

**R v Craig**

**Bristol Crown Court**

**Sentencing Remarks**

1. The court must sentence you for the murder of Jacqueline Kirk who died on 23 August 2019 after you had attacked and set fire to her 21 years previously on 18 April 1998.
2. Jackie was in her early 30s in the 1990s. She was outgoing, optimistic and confident with a wide circle of friends and was a close and loving mother to her late teenage son Shane Delliston and young daughter Sonna Chandler-Kirk. She had wide-ranging interests and a free-spirit intending to travel and see the world. She also had a great sense of humour.
3. Her generosity and open-mindedness led her to give you shelter when you were homeless in 1995 after a chance meeting. You then moved in and began an exploitative and coercive and controlling relationship with her. Your drug and alcohol abuse led her back to drink and drugs problems that she had previously conquered. You were abusive and undermined her self-confidence as you became increasingly violent towards her. She became withdrawn from family and friends and eventually Sonna, now aged around 9 or 10, moved in with Shane because of the intimidating and volatile atmosphere you created in her home. Jackie became too frightened of you to make you leave her house and she had nowhere else to go. On one occasion you cracked her cheekbone, on another she was in hospital with a fractured jaw. On more than one occasion you threatened to burn her flat down. You frequently threatened to kill her.
4. You repeatedly watched a scene in "Reservoir Dogs" when a young policeman is tortured in a chair before being set alight with petrol. Jackie described you watching the film with a permanent grin and that you liked seeing the torture. You enjoyed acting like the characters in the film.
5. Three days before what proved to be the fatal attack in Weston Super Mare, when Jackie had refused to give you some money she had in her bank account

you were violent and aggressive to her and then locked her in a Bath railway station toilet. It was some hours before she was freed by a cleaner.

6. Against that background Jackie was too vulnerable and scared to refuse when you told her you were using her car to take you both to Plymouth. She agreed so as not to upset you and for fear of another beating. You planned to do really serious harm to Jackie on that trip nursing some imagined grievance about a former boyfriend of hers.
7. On the journey you told Jackie that you had arranged for her to be killed by a gangster named Charlie from York and boasted that Jackie's name was top of his hit list and that it was too late to stop it. You taunted her in the car with the assassin's progress down south. It was not clear if the trip out of Bath was to avoid or facilitate an encounter with Charlie, but either way it was said to further disempower and frighten Jackie. She was very scared, because she knew your capacity for violence, even if she didn't believe the story about Charlie.
8. As you drove away from Bath you stopped at a petrol station and filled up an empty coke bottle with petrol. There was no need: the tank had enough petrol. It alarmed Jackie as she had never known you do this before and she knew of your interest in fires. It reminded her of a previous occasion when you went into her bedroom when she was asleep and doused her and the bed with petrol from a metal can. It went over her face and upper body and you said to her "I'd just have to chuck a match and you'd go up".
9. The journey diverted to Weston Super Mare and you became increasingly agitated and violent and you repeatedly and forcefully struck Jackie while you were driving.
10. Your mood was calmer to begin with in Weston and you both spent time on the beach and driving around and slept in the car overnight. You were drinking heavily. Later the next day your mood turned hostile. You were both in Jackie's car in the car park in Oxford Street and you told her you would torture her. You were swearing and verbally abusing her and forced her to do and say what you wanted, to exert total control over her.
11. You then punched her in the face, drawing blood. You then ordered her to pass you the coke bottle full of petrol. You made her bend her head down over her knees and poured the petrol from the coke bottle over her head and neck and you then got out of the car. Jackie, who was truly frightened now, had petrol all

over her head, in her eyes and on her hands where she had tried to protect her face. She also got out of the car as she thought it would be safer.

12. You offered her a cigarette, taunting her that it might be her last and when she refused you said: "Smoke it, or I'll chuck it at you. Let's see how calm you are now." You lit your lighter and Jackie saw the lighter flame going across her face as she was ignited. You shouted at her to stay away from you with the lighter still in your hand.
13. Jackie recalled everything slowing down in her head at that point. She could feel her arms on fire and the pain from the burning and recalls shouting, or trying to shout "help me". But beyond telling her to roll, you did not help her and you did not call for help. She rolled over on the ground, which at first seemed to put out the fire, but it then re-ignited and you told her to roll again.
14. A passer-by alerted a police patrol car and an ambulance was called. They found Jackie, no longer in flames, still conscious but in agony, with extensive burns. Her teeth and nose were black and all the hair on her head, eyebrows and eyelashes had been burnt off. The skin on her face and hands had been burnt off showing the pink flesh below. She was also bleeding heavily from her nose and upper lip area and the police officer noticed that your left, non-driving, hand was covered in blood, which was her blood from you hitting her earlier.
15. When you were asked about what had happened by the first officer to arrive at the scene, you falsely told him that you had dragged Jackie out of the car after she had caught fire and that you had put the flames out. You denied that Jackie had any relatives which meant that there was a delay in Shane and Sonna being told about their mother, which was gratuitously callous.
16. In your five police interviews you continued to lie about what you had done. At one point you even blamed Jackie, falsely saying she had spilt the petrol on herself when she filled the tank from the coke bottle and that she then lit a cigarette.
17. Jackie's injuries were life threatening and life-changing. When she first arrived at Weston-Super-Mare A&E department it was not clear that she would survive. She was transferred to the Intensive Care Unit of Frenchay Hospital, here in Bristol, where she remained for 3 and ½ weeks, requiring intensive support to keep her alive. She had external significant burns to approximately 35% of her body including her face, neck, chest, hands, torso, upper thighs and buttock.

The burn injuries were full thickness to her neck and upper chest and deep partial thickness burns to her hands and thighs. She was unrecognisable.

18. She also had severe inhalation injuries. Her mouth was burnt and she had burns to her respiratory tract and into her lungs. Her vocal chords were left in a fixed and closed position. A tracheostomy was inserted on the 1st May 1998 which allowed her to continue breathing, essentially bypassing her vocal cords. It remained in place until the time of her death.
19. She required 14 operations, including skin grafts and spent 8 ½ months in hospital before being released on the 7th January 1999.
20. Initially Jackie protected you, but after she learnt of a second victim a year later, felt able to tell the police what you had done to her.
21. You intended to inflict really serious violence and cause Jackie really serious harm on that road trip and it was a planned and premeditated attack. Looking at the case today, I cannot be sure that you filled the coke bottle with petrol specifically so that you could burn Jackie later and act out the scene from Reservoir Dogs and I must therefore give you the benefit of the doubt on that point. But there is no doubt that you planned and intended to engage in a gratuitous, deliberate and monstrous attack upon Jackie during that road trip with whatever means at your disposal and to intimidate her psychologically to cause maximum physical and mental pain over a period of days.
22. In October 1999 Jackie described the devastating and life changing effect the injuries had had on her, both physically and psychologically. You have heard her statement being read in court today. But even in this statement she underplayed the extent of her disability and focussed on the positive. Sonna and Shane gave an unvarnished account of how hard it had been for Jackie, as did the medical experts that we heard from in the trial. She was always in pain and suffered from depression and nightmares and was suicidal at times. Her courage to survive in defiance of her injuries and trauma shines out in her statement and she was determined to give evidence at your trial in 2000.
23. You were convicted of causing Jackie grievous bodily harm with intent on 10 May 2000. You received a discretionary life sentence with a notional determinate sentence of 18 years and a specified period of 9 years.
24. At the same time as you were convicted and sentenced for the attack on Jackie you were also convicted of the GBH and rape of another woman on 23 January

1999 who you had started a relationship with shortly after you had burnt Jackie. For those offences you were given a discretionary life sentence and notional determinate sentences of six and 8 years respectively.

25. Jackie and her family were told she would live for just another 10 years because of the injuries you had caused her. Against the odds she survived for more than twice that, to see her children married and to get to know her grandchildren. With the help of family – especially devoted Sonna and Shane – and good friends she was determined to lead as full a life as she could. But her injuries and disfigurement were horrific. Her lungs and breathing were permanently damaged and breathing was difficult. Eating and drinking were hard because of both her very restricted mouth opening and the tracheostomy. She was in and out of hospital and the GP surgery with complications for the rest of her life. Although she had no vocal chords she tried to learn to speak again, but it was very challenging and frustrating for her not to be understood. She suffered abuse in the street because of the extent of her facial scarring, but she soldiered on and continued to go out when she could.

26. In August 2019 Jackie's intestines became swollen for some unknown reason. The extensive scarring to her body meant that unlike normal skin, her abdomen could not expand to accommodate the swelling. As a result the pressure inside was too great, her diaphragm ruptured and her bowel forced its way up into her right lung cavity causing her lung to collapse. Jackie was too frail for surgery and the doctors had to tell her that her life could not be saved. Shane and Sonna rushed to be with her, comforting and loving her in her final few hours as she died. Even then she was fearless, asking Sonna to tell her if she was dying. You had caused her death by setting fire to her and, as the jury had unanimously found, you had murdered her.

27. Jackie's death caused unimaginable pain for her children and family. I pay tribute to the courage of Sonna and Shane for their victim impact statements eloquently describing their mother and their loss. I couldn't help thinking what a credit they both were to themselves and to Jackie and how proud she would have been if she could have heard Sonna read her statement in court today. Just as they were so proud of her.

28. I shall now turn to you.

29. You were born on 23 May 1964 and are now aged 58. You were 33 when you set fire to Jackie and 55 when she died. You do not appear to have had a troubled background. You have a considerable number of previous convictions – 9 convictions for 18 offences between 1986 and 1997, theft and burglary, public order offences and drug and drink offences. Although none were for serious violence, you were convicted for assault occasioning actual bodily harm which cannot have been a trivial matter since you received a 9 month sentence and shortly before this offence you were convicted for possession of an offensive weapon. I shall treat your previous convictions as neither aggravating nor mitigating factors, but neutral.
30. At 16 you were experimenting with drink and drugs and by 21 were injecting amphetamine and you were a heroin addict at 23. You were unsuccessful in breaking free from drugs and drink and had been drinking heavily for several days when you attacked Jackie in 1998.
31. After your sentence in 2000 you were released from prison on 25 September 2015 when the parole board considered it safe, but you were recalled on 8 June 2018. You had resumed drinking and were not open and honest with your offender manager. You have now acknowledged that you are an alcoholic and have enrolled in AA and the 12 Steps programme. On 2 April 2019 you were again released on licence with a number of conditions until you were recalled to prison for this matter.
32. I have read the parole board papers. I can see that there are some positive steps that you have tried to take to acknowledge your issues around alcohol and expressed a desire to practice abstinence. But until recently you have also continued to minimise your responsibility for your crimes – blaming the offences on alcohol and also partly on the victims.
33. I have also taken into account the statement from the mother of your 2 children from 40 years ago. But I cannot accept her assertion that you have always been remorseful in light of your behaviour after the attack and the full file of parole board papers.
34. You have now accepted that the violence against Jackie was planned and the road trip was a ruse to carry out the attack. You have acknowledged what the parole board politely describe as “your adversarial attitudes to women” and you now admit having sought revenge out of jealousy and perceived slights when

you attacked Jackie. You were also candid enough to admit to the parole board that when you panicked after you had set fire to Jackie, your panic was more for your own safety than for Jackie.

35. To your credit your behaviour in custody has been largely good. On one occasion you were described as a “model” of an enhanced level working prisoner and you received an excellent reference from the manager of the Great Dane Adoption Society when you did community service day release.

**Approach to sentence**

36. Murder is so serious an offence that a life sentence is mandatory and I must specify the minimum term of imprisonment which you will be required to serve by reference to Schedule 21 to the Sentencing Act 2020 as I am satisfied that the date the offence of murder was committed was the day Jackie died for the reasons set out in my separate judgment.
37. I conclude that the starting point for your offence under the schedule must be 30 years as the seriousness of the offence is particularly high for a number of reasons. Your conduct was sadistic – from the build up to the attack from the time you left Bath 2-3 days earlier, and deliberately setting her head and chest on fire as you did. Anyone who uses petrol in an attack on others must be aware of the level of seriousness of their actions. Deliberately causing really serious injury by fire is likely to involve agony for the victim and the possibility of permanent injury or disfigurement, as it did here, even where there is no intention to kill.
38. Mr Tehrani relies on the case of *R v Dunstan* [ [2016] EWCA 2098, to argue for a starting point of 25 years in a case of death by fire. But *Dunstan* is something of an outlier amongst the authorities. More relevant is the recent case of *R v Stanciu* [2022] EWCA Crim 1117 which endorsed the Lord Chief Justice’s judgment in *R v Jones and ors* [2005] EWCA Crim 3115 at [61] that deliberately causing really serious injury by fire may justify a 30 year starting point. *Dunstan* was not referred to in *Stanciu*, but the court in *Stanciu* will no doubt have been aware of it. There are also important differences in the facts between the cases, unlike Mr Dunstan’s attack on his victim, your attack on Jackie was premeditated.
39. But even if I had accepted the 25 years starting point urged on me by your counsel, there were so many aggravating features in your case that would have

required an uplift to over 30 years, it becomes a distinction that would make no difference to the overall sentence.

40. Having reached a starting point I must then consider any aggravating features that are not already factored into the starting point.
41. These are the history of your pattern of increasing violence towards Jackie, her vulnerability as your partner and the abuse of trust that that entails. The chilling way in which you forced her into submission and tried to bend her to your will with your abusive behaviour and your misogyny over the months and years. Your extreme state of drunkenness over the entire trip to Weston-Super-Mare is also an aggravating feature .
42. So too is your cowardly behaviour after you had set Jackie on fire – ordering her to stay away from you to protect yourself from getting burnt, rather than helping to extinguish the fire. You did not even get the duvet from the car for her. Yet, even whilst still drunk, you had the audacity to play the hero to the police when first asked about what happened. You maintained your lies in 5 police interviews, making up a story about a group of “yobs” and suggesting it was Jackie’s fault for spilling the petrol onto her own clothes and then lighting a cigarette.
43. There are two further outstanding significant aggravating feature. The first aspect is the level of sadism and extreme nature of the attack culminating in the fire on the road trip which takes it above the factors built into a 30 year starting point. It was just so callous and so brutal. The second is the physical and mental suffering and terrible scarring that Jackie has endured for 21 years whilst she tried to make the best of what was left of her life. As she described it, every time she looked in a mirror or saw the response of others to her scarring she was reminded of what you had done. It is compounded by the impact on her family and friends. We have heard this morning how Sonna, aged just 13, assumed a parental and carer’s role which robbed her of a normal teenage and mother/daughter relationship. Jackie’s determination to make the best of things by taking up photography as she could not use her hands to paint, getting a dog to keep her company and her bravery at ignoring the reactions to her scarring, do not mask the restricted demi-life she led throughout that time. What a remarkable and impressive woman she must have been.

### **Mitigating factors**



44. You have very little personal mitigation. You were not a young man when you did this and cannot say you were an immature youth. Nor have you turned your life round since 1998 – the parole board considered that you remained a danger for a number of years after you were eligible to be considered for release. When you were released on licence in 2015 your behaviour led to you being recalled to custody within 3 years of your release as you had returned to drinking, knowing that it was linked to your violence against women. In some cases where there is a lengthy delay between an unlawful act and death, a defendant is entitled to considerable credit for having made the most of themselves, particularly when the assault that caused the later death occurred when they were young. But that does not apply in your case. The best that can be said is that you now have some insight into your difficult relationship with alcohol and some awareness of your misogyny.
45. Little weight can be given to you for the passage of time because of the horrendous injuries and reduced quality of life that Jackie and her family endured over that same passage of time. Their plight is relevant too.
46. I accept that you had no intention to kill Jackie, which is ordinarily an important mitigating factor. But again in your case this has reduced significance, almost to vanishing point, because the risk of her dying from what you did to her was so obvious, even if it was not your intention. I acknowledge that when you saw her in flames you were shocked and said to her that you did not intend it to happen. But if you had then done something more to help her, other than ordering her to roll over, it would have been more to your credit.

#### **Double counting**

47. You have already been sentenced for causing Jackie grievous bodily harm with intent and as a matter of justice you must not serve longer in custody because you have been sentenced for two offences based on identical facts. The proper way of dealing with this is to reduce the minimum term by the total amount of time that you have spent in custody for your attack on Jackie: from you being remanded in custody before the first trial, to serving part of the notional determinate sentence. It includes the time served after the specified period of 9 years when the parole board did not consider you safe to be released, and it also includes the two periods when you were recalled to custody after you had

been released on licence. The total period of your incarceration as at today's date is agreed at **18 years 11 months and 25 days**.

48. From a starting point of 30 years, the aggravating factors of such cruel behaviour towards Jackie, so lacking in humanity, would take the tariff to **35 and half years**. But you are entitled to some allowance for your limited mitigation, your lack of intention to kill, the progress, such as it is, that you have made in prison and, more minimally still, the passage of time. I have also taken account of your sense of disappointment that after having been released in 2019, because of Jackie's death you are now facing a second long period of imprisonment based on exactly the same facts. Those mitigating factors would entitle you to a total deduction of **18 months** from minimum term appropriate for your offence would be **34 years**. Taking into account the period of 18 years 11 months and 25 days, I therefore set the minimum term, at **15 years and 5 days**.
49. In other words your murder of Jackie justifies a total minimum term of imprisonment of **34 years** in your life sentence. But because you have already served nearly 19 years for causing the grievous bodily harm that she so bravely endured for 21 years, the term I now impose of **15 years and 5 days** is the balance that brings the total minimum term period to **34 years** imprisonment.
50. It is important that you and everyone concerned with this case should understand what this means. The minimum term is not a fixed term after which you will automatically be released. It is the term that must be served before the Parole Board can undertake their first review of the case. They will review the risk that you present at that stage and will consider whether you can properly be released from custody subject to licence and, if so, on what terms.
51. If you are released, you will be subject to licence for the rest of your life. If for any reason your licence is revoked, you will be recalled to prison to continue to serve your life sentence in custody. It follows that unless and until the Parole Board consider that your release is appropriate you will remain in custody.
52. I am required to state in open court that a surcharge of £190 imposed by s.42 Sentencing Act 2020 applies in your case.

Mrs Justice Stacey  
10 November 2022