highly dangerous man.

### ***Impact***

14. For absolutely no reason at all that afternoon you took the life of a decent family man. In so doing you have robbed his children of their father, his wife of her husband and his mother and siblings of a much loved son and brother. It is plain from the deeply moving impact statements that I have heard read to me today and indeed read myself, that in every sense of the word Matthew Boorman, who was aged 43 when he died, was a good, honest and kind man. He had been a support and mainstay of his mother throughout his life but particularly since June 2021 when his father died. All of his family have suffered considerably since he has gone, mourning not only his loss but also feeling substantially less safe in their own homes.
15. Sarah Boorman has lost her soul mate. She describes Matthew as a fantastic father, fully engaged with his children for whom he would do anything. She is now doing all she can to help them come to terms with their loss as well as dealing with her own. As she so vividly explained "Every day I wake up my heart shatters some more." You must face the consequences of your actions in the punishment that I impose upon you today. I recognise that such punishment can't bring him back. Those who loved and cherished him must live forever with his loss.
16. Although the greatest impact has been on Mr Boorman's family, his death has also had a serious impact on the neighbourhood of Walton Cardiff. DI Lavender described how the road in which the Boormans lived used to be a close community with children growing up together. He describes how you caused terror to the community for some time. The prospect of your eviction brought hope to many. Since Mr Boorman's death the community remains in fear as you have continued from your cell to threaten those who live there. Many residents can't forget the events of that terrible day when they witnessed him being killed. It will take time for them to feel at home again.

## *Sentence*

17. I turn to your sentence.

18. In coming to the appropriate minimum term I must first decide where this case falls within Schedule 21 to the Sentencing Act 2020. I have considered carefully whether it falls within paragraph 2(1) of the Schedule with a starting point of a whole life order. It is a case of the utmost seriousness but I consider that it more appropriately falls within paragraph 3(1) in that the seriousness of the combination of the murder and the offences associated with it is both in terms of culpability and harm particularly high.

19. I have come to that conclusion for the following reasons and they are those referred to by Ms Brunner QC for the Prosecution. In relation to your culpability:

- This was a targeted and planned series of attacks in revenge on a group of people who had been following lawful processes to resolve long-standing issues. You targeted people you perceived to be behind the injunction.
- You lay in wait for Mr Boorman so that you could ambush him on his return to work when he was completely defenceless. You engaged in a particularly brutal attack.
- The attack took place in broad daylight in a residential area in front of many members of the public. You persisted despite pleas for you to stop and attempts made to disarm you.
- You knew that there were children in the house in close proximity to where their father was killed and who you can be expected to have known would hear you.
- You threatened Mr Wilkinson and others in the street with the knife, lunging at them and telling them to be afraid.
- You attacked Mr Marsden in his own home, making a sustained attempt to kill him and were only prevented from doing so when Mr Wilkinson intervened.
- You thereafter faked amnesia and mental illness to seek to avoid the consequences of your actions.

20. In relation to overall harm:

- You took the life of a man whom you had caused significant anxiety and stress for many years. It was clear from the evidence that he knew he was

being killed and that he must have been absolutely terrified.

- You caused very significant physical injury to Mr Marsden, preventing him working for 4 months and seriously wounded Sarah Boorman.
- You have caused significant psychological harm to Mrs Boorman and to her children, all of whom require ongoing therapy.
- Members of Mr Boorman's family have been seriously affected causing some of them ongoing issues with their mental health. This harm has been compounded by your ongoing threats.
- You caused terror to those who witnessed your behaviour and those who did what they could to save Mr Boorman's life.
- The impact on the community has also been long lasting.

21. I find additional aggravating factors in the fact that you were on bail in relation to the harassment of Mrs Boorman at the time of the offences, the fact you were subject to court orders and in your previous convictions which, although containing nothing of such serious violence include convictions for battery and assault occasioning actual bodily harm, most importantly an offence of harassment in relation to Peter Marsden in 2018.

22. I find no mitigation. I acknowledge that you suffer from a personality disorder comprised of three types – paranoid, emotionally unstable and anti-social. This is a recognised medical condition but not a mental illness. The jury found that this did not diminish your responsibility for what occurred. I accept the evidence of Dr Sandford that, whilst your personality is impaired, you acted rationally and in a controlled way throughout this terrible incident and understood the consequences of your actions. Having heard the psychiatric evidence at trial and read excerpts from your medical notes I find that if your personality disorder did lower your degree of culpability it did so only to a negligible extent. It is of note that you have failed to comply with assistance offered to you by professionals over the years including refusals to take medication, to comply with referrals to the Mental Health Team for anger management, and to undertake therapy.

23. As I have indicated I propose to reflect your overall offending within the minimum term that I impose, which will be thereby increased.

- The offence of attempted murder falls within category 2B of the relevant sentencing guideline. This has a starting point of 25 years imprisonment. Were I sentencing you for this offence alone I would afford you one third credit for your guilty plea.

- The offence of wounding with intent falls within category 3C of the relevant sentencing guideline with a starting point of 5 years imprisonment. The same credit for your guilty plea would apply.
- The offence of affray falls within category 1A of the relevant sentencing guideline with the same applicable credit for your guilty plea.

24. I take into account all that Mr Godfrey QC has said on your behalf. You are now 52 years of age, you pleaded guilty to all offences including to Manslaughter but not to Murder on the basis of your Expert's report. Mr Godfrey QC has said all he could, there is little in truth he could say.

25. As I have said the sentence I impose is one of life imprisonment. In coming to the minimum term I step back to look at the total sentence to ensure that it reflects the overall seriousness of the offences. Taking into account all of the aggravating factors as exist in my judgment the appropriate term is one of 38 years.

26. For the murder of Matthew Boorman I sentence you to life imprisonment. You will serve a minimum term of 38 years less the 248 days you have served 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.

27. For the other offences there will be the following concurrent sentences of imprisonment:

- For the attempted murder of Peter Marsden – 20 years;
- For the Wounding of Sarah Boorman with intent – 6 years;
- For affray – 16 months.