



JUDICIARY OF  
ENGLAND AND WALES

REX

-v-

BRIKEL PALAJ  
NIKOLA PALAJ  
RADIAN LIKA  
KASTRIOT MHILLAJ

**Sentencing Remarks of The Honourable Mr Justice Saini**

**In the Crown Court at Bristol**

**21 April 2023**

1. Brikel Palaj and Radian Lika, in March this year you were each convicted by a jury at Bristol Crown Court of the murder of Aranit Lleshi. Nikola Palaj, you were convicted of the manslaughter of Aranit Lleshi. Kastriot Mhillaj you entered a guilty plea to violent disorder at the first day of the trial.
2. It now falls to me to sentence you for these offences. I have received very helpful notes and submissions from Defence and Prosecution Counsel and my attention has been drawn to the relevant provisions of the Sentencing Act 2020 and applicable guidelines. Where I state factual findings in the course of these remarks, I am sure of those facts based on the evidence I heard at trial.
3. I have read the moving statement submitted by Aranit's brother, Vasfi, on behalf of his family. Vasfi describes how the family have lost a loved and dear son and brother. Sadik Lleshi, who was with Aranit in the last moments of his life, had to witness his youngest brother being murdered. His anguish and pain were clear throughout the trial.

4. The facts surrounding the death of Aranit are as follows. On 24 May 2022 Brikel Palaj, Nikola Palaj, Radian Lika, Kastriot Mhillaj and an acquitted co-accused came to Bristol to steal a cannabis crop. The crop was being farmed at 13 Bloomfield Road, Brislington by another criminal gang.
5. Nikola Palaj is the younger brother of Brikel Palaj. Nikola and Mhillaj had only been in England for a few months before the events of 24 May 2022. Brikel and Lika have lived in the UK for some years. As we did during the trial, I will refer to the group who came to steal the cannabis crop as Group B.
6. Aranit, the deceased, and a number of other men were part of the other group, Group A, who had been involved in growing and protecting the cannabis crop at 13 Bloomfield Road. The members of the two groups did not know one another, although they each came from the Albanian community.
7. Brikel and Lika had been involved in stealing cannabis crops from various grow houses for about a year, usually relying upon inside information or chatter within the London Albanian community. This was a lucrative business but I find that, as far as Brikel and Lika were concerned, it did not involve violence. It consisted essentially of staking out properties and moving in to cut and steal cannabis when they were empty. In fact, just before the events in Bristol, Group B had tried to steal a crop from a house in Manchester but gave up after a few days of watching because the house was occupied.
8. Brikel had stolen a crop from 13 Bloomfield Road some months earlier, using inside information from one of the criminal gang who were involved in growing the crop. Having failed to steal anything in Manchester, Brikel decided to try again in Bristol, having received a tip off from someone within the growers gang that the property would be unlocked and vacant. Brikel took the lead role organising the Group B members to assist him in the theft. Group B took with them a cannabis stealing kit stored in a van – this contained sharp instruments including long knives, balaclavas and sheets to remove the crops when cut. I find that the sharp instruments taken by the gang were cutting equipment and were not for violent use in confrontations.
9. In the days before the intended theft, those in Group A who were growing the crop had become suspicious that a further theft might take place so had arrived in numbers and were in and around the area of the house on the afternoon and evening of 24 May 2022.
10. Group A including Aranit were there to protect the crop. They had noticed Group B members in a car park near the house during the evening and suspected they were intending to steal from the house.

11. Group B then started to put the plan to steal into action. The first step was that Nikola and Mhillaj arrived in the road in their van before Brikel and Lika at around 9pm that evening.
12. Things went wrong for the thieves when Nikola and Mhillaj were confronted by a number of Group A men, including Aranit.
13. Having been caught by Group A, Nikola and Mhillaj had their van blocked in by Group A's X5. Mhillaj ran off shortly after an altercation with Group A began.
14. Threats were made, and violence was used, against Nikola by Aranit and others. This violence involved the use of weapons including at least one screwdriver. At this time, Nikola was alone and substantially outnumbered by the Group A men. In inflicting violence the purpose of the growers was to obtain information as to who the "rat" in their gang was – that is, the person giving Group B information about the grow. There was shouting heard by neighbours.
15. The CCTV shows that members of Group A were on the lookout for others from Group B who might be turning up to assist in the theft.
16. Others from Group B did arrive. So, Brikel and Lika arrived shortly after the van had been blocked in by Group A at the end of the road. Nikola had called Brikel on his cell phone indicating he had been stopped.
17. On arriving at the end of Bloomfield Road, Brikel and Lika paused and saw the van blocked by the growers. They concluded Nikola was being held by persons who looked like Albanians. That prompted Brikel and Lika to leave the road. They went to obtain weapons of some sort in order to procure the release of Nikola.
18. Brikel and Lika drove to a nearby Sainsbury's store. There they purchased 4 large kitchen knives. Lika was frightened at the situation they found themselves in and I find that he was very reluctant to return to Bloomfield Road but felt he had to assist Brikel whose brother Nikola was being held by the opposing group. Before leaving Sainsbury's Brikel and Lika went to the store toilets to remove the packaging from the knives. Each placed two knives within their clothing as they returned to their car. So armed, they then headed back to Bloomfield Road.
19. On arriving in the turning circle at the bottom of that road, Brikel rapidly exited the car holding two of the knives. He chased persons from Group A. Lika parked the car, and also took two knives with him and entered the turning circle area.
20. A substantial fight between a number of people, each from the two groups followed. This involved acts of extreme violence on all sides. Shouts and screams of a horrifying nature were heard by those living in and around the turning circle. During this fighting one or more of those in Group B stabbed Aranit and caused his death. Aranit

suffered a number of other knife wounds aside from the fatal injuries. I cannot be sure as to which of the Defendants caused any of the injuries.

21. Although I cannot be sure who inflicted any injury or the fatal injuries to Aranit's arm (severing two of his arteries) I am sure that both Brikel and Lika used knives they had just bought during the fighting with Group A. Although Nikola was an active participant in the fighting I cannot be sure he used any weapons.
22. During that fighting, Nikola and Lika were both seriously injured. Group A caused substantial injuries of a life-threatening nature to each of them, using a number of weapons. Brikel also received injuries, but of a less serious nature.
23. The jury by their verdicts have defences of self-defence or defence of others run by all Defendants. The verdicts and the evidence are in my judgment broadly consistent with the jury having found the use of excessive force in the situation. I will address the specific facts concerning this matter for each Defendant separately. Nikola's factual position, as indicated already, is somewhat different to Brikel and Lika.
24. Group B then left the scene, with Brikel taking Lika and Nikola to obtain medical assistance. Aranit also left the scene with his group, but died shortly thereafter on a nearby road, despite rapid arrival of an ambulance. Aranit and his brother Sadiq were abandoned on the roadside by their fellow Group A members who then fled the country. Aranit bled to death at the roadside.
25. I now turn to the issue of the sentences under Count 1, murder for Brikel and Lika.
26. There is only one sentence that the law allows to be passed, that is a mandatory sentence of imprisonment for life. I am however required to specify the minimum term, pursuant to Schedule 21 of the Sentencing Act 2020, which must elapse before Brikel and Lika can be released on licence. The first matter is to identify the starting point. It will be the same for each of Brikel and Lika.
27. Having considered the Crown's submissions I am not satisfied that the murder justifies a 30 year starting point. It was not in my judgment committed in the furtherance of robbery or burglary but in an attempt to obtain the release of Nikola.
28. I am however satisfied that the appropriate starting point for the murder of Aranit, given it involved taking knives to the scene is 25 years.
29. Having chosen that starting point I am required then to take into account the aggravating and mitigating factors in your cases which I must do separately. I will begin with Brikel Palaj.

**Brikel Palaj**

30. Briel Palaj you were 32 years of age at the time of the murder. I do not consider there to be any other statutory or non-statutory aggravating factors justifying an increase in the starting point. I take into account your admitted earlier involvement in drug thefts but that is a relatively minor matter overall.
31. As to mitigating factors, there are a number of powerful matters in your favour submitted by Mr Ivers KC. First, I accept that you had no intention to kill Aranit. Second, as I have said, I also proceed on the basis there was a context of excessive force in self-defence or defence of others, which lead to unintended escalation. Third, although this is not properly called a case of provocation, I accept the point that the acts of Group A had features of an ambush. Fourth, the killing was not premeditated. Fifth, you have no previous convictions and having seen you give evidence I am satisfied that aside from the present incident you are not a man of violence. Sixth, I also take into account your remorse. These are all points which justify a significant movement downwards from the starting point.
32. Having regard to all the factors to which I have made reference, I have concluded that the appropriate minimum term in your case is one of 20 years.
33. I sentence you to life imprisonment. The minimum term you will serve is one of 20 years. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which cannot be reduced.
34. After you have served 20 years, there is no guarantee that you will be released at that time, or at any particular time thereafter. If after the 20 year period, the Parole Board decides you are fit to be released you will be released.
35. Moreover, if and when you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your life sentence if you reoffend or otherwise breach the conditions of your licence. It is in these ways that a life sentence protects the public for the future.
36. You will receive credit for the 326 days that you were remanded in custody. The statutory surcharge will be added to the record. I now turn to your sentence Radian Lika.

**Radian Lika**

37. Radian Lika you were 35 years of age at the time of the murder. The starting point is again 25 years. I do not consider there to be any other statutory or non-statutory aggravating factors beyond your earlier convictions. Those are not for offences of violence. I was told that you were convicted in 2013 of two offences, false imprisonment and blackmail at Snaresbrook Crown Court. You received sentences of nine and seven years respectively, to be served concurrently. I take into account that

these convictions are rather old. You also admitted earlier involvement in drug thefts, which I consider to be immaterial in the overall context.

38. As to mitigating factors, there a number of powerful matters in your favour argued by Mr Hughes KC. First, I accept that you had no intention to kill Aranit. Second, you had real reluctance to return to the Bloomfield Road a second time but felt compelled to assist Brikel. Third, I proceed on the basis that this was a context of excessive force in self-defence or defence of others in a situation of unintended escalation of violence. You suffered life-threatening injuries during the violence. Fourth, although this is not properly called a case of provocation, I accept the point that the acts of Group A had features of an ambush. Fifth, the killing was not premeditated. Sixth, I take into account your remorse. Finally, I taken into account the serious challenges you faced as a child including periods in care after having been transported in a truck to England when very young.
39. These are all points which justify a significant movement downwards from the starting point. In terms of overall responsibility for the events leading to the death, it might be said that you were of less culpability than Brikel. Brikel took the lead role in determining you would return to Bloomfield Road with weapons but you were an active participant in the fighting. I do not consider it appropriate on the overall facts to distinguish between you and Brikel.
40. Having regard to all the factors to which I have made reference, I have concluded that the appropriate minimum term in your case is one of 20 years.
41. I sentence you to life imprisonment. The minimum term you will serve is one of 20 years. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which cannot be reduced.
42. After you have served 20 years, there is no guarantee that you will be released at that time, or at any particular time thereafter. If after the 20 year period, the Parole Board decides you are fit to be released you will be released.
43. Moreover, if and when you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your life sentence if you reoffend or otherwise breach the conditions of your licence. It is in these ways that a life sentence protects the public for the future.
44. You will receive credit for the 324 days that you were remanded in custody. The statutory surcharge will be added to the record. I turn now to Nikola Palaj.

**Nikola Palaj**

45. Nikola Palaj you were 28 years of age at the time of the offence of manslaughter. As I have already said, I am satisfied that you were the victim of violence at the hands of

Group A including Aranit the deceased, before the main fighting began on the return of Brikel and Lika. Before they arrived you were substantially outnumbered and assaulted. Mhillaj had fled and left you alone to face 3-4 members of Group A.

46. The more serious violence however began when Brikel and Lika returned in the Picasso armed with the 4 knives. On the jury's verdicts they rejected your self-defence or defence of others pleas and they were sure you assisted and encouraged the fighting which led to Aranit's death, and that you intended at least some harm, short of very serious harm.
47. I bear in mind that the incident was over in about 1 minute and there were extreme and life-threatening acts of violence against you by members of Group A. You suffered very serious injuries. As in the case of your co-defendants, I proceed on the basis that in your case there are elements of excessive force in self-defence or defence of others in your conduct, at least until the later stages of the fighting. Your Leading Counsel Mr Aylott KC is right to emphasise that this is an important contextual factor in deciding upon your culpability.
48. The Crown argue that this is a case in Category B of the guideline- that is, the high culpability category. Your Leading Counsel argues that this is a Category C case, and also submits that the self-defence aspects should exert significant downward pressure on the sentence.
49. I consider this to be a Category C. This is a case where death was caused in the course of an unlawful act which involved an intention on your part to cause harm falling between the higher and low culpability. Category C has a starting point of 6 years custody.
50. However, in my judgment, I should come down from that starting point to reflect the fact that there was a form of self-defence context to your actions. Your overall conduct throughout the incident means that this is not a case properly within Category D, but I accept your culpability is lessened by the self-defence context. The way to cater for that is an adjustment to the starting point.
51. I propose to adopt a starting point of 5 years by way of adjustment. I turn then to aggravating and mitigating factors.
52. As to aggravating factors, I cannot be sure you used any weapons but you joined an attack where your group had arrived with weapons. This is a serious matter which moves the sentence upwards.
53. As to mitigation, you have no previous convictions. You are relatively young. The offence was not premeditated or planned. I also take into account your remorse and apologies in the PSR. The PSR has also assisted me generally in providing an insight into your character and situation.

54. Considering all the circumstances, in my judgment the aggravation and mitigation balance one another out. I impose a sentence of imprisonment of 5 years. You will receive credit for the 324 days you have served in custody.
55. You will be released from custody two-thirds of the way through the 5 year sentence and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be risk of recall to prison to serve the remainder of the term in custody. The statutory surcharge will be added to the record.
56. I turn finally to Kastriot Mhillaj's sentence for violent disorder following his guilty plea.

### **Kastriot Mhillaj**

57. Mr Mhillaj, at the time of the violent disorder to which you have entered a guilty plea you were aged 34 years. I have already stated the facts and your limited involvement in the events that day. As to what you did I accept the basic facts in your basis of plea. You did not engage in violence personally rather you were part of a group using or threatening unlawful violence in such a way that a bystander of reasonable firmness present would have feared for his own safety.
58. Such was the increasing level of violence and threat, that you ran from the scene to the local petrol station. You did not re-join others in Group B and were not present in the violence in which Aranit suffered his fatal injuries.
59. The Crown and your Counsel agree that under the Violent Disorder Guideline this is a Culpability Level C, and Harm Category 3 case. I agree. The starting point is 26 weeks custody with a range of a medium level community order to one year's custody.
60. As to the seriousness of the incident, it is significant that it took place in a public area and disturbed a number of people in their own homes. I note however that real fear was caused to them by the events that unfolded after you had run away, and which I have already described. There are no statutory aggravating features. In terms of mitigating features, you have no previous convictions. This is a case which would have required some form of custodial sentence but with significant movement down from the starting point.
61. After trial I would have imposed a sentence of 20 weeks custody. I will give a 10% credit for the late guilty plea. The sentence I impose is accordingly 18 weeks custody. You have served 326 days already, having been in custody since 25 May 2022, and accordingly have no further period of imprisonment to serve.



62. The statutory surcharge will be applied to the record.