

R v Christopher EL GIFARI

SENTENCING REMARKS OF MR JUSTICE GRIFFITHS, PRESIDING JUDGE OF WALES

1 DECEMBER 2023 - CARDIFF CROWN COURT

Mark Lang was well known and well liked as a driver who had for 15 years been delivering parcels to Cardiff residents, especially in the North Road and Llandaff areas.

You murdered him, Christopher El Gifari. You have been convicted after a trial of both murder and robbery.

He was only 54. You took a son away from his mother. You bereaved his partner of 23 years. You deprived his two daughters of their father, a sister of her brother, and his partner's children of their father figure. He will not see future grandchildren. He will not enjoy retirement. The taking of a life is a terrible thing, not only because of the life which is cut short, but because of all the other lives which are damaged as well.

FACTS

At lunchtime on 28 March 2023, Mr Lang was doing a delivery round in his transit van to Laytonia Avenue, off North Road in Cardiff.

He jumped out of the van to take a parcel to number 1 Laytonia Avenue and left the engine running for the very short time he needed to do this. As he was taking the parcel out of the back of the van, you happened to be walking towards him on the street. You saw your chance, ran stealthily up to the van, and crept into the driver's cab while he was still at the front door. Then you drove off up Laytonia Avenue at speed, in order to steal the van and its contents. The parcels in the back were worth over £4,200.

The sound of your acceleration alerted Mr Lang, and at first he rushed up the road after you, still carrying the undelivered parcel in both hands. What he knew and you did not was that there was no through road in the direction you had taken. As you sped away, therefore, he took up a standing position in the centre of the road, to block off your escape on the way back.

You got to the dead end, and did a rapid three point turn, crashing into a garden wall as you did so. Then you drove back along Laytonia Avenue to where Mr Lang was standing. Your three point turn had brought you to a halt directly facing Mr Lang, with a distance of about 30 metres between you. The road surface was wet but in good condition. Visibility was good. Light levels were good. Mr Lang was wearing a Hi-Visibility jacket. In order to complete your theft, you accelerated towards Mr Lang from your standing start, reaching a speed of 18-19 miles per hour in the 5 seconds it took you to get to him over the 30 metres. This was the maximum possible speed unless you changed up from first gear. I am satisfied by the exceptionally noisy engine sound, which brought witnesses rushing to their windows and which is also caught on CCTV, that you did not change gear in those few seconds. This conclusion is supported by a witness who noticed you struggling to use the forward and reverse gears correctly during your botched three point turn.

In short, you drove directly at him as fast as you possibly could. You could see that he was in the centre of your path, but you did not deviate by so much as an inch as you hit him.

It is true that, for a fraction of a second, the brake lights came on - caught on just 3 frames of CCTV running at 15 frames per second, but going off again for the last 2 frames before impact. This was not a real attempt to brake. It was no more than a reflex action which you instantly overrode.

You were determined to drive over Mr Lang and get away with his van and contents, come what may.

Having connected with Mr Lang, you continued to accelerate. As a result of your speed, sustained acceleration, and deliberately central positioning, Mr Lang was not thrown clear. Instead, he was pinned to the front of the bonnet, facing you through the windscreen in his Hi-Vis jacket before he slid down underneath the van. He was then trapped between the undercarriage of the 2-tonne van and the road, as you continued to drive at speed out of Laytonia Avenue, and up the dual carriageway of North Road.

On North Road you reached a speed, caught by a speed camera, of 47 miles per hour on a road restricted to 30 miles per hour. You wove between lanes and undertook another driver who was a witness at the trial. Traffic at a red traffic light brought you briefly to a stand still but at that point you can be seen on the CCTV moving the van slightly backwards and forwards.

I am sure that you did this in order to see if you could dislodge the body which shows that you at least suspected that he was being dragged underneath you.

You had seen how Mr Lang fell, and you had seen in your wing mirrors that you had not left him behind you on the road. He was not dislodged. But you set off again. You turned sharply into New Zealand Road, too fast to complete the manoeuvre. There, you came to a final halt.

Again, the CCTV shows you moving the van slightly backwards and forwards, and, in the circumstances, I am sure that this was **another** attempt to get it free of the body.

By then you had driven a total of 743 metres since first hitting Mr Lang. All that time, he was being battered and suffocated, sustaining horrible and painful injuries, as his body was dragged underneath the van you were driving. He was visible to drivers and pedestrians, immediately under the front of the van and between the front wheels. The pressure on his body was so great, that his Hi-Vis jacket ground visible yellow marks into the road, both in Laytonia Avenue and along North Road. The gap between the bottom of the van and the road was only 16cm or 6 inches, and Mr Lang was a big man weighing over 20 stone. He was 5 foot 8 inches tall, so not above average height.

When it had come to a stop in New Zealand Road, passers by ran to the van. One of them spoke to you through the window and pointed to Mr Lang's body underneath you. But you showed no interest in what he had to say. You gave no sign of being surprised Mr Lang's body was there, or of caring about Mr Lang at all. All you wanted was to get away with what you had done. So you jumped out of the van and ran away, as fast as you could.

You lay low with family members instead of going home. They had no idea what you had just done. You behaved completely normally, until you were arrested the following day at your parents' house.

In addition to his other physical injuries, Mr Lang sustained heart failure and irreparable brain damage, before being resuscitated at the scene. Efforts to save his life, both at the scene and in hospital, were ultimately unsuccessful and Mr Lang died 17 days later on 15 April when life support had been turned off. He had not regained consciousness.

LIFE SENTENCE

There is only one sentence for murder, and that is imprisonment for life.

That is the sentence I will pass on you.

In addition to sentencing you to imprisonment for life, I must set the minimum term that you must serve before the Parole Board can conduct its first review of whether and, if so, when you might be **released on licence**. It may be that the Parole Board will decide **not** to release you on licence at that point. If you are ever released by the Parole Board, whenever that may be, you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your life sentence in prison. That is how a life sentence protects the public for the future as well as punishing you.

The minimum term is not your sentence. Your sentence is life imprisonment.

MINIMUM TERM

This was a murder in the course of a robbery.

Paying due regard to the statute, and reflecting the particular circumstances of your case, I am adopting 30 years as the starting point for consideration of the minimum term before the

Parole Board can conduct its first review. However, where I move from the starting point will reflect the aggravating and mitigating features of your case.

AGGRAVATING FEATURES

There are a number of aggravating features.

Mark Lang was performing a public service as a delivery driver when you killed him. You used the van as a weapon. Both the mental and physical suffering Mr Lang experienced as he realised he was trapped under the van, and then as he was dragged along before losing consciousness, were particularly severe.

You are 31 years old, born in December 1991. You have had a troubled life since schooldays, characterised by addiction, and a variety of offending. You have 26 convictions for 55 offences, many when you were under 21, but continuing through adulthood to the great detriment of your life and relationships. Significant elements of the offending were for drug dealing or drug related, but your relevant convictions as an adult include racially aggravated assault on your father in 2012, and battery and common assault of an emergency worker in November 2022 when you threw a cup at an interviewing officer's arm. You have numerous adult convictions for theft and burglary. You also have a conviction for dangerous driving in 2020 when you were trying to get away from the police. Neither dishonesty nor low level violence were new to you, but you had never inflicted serious injury before.

MITIGATION

In mitigation, the offence was not premeditated.

As far as the intent to kill was concerned, you did not care whether Mr Lang lived or died, as long as you got away. By driving at him as fast as you could, and accelerating away along North Road when you had every reason to know he was trapped under the van, you

demonstrated a complete disregard for his life. That is not as bad as positively wanting him to die, but it does not offer you much by way of mitigation.

You have showed no remorse at any time, except in a dishonest and self-serving prepared statement which did not reflect the way you behaved at the time of the offence and in the time before your arrest.

However, I am pleased to hear that you are now engaging positively with rehabilitation programmes available to you in prison.

The balance of aggravating and mitigating features weighs against you and raises the minimum term above the starting point.

ROBBERY SENTENCE

Your sentence for robbery is in category A1 of the Robbery Guideline, because of the use of the van as a weapon and the death which resulted.

The harm was not only in Category 1, but an extreme example of it. The event was prolonged by you continuing to drive when you knew you had knocked Mr Lang down without throwing him to the side or leaving him on the road behind your van. Your previous convictions for dishonesty, dangerous driving and, to a much lesser extent, low level violence, are somewhat aggravating features for the robbery, as is your failure to respond to previous custodial and other sentences.

The lack of planning is some mitigation.

I have, however, seen no credible sign of remorse.

The sentence for robbery will be 10 years, to be served concurrently with the life sentence for

murder.

I have already taken account of all the elements of the robbery as directly relevant to the minimum term for murder. To avoid double counting, the robbery sentence has not increased that minimum term, although it is concurrent with it.

OTHER MATTERS

You must pay the statutory surcharge of £228 or such other sum as may be set administratively in accordance with statute.

You have spent 245 days in custody before trial and that will be deducted from the minimum term that I am going to impose.

SENTENCE FOR MURDER

Stand up now, Christopher El Gifari

For the murder of Mark Lang, your sentence is imprisonment for life with a minimum term of 32 years, less 245 days on remand.

You may go down.

Before leaving this case, I want to recognise and thank:

- The family of Mr Lang for their fortitude and restraint during the trial
- The police and emergency services for their exceptionally rapid response
- The members of the public who rallied round Mr Lang at the scene
- and all those who have played their part in bringing the defendant to justice.