



JUDICIARY OF  
ENGLAND AND WALES

**REX**

**-v-**

**THOMAS CASHMAN**

**Manchester Crown Court**

**3 April 2023**

**Sentencing Remarks of Mrs Justice Yip DBE**

1. Thomas Cashman is to be sentenced today for the murder of Olivia Pratt-Korbel, the attempted murder of Joseph Nee, the wounding of Cheryl Korbel with intent and two firearms offences. Mr Cashman has been brought to court today but has refused to come from the cells to be sentenced. I have directed that he should do so, but he has maintained his refusal. I am therefore left with no choice but to sentence him in his absence. These sentencing remarks will be made available to him in writing.
2. All five offences arise out of the events of 22 August 2022 when, armed with two guns, the defendant set out to kill Joseph Nee. He lay in wait before opening fire in a residential street. CCTV footage captured him standing over Mr Nee, shooting at close range. When the first gun malfunctioned, Mr Nee was able to scramble away, but the defendant had his second gun ready. He relentlessly pursued Mr Nee, causing him to seek refuge by barging into the home occupied by Olivia's family. Undeterred and wholly unconcerned for the safety of others, he continued to shoot at Joseph Nee, firing into that family home. Olivia, just nine years' old, heard the commotion from her bed. Unsurprisingly, she came downstairs to seek the comfort of her mother. Her last words were "Mum, I'm scared". In a terrible twist of fate, she had stepped directly into the line of fire. As her mother battled to keep the front door closed, the defendant fired a shot that passed straight through the door, then through Cheryl Korbel's wrist and into Olivia's chest, killing her. The defendant then managed to get his hand inside the door

and fired another shot inside the house. Fortunately, the door was closed on his hand and the bullet discharged into the door frame avoiding the people inside.

3. For the murder of Olivia, there is only one sentence that can be passed: that is a mandatory life sentence. Let there be no misunderstanding about this, the sentence will be one of life imprisonment. That means that the defendant may spend the rest of his days in prison. However, for reasons I shall explain, this is not a case which requires a whole life order. I must therefore specify the minimum term which must elapse before the defendant can apply to be released on licence, that is the shortest period that he will be required to serve in prison. There is no guarantee that he will in fact be released at that stage. That will be a matter for the Parole Board. I will specify sentences for the other offences, but they will be served concurrently with the sentence for murder, which will reflect the totality of the offending.
4. The killing of Olivia Pratt-Korbel is an offence that shocked not only the city of Liverpool but the nation. Olivia's name is likely to be remembered for many years. She should not be remembered only for her dreadful last moments. Her family have spoken today of Olivia in life and of the hopes and dreams for her future, which were so cruelly snatched away. It is plain that Olivia was a lovely little girl, who cared for others and brightened the lives of her family and friends. They have suffered an unimaginable loss which they must carry for the rest of their lives. Nothing I say or do today will ease that, but they should know they have my sympathy.
5. The mental scars from that night will persist forever. Cheryl Korbel must also bear the physical scars on her wrist and hand. She must have suffered terrible pain as the bullet passed through her body but her bravery and strength is obvious. She had fought to keep the trouble outside and she ignored the pain as she desperately tried to save Olivia. The need for her to receive emergency treatment meant that she could not be with her daughter when she died. Nobody suggests that the defendant intended to kill Olivia or to harm Cheryl. But even if he did not know Olivia was in the firing line, the same cannot be said about Cheryl. She opened her door and stepped outside to see what was happening. She immediately recognised the gravity of the situation and hurried back to get inside and secure her home. It will have been apparent to the defendant that she was not connected with Joseph Nee and was trying to keep him out. He knew therefore that a wholly innocent woman was by the door and yet that is where he chose to take aim. Had he paused to think for one moment, it would have been obvious that this was a family home and that others, perhaps including children, were at risk. But the

defendant was focused only on the murder of Joseph Nee and no one else mattered to him.

6. Precisely what lay behind the attempt on Joseph Nee's life has not emerged. The court did not hear from him and the defendant was certainly not willing to share the truth. On his own evidence, the defendant led a criminal lifestyle in the course of which he was prepared to use threats and violence. Mr Nee was a man with enemies, who had been shot at previously. That provides the context for what happened. Whatever Mr Nee may have done, it plainly did not justify the attempt on his life. He suffered serious injuries and is lucky to be alive.
7. After things went so tragically wrong, the defendant went to the home of the woman who was brave enough to come to court to give evidence against him. I have made an order granting her lifelong anonymity and will not name her now. Her evidence was significant, as they both realised. She chose to do the right thing. The defendant invented a defence designed to humiliate and undermine her. It did not work. She was subjected to lengthy questioning about the most intimate details, but she stood firm. I am sorry that she had to endure that but endure it she did, and her courage is to be applauded.
8. In sentencing for the murder of Olivia Pratt-Korbel, I must follow the statutory provisions set out in Schedule 21 of the Sentencing Act 2020. Paragraph 2(2)(ba) of Schedule 21 provides that the starting point for the murder of a child involving a substantial degree of planning or premeditation is a whole life order. I have considered whether that applies to this case but have concluded it does not because the planning and premeditation was not directed at the child. There is no doubt though that the seriousness of the murder, taken in combination with the other offences, is particularly grave such as to require a lengthy minimum term. The starting point for any murder involving a firearm is 30 years, as set out in paragraph 3 of Schedule 21. I must then consider the aggravating and mitigating factors, set out in paragraphs 9 and 10, together with any other relevant circumstances.
9. There can be no doubt that this shooting involved a significant degree of planning and premeditation. I bear in mind that many, if not most, murders using firearms involve some premeditation and that is already accounted for in the starting point. The evidence in this case demonstrates planning going well beyond that. The defendant had sourced two guns, presumably to allow for the possibility of one misfiring. He knew what van Joseph Nee was driving and I am sure that he was looking out for him earlier that day.

Having spotted his van, he changed his clothes and concealed his face before heading towards him, only to realise Mr Nee had left. Later, having seen the van again and realising Mr Nee was likely to remain where he was until the end of the televised football, the defendant again changed his clothes, got into position and lay in wait. This was a targeted, planned execution attempt. It commenced in a residential street. Even as Mr Nee ran for his life, the defendant ruthlessly pursued him. He then fired more shots as Mr Nee tried to take cover in a determined effort to complete what he had set out to do.

10. It is accepted on the defendant's behalf that Olivia was a particularly vulnerable victim because of her age. I do not necessarily agree that Olivia's age made her more vulnerable to being killed in these specific circumstances. But it is academic to debate whether the case comes within paragraph 9(b). The real gravity of this case is that a young child was shot and killed in her own home. As children do, Olivia was coming downstairs to seek reassurance. Cheryl Korbel should have been able to give that reassurance and tuck Olivia back into bed. What happened instead was chilling and strikes fear not only into the immediate community but also into the minds of other children and their parents. Shooting into a family home with no regard for who may be caught in the crossfire is obviously a very significant aggravating factor which must be reflected in the minimum term.
11. None of the statutory mitigating factors apply in this case. While right that there was no intent to kill Olivia, the fatal shot was fired with the clearest possible intent to kill and I have determined that the shooting was premeditated. The fact that the intent was directed towards Joseph Nee offers no mitigation. Had the defendant planned to kill Olivia, he would have been facing a whole life order.
12. Even had the defendant killed Joseph Nee rather than Olivia, the premeditated nature of the killing, the use of two firearms and the firing of shots into a family home would still have required a substantial uplift. The fact that it was Olivia who died undoubtedly makes the offence more serious still.
13. Further, I am not considering this offence in isolation. The defendant must also be sentenced for the other offences. I shall take care not to double count features that are common to Counts 1 to 3. I am very conscious that the shot that killed Olivia was one of those aimed at Joseph Nee while attempting to kill him and was the same shot that wounded Cheryl Korbel. However, I must reflect the fact that the harm caused was not limited to killing Olivia but also included serious injury to two other people.

14. Had I been sentencing the defendant for the attempted murder of Joseph Nee alone, I would have imposed a life sentence because of the obvious risk of serious harm he poses to members of the public. I agree with the submissions that this is a Category A2 case within the relevant Sentencing Guideline. That gives a starting point of a determinate sentence of 30 years and a range of 25 to 35 years. Even in the context of a Category A case, the offence is aggravated by the planning, the relentless pursuit of Mr Nee and the use of two firearms so I will select a figure towards the upper end of the range. In setting the minimum term to be served on a discretionary life sentence, the notional term should be discounted by one-third to reflect the early release provisions which apply to a determinate sentence. I need not dwell further on the minimum term for Count 2 since it will make no practical difference to the minimum term which must be served, which will be that imposed on Count 1.
15. For Count 3, wounding Cheryl Korbelt with intent to do grievous bodily harm to another, the offence falls into Category A2 in the relevant guideline, giving a starting point of 7 years' imprisonment and a range of 6 to 10 years. The offence is aggravated by being committed against a woman in her own home and I consider that a sentence at the top of that range is appropriate.
16. The firearms offences charged as Counts 4 and 5 are part and parcel of the other offences. It would be wholly artificial to consider the appropriate sentence for these two offences had they stood alone. They are category A1 offences within the relevant guideline. The sentences on these counts will not impact on the overall term the defendant must serve. It is therefore unnecessary to say more and I will simply adopt the starting point suggested by the guideline, namely 18 years' imprisonment.
17. I have explained the approach to the sentences for the individual offences only so that the defendant and others know how I have arrived at the eventual sentence which I impose. The reality is that the defendant's offending cannot be compartmentalised, and the minimum term to be served will reflect the totality of his offending. The defendant murdered Olivia Pratt-Korbelt, a young child, in her own home. He did so in the course of attempting to murder Joseph Nee as part of a planned and sustained attack involving the use of two firearms. He caused serious injuries to Mr Nee and came close to killing him. He also shot Cheryl Korbelt causing her significant physical injury to say nothing of the psychological scars he caused her and others. That is the basis upon which he will be sentenced.

18. The defendant is now aged 34. He is not of previous good character. Any attempt to rely on an absence of any significant history of violence has to be viewed in the context of what he told the jury. He made it quite clear that he was a criminal who used threats and violence when it suited him. Although I will not treat that as aggravation, there is no mitigation to be found in his history. The defendant has not acknowledged his responsibility for Olivia's death and so has demonstrated no remorse. His failure to come into court is perhaps further evidence of that although I make it clear this has not caused me to increase his sentence. The defendant is a father and I accept that being taken away from his children is a loss for him and for them. It is a loss that he is wholly responsible for. There is, in my judgment, no real mitigation available to the defendant.

**I now pronounce the sentence**

19. On Count 1, for the murder of Olivia Pratt-Korbel, the sentence will be life imprisonment. The minimum term will be 42 years, less the time the defendant has already spent in prison on remand. On Count 2, the attempted murder of Joseph Nee, the sentence is life imprisonment with a minimum term of 22 years. On Count 3, wounding Cheryl Korbel with intent to do grievous bodily harm to another, the sentence is 10 years' imprisonment. On Counts 4 and 5, the firearms offences, the sentence is 18 years' imprisonment on each.
20. All those sentences are to be served concurrently, meaning that the shortest period the defendant will be required to serve before he can be considered for early release from the sentence of life imprisonment is 42 years, less the 182 days he has served on remand.
21. After he has served that minimum term, he can only be released if the Parole Board decide that is appropriate. He would then remain on licence for the remainder of his life.
22. The statutory surcharge will be added to the record.