



JUDICIARY OF
ENGLAND AND WALES

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-v-

HAKEEM KIGUNDU

In the Crown Court at Reading

Sentencing Remarks of The Hon. Mr Justice Holgate

7 October 2022

1. On 20 September 2022, a fortnight before the trial was due to begin, Hakeem Kigundu pleaded guilty to all five counts on the indictment: arson with intent to endanger life at 63 - 86 Rowe Court, Grovelands Road, Reading, the murder of Richard Burgess, the murder of Neil Morris and offences under section 18 of the Offences Against the Person Act 1861 against Joel Richards and Laura Wiggins. The offences took place at about 2:45 am on 15 December 2021.
2. Rowe Court comprises two buildings, 63-74 and 75-86. Each had three storeys with a fourth storey in the roof. There were twelve flats in each building. Each building contained 4 maisonettes located on the second and third floors and four flats on each of the two other floors. The fire began in the block containing flats 75-86.
3. In each block there was a single communal stairway of timber construction running from the ground to the third floor. Each of the maisonettes also had an internal stairway.
4. In November 2020 the defendant moved in to Flat 77, located on the ground floor at the rear of the building, under a 12-month tenancy agreement.
5. Neil Morris moved into Flat 83 on the second floor in May 2021. For many years Richard Burgess had lived in Flat 81, located on the first floor directly above

the defendant's flat. He had been happy at Rowe Court until the defendant moved in. But the defendant would play loud music during the night and early morning. Mr Burgess suffered loss of sleep. In February 2021, he sent a courteous letter to the defendant drawing his attention to the effects of the noise and asking perfectly reasonably for some consideration.

6. Other tenants experienced the same problems and complained to the landlord. Despite warnings, the noise nuisance continued over the following months. Consequently, on 13 October 2021 the landlord served an eviction notice on the defendant, stating that he did not wish to extend the tenancy and that he would have to leave by 14 December.
7. During the same period, the defendant lost his job as a fibre engineer with a telecom operator because of his erratic behaviour at work and failure to complete a training course.
8. It is plain that the defendant held Mr. Burgess and other tenants responsible for the decision to evict him.
9. On 28 November 2021 the defendant bought two 20 litre jerry-cans. He also bought a "V for Vendetta" face mask. He used a fake name, JJ Stone, for these orders.
10. On 9 December the defendant recorded an audio diary note in which he said that what had bothered him most was a group of people thinking that they should benefit from another person suffering. He had chosen to ignore the bad but he would no longer do that anymore. He wanted to die with a smile on his face. All the actions he would take were warranted. "They all lead to this for a cunt who's persistent. Only cure for a cunt who's persistent is death and I am going to give them that." On the same day the defendant created an email address which included "burn them all" in the title.
11. On 10 December the defendant collected a hire car. On 11 December 2021 he bought petrol from two different garages to fill the 2 jerry cans. He then bought petrol from a third garage to fill two smaller containers. In all, he bought about 50 litres of petrol to use in the fire.
12. On Monday 13 December the defendant went to a DIY store to buy a large sledge hammer, a jacket and a pair of protective goggles.
13. On 14 December just after 9pm, the defendant bought three 5 litre containers of vegetable oil.

14. Paul Webb lived at 78 Rowe Court, a ground floor flat at the property, and next to the defendants flat. That night his son, Luke, was staying with him. At some time before 3am on 15 December, Luke noticed a smell of petrol which grew stronger and stronger. He woke his father. Mr Webb went into the communal hallway. The smell of petrol was very strong. There was an almost full can of petrol outside the closed door to Flat 77. The hall carpet was sopping wet all the way through to a cupboard located under the staircase. This was petrol. The defendant accepted that he spread petrol not only inside his flat but also in the area around it. The two 20 litre cans were later found in the defendant's flat empty.
15. Outside, Mr Webb saw the defendant at the front of the property putting black bags into his hire car. He tried to talk to him about the petrol. The defendant said he was leaving soon and then walked round to the rear of his flat. Then there was a loud explosion and Mr Webb saw flames coming out of Flat 77.
16. Mr Webb started shouting to the occupants of the flats to evacuate the building. His son Luke had to jump out of the front window of Flat 78 on to the street. The defendant's car then came towards Luke who tripped. He had to get out of the way of the car, which accelerated away.
17. In Flat 82 on the first floor Joel Richards heard Paul Webb shouting. He saw the defendant sitting in his car watching and laughing. The flames had engulfed the whole side of the building. He could smell petrol and could see heat coming through his front door on the first floor. He put on his coat which he soaked to go into the hallway to help his neighbours on the first floor including Richard Burgess. He tripped on what seemed to be a body, on which he burnt his hand. There were flames everywhere and the heat was intense. His coat was set alight. Because the fire was so severe and spreading so quickly, both he and a lady had to jump out of a window to save themselves.
18. In Flat 86 Laura Wiggins heard Mr Webb shouting. From her living room on the second floor at the front of the property she saw flames rising. When she opened her doors onto the communal stairway on both the second and third floors the smoke and flames were rising rapidly. She tried ringing for help but could not get through. She started coughing and choking. She decided that the only way to avoid the risk of not being rescued in time was to jump from the second floor. When she landed, she felt her bones breaking.
19. Lynsey Bell, Corin Marston and Anthony Woodford were in Flat 75 on the ground floor at the front of the property. They heard the explosion. Their

windows were blown out. The flat was full of smoke. They jumped out of the window one by one.

20. Ziggy Beggs and Julita Roberts were in Flat 79 on the first floor. They saw the defendant's car leaving and heard people shouting to get out of the building. When they opened the door onto the stairwell, they had to close it because of the smoke and heat. Ziggy jumped through the window. Julita was scared to jump. She was pregnant. But she was persuaded to make the leap.
21. Mr Boutrig lived in Flat 76 on the ground floor next to the defendant's flat. He was woken by the explosion at 2:38am. He too saw his window explode outwards. He left by that route.
22. Lynette Sayer lived in number 85, a maisonette. After she was woken by the explosion, she rang 999 at 2:53am. She could not leave by her front door because of the smoke and heat. Fortunately, she was rescued by the Fire Brigade by ladder about 15 minutes later.
23. Other residents in the adjoining building, even on the far side, describe hearing the explosion and how it shook their rooms. They were able to leave by their communal stairs.
24. The Fire Services received the first call to attend Rowe Court at 2:52am. They arrived only 7 minutes later. By then, the entrance hall and stairwell were well alight. Smoke and flames were coming out of the eaves. Every step of the staircase was covered in fire. CCTV footage clearly shows the terrifying scale of the fire by 3am.
25. The fire spread through the roof space to the building containing flats 63-74. All 24 flats were destroyed. All the occupants in both buildings lost their homes and personal possessions. What remains has had to be secured by scaffolding to keep it standing. The property will need to be rebuilt.
26. The crime scene was so dangerous and precarious that the bodies of Mr. Morris and Mr. Burgess could not be recovered for nearly 7 weeks. The debris sample obtained in February 2022 from beneath the body of Mr. Morris on the second floor contained petrol. The absence of petrol in other samples of debris is consistent not only with the possibility that no petrol was deposited in those locations but also with any petrol present having been burnt or evaporated.
27. The expert reports served by the prosecution contain a number of compelling conclusions. The fire-resistant doors should have contained any fire in a flat

within that unit, enabling other occupants to remain in their properties, normally until the fire services could extinguish the fire. But here the fire spread very rapidly through the entire height of the stairwell and reached the roof before 3am. That prevented any escape via the stairwell in the abnormal circumstances of this fire. There was severe fire damage through the ground floor hallway despite the relative lack of combustible items. The steps of the staircase were located well away from the fire-resistant rear lobby at each level containing the entrances to the flats. Those steps would not be expected to be alight if the fire had only progressed from that lobby. The use of accelerants on the ground floor main lobby was a likely explanation for the early development of the fire in that area. In relation to the debris sample taken from the second floor, there must initially have been a significant quantity of petrol present which was likely to have been deposited directly. There was evidence showing that a vapour explosion had occurred within the building. For that to have happened, there must have been a delay between the distribution of the petrol and its ignition, during which time an explosive mixture of vapours would have developed.

28. The post mortem examinations of Mr. Morris and Mr. Burgess concluded that they had both died from inhalation of fire fumes. They had both been alive when they inhaled those fumes. In the case of Mr. Morris, thermal injury to the upper airway could itself have resulted in asphyxiation. In the case of Mr. Burgess, burns were an additional cause of death.
29. Laura Wiggins sustained fractures to her right arm, five ribs, vertebrae, the right side of the sacrum and the right side of the pelvis. Her right lung was punctured and collapsed. There was an injury to her kidney.
30. Joel Richards suffered third degree burns to his right hand and second degree burns to his left hand where all his skin came off. The flexibility and nerve endings in several fingers have been affected. He suffered burns on his head leaving him with very thin areas of skin where he still suffers pain. He always has to wear sun factor 50.
31. The court has read deeply moving victim personal statements from a large number of people. It is not possible here to set out their content in detail. But I have had full regard to their contents.
32. Richard Burgess was 46 at the time of his death. Helen Mercott speaks of the devastating effects which the killing of her son has had on herself, her husband, Richard's brother, James, with whom he was very close, family and many friends. The physical and mental health of the family has been substantially

harmed. They have lost a much-loved member of the family who had many years ahead of him. The loss and suffering will remain with them for the rest of their days.

33. Neil Morris was 45 at the time of his death. His mother Barbara Morris describes his many good qualities. He was a deeply loved son, brother to his two siblings and uncle. He was greatly appreciated by his many friends. Mrs. Morris describes the pain and suffering they have all had to endure and which continues. It is something that they will always have to live with. Their lives have been ruined. Neil Morris and Emma Walsh had been in a relationship. They remained best friends. He continued to provide emotional support for her. She is devastated by losing Neil.
34. Joel Richards, now aged 55, was in Stoke Mandeville hospital for 7 days. Since then, he has had to live in temporary accommodation. He lost all his possessions, including personal, family items. He suffers depression, finds it difficult to communicate with people and feels isolated. He felt suicidal. He suffered survivor guilt like many others. He continues to suffer from PTSD and has flashbacks. He has become afraid of heights. He has had to have psychological treatment once or twice a week.
35. Laura Wiggins is 52. She had to stay in hospital for a month with limited access to her family. At times she felt suicidal and at other times survivor's guilt. She was in a wheelchair for 5 months. She still has to use a crutch and cannot walk far. Sometimes her pelvic region is very painful and suffers much pain generally. She continues to need physiotherapy. The ability to take part in family days out with her grandchildren has been restricted. Mrs Wiggins' three daughters have to provide care for her in three shifts covering 24 hours a day. Someone has to stay with her at night. She has become frightened of noise. She has needed psychological treatment, as have two of her daughters.
36. Plainly, both Mr Richards and Ms Wiggins have suffered serious life-changing injuries. The attack will continue to have very serious effects upon them for the rest of their lives.
37. The court has also seen statements from Ms. Bell, Mr. Marston, Mr. Woodford, Mr Boutrig and Lynette Sayer, all of whom lived in 75-86 Rowe Court, and from several others who lived in the adjoining building. Several had to make a terrifying decision to jump to save their lives. Many suffer from anxiety and PTSD, they have needed psychiatric help and counselling. All have lost their homes and many are still living in temporary accommodation. They have lost

their possessions, including items of great personal value and personal papers. The trauma of the night of 15 December 2021 will stay with them forever.

38. The fire also had wider effects. Some of the flats were owned by people in retirement to supplement their income. That income has ceased. In December 2021 Laura Hunt had just left her family home and got on to the property ladder by buying Flat 68 in the building next to the fire. She has lost not only her new home and personal possessions but still has to make mortgage payments on a property she cannot occupy. Her mental health has been harmed.
39. All of the owners of the flats in the two buildings still face the uncertainty as to when rebuilding will take place.
40. After leaving the scene of the fire, the defendant drove to Reading Police Station. He went to the entrance at 3:07am and rang 999 at 3:17am. He said that he was beginning to regret an “attempted arson” he had committed at Rowe Court. He said that he had been filled with fury. He suggested that he had been intending to remain in the property and to burn as well. But Mr. Webb had irritated him, and that had changed his mind. In answer to the 999 operator he said that he did not know how bad the fire was, when it is clear from the evidence that he would have heard the explosion and, when he left in his car, seen the serious fire he had started. He expressed no concern about the residents or ask about summoning help. The defendant was then arrested. His Officers described his demeanour as calm. The court heard the recording. The defendant’s voice and what he said were chilling, just as his audio diary on 9 December
41. In interview, the defendant suggested that he had bought the 50 litres of petrol so that he would not need to stop for fuel in his journey north from Reading. It was only in the early hours of 15 December 2021 when he was watching a programme that he suddenly felt an instant fury. He decided to kill himself by setting fire to his flat. He brought the petrol in from the car through his window and spread it around. A delay followed during which he became scared about dying and so he changed his mind. He was going to leave the flat with his possessions which had previously been packed ready for the journey. But the conversation outside with Mr. Webb made him furious again, although he could not say what was said. He returned to the window of his flat, lit the petrol and immediately left. He said that he had not intended to harm or kill anyone other than himself.
42. On 11 March 2022 the defendant pleaded not guilty to all counts on the indictment. He offered guilty pleas of manslaughter and reckless arson, which

were not accepted. However, after further prosecution forensic evidence became available, including the evidence of petrol having been directly deposited on the second floor, the defendant decided to plead guilty to all five counts. This was also after the original trial date set for June 2022 which had had to be vacated. This means that the defendant's earlier claim that he did not intend to harm anyone other than himself was untrue. He has been seeking to minimise what he really did.

43. Without any forewarning, on the first day of the sentencing hearing the defendant gave instructions that he disputed the prosecution's case that he had poured petrol on the second floor communal area as well as on the ground floor. Up until then the defendant had instructed his team that no basis of plea was to be entered and expressly there was to be no challenge on this issue. A Newton hearing was arranged to take place on the second day. There was to be no challenge to the prosecution's expert evidence, but the defendant wished to give evidence on the issue.
44. However, just before the hearing on the second day the defendant decided that he would no longer pursue his denial of having poured petrol onto the second floor landing or indeed any other matter requiring a Newton hearing. In the defendant's favour I will not hold this behaviour against him when taking into account his guilty pleas.
45. I am certain that the defendant's suggestions that the petrol was initially bought for his journey away from Reading, that he only changed his mind and decided to commit suicide in the early hours of the morning on 15 December, and that, just before starting the fire, he decided against suicide, are all untrue. No expert evidence on suicidal tendencies has been filed. The account given by the defendant is both incredible and incompatible with unchallenged facts opened by the Crown.
46. I am sure that this was a premeditated attack by the defendant in revenge for his eviction from his flat because of noise complaints made by Mr Burgess and other residents. This is plain from, amongst other things, the purchase and use of a large amount of petrol, spreading the petrol at least in the ground floor and second floor communal areas, the audio diary note and email address, the purchase of the mask, the timing of the fire and the defendant's behaviour. Most of the residents were asleep. They had no idea that a dangerous level of petrol vapour had been building up in the building, or that an explosion and conflagration were about to take place. They had less opportunity to save themselves. All this must have been obvious to the defendant. He intended to cause as much damage and harm as possible and, in particular, he intended to

cause the death of occupants in the building. Mr Morris and Mr Burgess must have suffered a terrifying death, desperately trying to escape via the staircase and choking on the fumes from the fire in very high temperatures.

47. It is fortunate that Luke Webb smelt the increasing levels of petrol vapour and alerted his father when he did. He was then able to shout to residents to leave as soon as the explosion occurred. Given the speed with which the fire developed, it is highly likely that their actions led to residents evacuating more quickly and so potentially saved other lives and avoided other injuries.
48. The defendant was given opportunities to file psychiatric evidence. He did not do so. The defence stated that diminished responsibility would not be relied upon. It has not produced any psychiatric evidence for sentencing. There is nothing to suggest that the defendant's culpability is lessened by any mental factor.
49. The sentence for murder is set by law. I must pass a sentence of life imprisonment on Counts 2 and 3. I must also decide whether a minimum term should be set, or whether the seriousness of the murders, taking into account the offences under Counts 1, 4 and 5, is exceptionally high, such that just punishment requires the defendant to be kept in prison for the rest of his life. I have applied the principles laid down by Parliament in the Sentencing Act 2020, the principles summarised by the Court of Appeal in *R v Stewart and others* [2022] EWCA Crim 1068 and relevant cases referred to there.
50. The prosecution says that these were murders involving a substantial degree of premeditation or planning. They also rely upon the closely related offences in the other counts.
51. For those cases where the court considers that a minimum term should be imposed, paragraph 7 of schedule 21 to the 2020 Act refers to a "significant", as opposed to a "substantial", degree of planning or premeditation as an aggravating factor. Plainly this issue raises questions of degree. But I note that the criterion is not just about "planning" it also includes premeditation, which also connotes the contemplation or consideration by the offender of his future actions.
52. In *R v Jones* (2006) 2 Cr. App. R (S) 19 the Court of Appeal stated that although Parliament has not said in para. 3(2) of schedule 21 that causing death by arson is one of those cases where seriousness is "particularly high", using petrol to set fire to a victim's home is "peculiarly horrifying" and does fall within that category even if only one death is caused.

53. In one of the appeals in *Jones* the defendants had filled some water bottles with some petrol they had bought a short while before, poured the contents through the letter box of a home and set fire to it. The defendants knew that the property was occupied. The cause of the dispute was recent. The Court of Appeal said that in that case the purchase of the petrol and knowledge that the property was occupied did not amount to “significant” planning. Those factors were implicit in that type of offence and sufficiently reflected in the starting point.
54. The present case is wholly different. This was not an attack on one dwelling where a relatively small amount of petrol was poured through a letter box into that one property. Here the attack was aimed at the whole building. The defendant accepts that he intended to endanger life in the whole of 63-86, Rowe Court. In addition the defendant intended both to cause death and really serious bodily harm to residents. To do this he used a particularly large quantity of accelerants. He spread that material liberally throughout his own flat and the ground floor of the stairwell of 75-86 and at least the second floor landing. There must have been a delay between the defendant distributing the petrol and igniting it, during which explosive petrol vapours developed. There was a pervasive smell of petrol vapour throughout much of the stairwell, including also the first floor.
55. This case plainly did involve substantial, and not merely significant, planning and premeditation.
56. For some time the defendant had been thinking about, and planning for, the large-scale attack he went on to commit. This had certainly begun by 28 November 2021 when he bought the 20 litre jerry cans and the vendetta mask. Six days before the fire he made his lethal intentions clear in the audio diary note and email address. There then followed a sequence of steps. The following day he hired a car to use in preparing for the attack and leaving the scene. Four days before the fire he bought petrol from three garages. Two days later he bought the protective goggles and sledgehammer. The evening before the fire he bought the vegetable oil. He had prepared the possessions he wished to take away with him. There was no question of him committing suicide. He planned to commit the attack at night, because that would reduce the chance of a resident discovering that huge amounts of petrol had been spread in the rear lobby leading to the staircase on the ground floor and some on the second floor landing. That would also substantially increase the chances of causing death and serious injury.

57. This case therefore falls to be considered under paragraph 2(1) of schedule 21 to the 2020 Act, rather than paragraph 3(1). The question under s.321(3) is whether the court is satisfied that a minimum term order should not be made. In other words, would just punishment only be achieved by making a whole life order. Here it is necessary to take into account the balance of aggravating and mitigating factors. The main aggravating factor not already reflected in the assessment are the offences under counts 1, 4 and 5 and the additional harm they caused.
58. Ms Rosina Cottage KC has said most eloquently all that could properly be said on the mitigating factors. There is the absence of any previous convictions by someone now aged 32. However, that factor attracts limited weight for offending of this seriousness. She referred to the defendant's sense of isolation and issues regarding the way in which he thinks. However, there is no independent, expert evidence addressing such matters or any mental health issues. I am unable to treat this as a significant factor.
59. I take into account the guilty pleas. But these were made at a very late stage, and well after the original trial date. They were only made after the prosecution had produced some further compelling forensic evidence, including the deposition of petrol on the second floor.
60. I acknowledge that the defendant handed himself into the police shortly after leaving Rowe Court. That affords some mitigation, but needs to be seen in context. The evidence that the defendant had started the fire and, indeed, committed the offences on the indictment, was overwhelming. He would have been apprehended in all likelihood. I acknowledge that he provided some assistance to the police, for example over phone passwords. But the assistance was limited. From the 999 call and through the interviews there were important things that the defendant could have said but did not say, such as how serious the fire was and where the petrol had been spread. It is particularly significant that the guilty pleas offered in March 2021 refused to accept the level of intent charged. He knew the essence of what he had done. He did not have to wait to see what more evidence the prosecution could come up with. Lastly, I do not accept that any real remorse has been shown. Acceptance of guilt yes, but not remorse.
61. Taking all the circumstances together, I am driven to the conclusion that a minimum term order would not meet the requirements of just punishment.
62. It is necessary to mark the offending against other victims under Counts 1, 4 and 5 by determinate, concurrent sentences whilst being careful to avoid

double-counting. But it is common ground that the nature of this attack by the defendant inevitably permeates his culpability on all those counts; this does not involve improper double-counting. To determine the lengths of sentence, count 1 aggravates counts 4 and 5 as lead offences.

63. In relation to Counts 4 and 5, there was high culpability on several grounds: the use of accelerants as a highly dangerous weapon equivalent; substantial planning and premeditation; a revenge attack. The harm falls within Category 1 because of the irreversible injuries, psychological harm and the life-long impact on Mrs. Wiggins and Mr. Richards. A horrifying attack of this nature involving the use of fire is a serious aggravating feature. That there were two victims is an aggravating factor when passing concurrent sentences, subject to the totality principle. There has been no sign of any real remorse. The appropriate concurrent sentence for these two offences taken together must be substantially above the upper end of the range for Category 1A. It is agreed that the credit for plea should be 15%.
64. In relation to the arson, it is necessary to avoid double-counting with the harm caused by the other offences on the indictment. For sentencing, Count 1 reflects the damage that was done to the buildings, 63-74 Rowe Court as well as to 75-86, and the harm caused to the other victims in both of those buildings. The defendant's culpability is A because he intended to endanger life. The level of harm is Category 1 because of the very serious psychological harm, the very high risk of physical harm and the very high value of the damage to the buildings alone, as well as the overall value and importance of all the personal possessions lost. The aggravating features include a revenge attack, substantial planning and premeditation, use of accelerant, the commission of the offence in a domestic context, and endangering many people. Because of this multiplicity of factors, if this offence stood alone, the sentence after trial would have been substantially above the upper end of the range for Category 1A. There is the credit for plea.
65. Stand up please Mr. Kigundu. The court passes determinate prison sentences of 15 years on count 1, 20 years on count 4, and 20 years on count 5.
66. The sentence of the court on each of counts 2 and 3 for the murder of Richard Burgess and of Neil Morris is imprisonment for life without a minimum term. All these terms of imprisonment will run concurrently. I also order the appropriate victim surcharges. You will leave the dock.

7 October 2022