

IN THE CROWN COURT AT DONCASTER

Rex

v

Sharaz Ali

and

Calum Sunderland

SENTENCING REMARKS

1. On 10<sup>th</sup> December 2025, Sharaz Ali was convicted of 4 counts of murder and one count of attempted murder. Calum Sunderland was convicted of 4 counts of manslaughter. They now have to be sentenced for their respective offences.
2. The victims of the murder and manslaughter offences were Bryonie Gawith, aged 29, and her 3 children, Denisty aged 9, Oscar aged 5 and Aubree aged 22 months. The victim of Sharaz Ali's offence of attempted murder was Antonia Gawith. She and Bryonie were sisters.
3. The effects of these crimes have been movingly set out for me. Brian Gawith is Bryonie's father and grandfather to the 3 children. He and his partner Louise explain that what has happened has torn their world apart. As he puts it, 4 beautiful members of their family have been stolen from them in the most horrific way possible. How, he asks, do we move on from this?

4. Rachel Gawith is Bryonie's mother and grandmother to the 3 children and has painted a picture of the distinctive character of each of them. She points out that for a parent to lose a child is heartbreaking, but the lives of 3 grandchildren have been taken too. There are no more parties on birthdays for them, she explains. Now they visit the cemetery.
5. I have heard from Bryonie's brother Christopher and sisters about the grief that the family endure. Claire Gawith speaks of the heartbreak of losing her sister and her nieces and nephew and of having to watch Antonia live with the trauma of surviving an attempt on her life.
6. Antonia Gawith says this: "The night of my attempted murder shattered my entire existence. The fear and heartbreak in that moment was unbearable. The attack did not just alter my life. It destroyed the world I knew and replaced it with an unbearable void. The physical scars I escaped are nothing compared to the emotional and psychological wounds that will never heal." She says that survivor's guilt is an ever-present shadow.
7. The sentences that I pass are not intended as a measure of the value of the lives that have been lost. It cannot be a question of adding up a sentence and dividing it by the number of victims. Their lives are precious beyond measure. And no sentence I pass can put right what the defendants have done. That is not possible.
8. I need to set out the facts I am sure about for the purposes of sentence. As is always the case, there are issues which are not

resolved by the jury's verdicts which I shall have to decide for myself. I am grateful to Counsel for all the help they have given me on this and every issue. I have the advantage of having heard all the evidence and arguments during the trial. I was able to assess each defendant in the witness box. I have also had the opportunity to reflect on all the matters which arise today for this sentencing hearing.

9. I am sure that Sharaz Ali was physically abusive to Antonia Gawith during their relationship and controlling of her as she described in her evidence. He assaulted her very badly on one occasion and he assaulted her on other occasions as well but without such serious consequences. The police were never involved. His abuse of alcohol and cocaine was a significant factor in the way he behaved.
10. Antonia went on holiday with Bryonie and her family on 2<sup>nd</sup> August 2024. Whilst she was away, she decided to end the relationship. On 14<sup>th</sup> August and whilst she was still away, Mr Ali sent the first of a number of messages to her which we have in which it is plain that he believed she had found a new boyfriend; and no doubt he believed that this was the reason for her decision. The truth was that she had no new boyfriend but had had enough of him and of the relationship.
11. Antonia returned to this country on Friday 16<sup>th</sup> August. She collected some things from her address and went to stay at her sister's address, a semi-detached property in Westbury Road, Bradford. Mr Ali was arranging a new address for himself.

12. He continued to send messages, the full meaning of which became clear after he committed the murders. On Sunday 18th August at 01:44 , he messaged Antonia, “Remember one thing, the people that are laughing at me will cry bout their own life.” He said that that was a promise. It is absolutely clear now that that was not some philosophical observation. It was a statement of intent.
13. Mr Ali said in evidence that he had in mind Antonia’s mother who he thought had been laughing at him. The obvious question is what might happen that would make her cry about her own life? I am satisfied that the answer is that Mr Ali was premeditating wiping her family out in a fire. And that is exactly what he did do in the early hours of 21st August. Mr Ali gave no explanation as to why she might otherwise be crying about her own life. He did not say that there was anything else he had in mind which might make her cry.
14. The same day, he messaged Antonia at 09:26, “I know who caused all this in my life whether they meant it or not, they better start praying cos now I’m getting involved in her life and I promise one thing, they’re gonna regret it, I’m not going to look [back] – the house, the kids, the family, the friends are gonna feel it, and deep down u know who I mean too.”
15. I am in no doubt that Mr Ali was referring to Bryonie, that Mr Ali blamed her for the break-up and that he was speaking about setting light to the house. There is no other plausible way of making sense of the reference to the house and none has been suggested.

16. I am also satisfied that the reference to praying is very significant in the overall context that can now be seen. This was not a question of getting some authority to help with whatever he was going to do. Prayer would be necessary. I am sure that this was because he was premeditating setting light to the house with the family and the children in it when he did so and they would go up with it. Again, he said he was making a promise. It was a promise that he kept. We know what he did.
17. He sent further messages to Antonia in which he referred to a new man in her life. She repeatedly told him that there was no such person.
18. In the evening of Monday 19<sup>th</sup> August, he messaged Antonia about wanting to kill someone after his cousin had suggested that Antonia had kicked him, Mr Ali, out of the house they had been sharing. He was referring to his cousin but even so, he was using extreme language. Of course, people sometimes do that and mean nothing by it, and I am alive to that possibility. But I am sure that in this case it is another indication of the kind of thing that was going through his mind at this time because of the way he was feeling.
19. He also said he could not cope with people saying she had a new boyfriend and he wanted to kill himself. If he meant it, this would also have been a desperate measure. But I am sure that he was not serious about killing himself and that this was merely an attempt to

persuade her to give him another chance by the threat of ending his life.

20. At some point before 00:54 on Tuesday 20<sup>th</sup> August, Mr Ali had sent a video to Antonia in which he was shown to be cutting his arm. At 00:54, she messaged that she was sending the video to his mother and sisters. Again, I am sure that this was not a serious attempt to end his own life and that he had no intention of doing that. It was another attempt to put emotional pressure upon Antonia to give him another chance.

21. At 22:49 on 20<sup>th</sup> August, Mr Ali telephoned Calum Sunderland for 44 seconds. I am satisfied that this was to recruit him to help set fire to Bryonie's house where Antonia was now living. Mr Ali was drinking heavily and taking cocaine. Exactly how much Mr Ali told him at that stage, I cannot say but that is why Mr Ali wanted to get hold of him.

22. At 00:25 on Wednesday 21<sup>st</sup> August, Mr Ali messaged Antonia that her new boyfriend was probably picking her up from work. Antonia had in fact simply got a taxi from her workplace to her sister's house at 26 Westbury Road. She got there at 00:44. At 00:47, he messaged her to ask if he could see her for one minute. She messaged "No".

23. At 01:03, Mr Sunderland was standing in the street in Keighley, next to a car owned by another man, Mr Shabir. Mr Sunderland was in conversation with Mr Ali and Mr Shabir. Mr Shabir has since died. I am sure that Mr Ali was at some point during the conversation

sharing his plan with Mr Sunderland to set light to the house. I say nothing about Mr Shabir.

24. At 01:11, Mr Sunderland got into the rear passenger seat of the car. It will be seen from what followed that his involvement went beyond what could be described as impulsive or spur of the moment behaviour. Mr Ali messaged Antonia that he was not coming and called her a whore. Of course, he was lying; he was coming to Westbury Road but he was seeking to allay any concerns that she may have had so that she was not on her guard for his arrival.

25. The 3 men drove to a garage in Keighley. Mr Sunderland got out and went to the garage shop. He tried to buy a petrol container but the shop did not sell them. He did buy a bottle of vodka.

26. The men went in the car to Kensington Street in Keighley where Mr Sunderland had earlier seen a petrol container on the back of a vehicle. It was his idea to go and get the container and they then drove back to the garage where Mr Sunderland now bought 7 litres of petrol, a large amount, with money which Mr Ali had given him. The car left the garage at 01:22 and set off for Westbury Road.

27. Whilst they were in the car, Mr Ali sent text messages to Antonia, calling her and her sister whores, and abusing her mother. He told her that he was in bed. That was obviously untrue but again it was to try and put her off her guard. It is inconceivable in my judgment that Mr Ali kept his hatred to himself whilst he was in the car. I am sure that Mr Sunderland learned of it. He did not need to see text messages to know about it.

28. Mr Ali called Antonia for 16 seconds at 01:30 when Mr Sunderland was in the car. Mr Sunderland must have heard what he said. Mr Ali was accusing Antonia of being with some other man in the house. Again, I am sure that none of this was being kept from Mr Sunderland. I am sure that he would have heard it and that he knew that at least Mr Ali's ex-girlfriend was in the property and possibly another man, even if he did not know exactly how many people were there or that there were children in the house. I do not believe that he thought the house was unoccupied or that Mr Ali told him that. I am sure that Mr Sunderland's evidence about that was untrue. Mr Ali did of course know about Antonia, Bryonie and the three children. Mr Sunderland told the jury that he thought he was going to help Mr Ali set light to a car. The jury were told that they could not convict Mr Sunderland of manslaughter unless they were sure he knew that the plan was to start a fire inside the house. The jury obviously rejected Mr Sunderland's account about burning a vehicle. I am satisfied that he did not think that at any stage.

29. They drove past the house twice before parking at about 01:47 in Westbury Road from where they could see the house. It is clearly a semi-detached property. The car was parked there for about 20 minutes in all. I have no doubt that was so that Mr Ali and Mr Sunderland could be sure that Antonia had arrived back at the house from work and that everyone had gone to bed. After 10 minutes, Mr Ali and Mr Sunderland got out of the car without the petrol and walked toward the house to check on something, we do

not know what, and then went back to the car. Later, they got out of the car again. Mr Sunderland was now carrying the petrol container and using a glove in an effort to avoid fingerprints.

30. They went to the front door. Mr Sunderland had a lighter in his other hand. In interview, Mr Sunderland said that Mr Ali had originally wanted him to climb into the house, unlock the door and let him in. In the event Mr Ali told him to kick the door in. Mr Sunderland said, "Are you mad?" but then did as he was told, in the full knowledge of how dangerous this was, evidenced by the question he asked of Mr Ali. Opening the door required little in the way of force. Mr Ali was reaching for his own lighter which was in his pocket. Mr Sunderland kicked the door and then ran off, leaving the petrol cannister at the front door rather than take it with him. Antonia had heard a noise and Mr Sunderland saw her coming downstairs through the glass. As I have said, I am satisfied that he knew in advance that at least Mr Ali's ex-girlfriend was in the house, but he had not expected anybody to be coming downstairs at 2am. That is why he ran off. But at the point when he did so, all that remained was for Mr Ali to pour the petrol in the premises and light it.

31. Mr Ali immediately began pouring petrol inside the premises. But he also poured petrol over Antonia Gawith. He was trying to light the lighter but she managed to prevent him from doing so. She ran outside in an effort to get Mr Ali out of the house because she knew

the danger he posed inside the house. When he did not follow her, she went back inside, again extremely bravely.

32. He had not followed her outside because he wanted to get upstairs to see if there was a man on the premises. Bryonie Gawith had come to the top of the stairs to see what was going on. Bryonie Gawith was not going to let Mr Ali get upstairs because her children were there. She kicked him down the stairs. Although she must have known what Mr Ali was going to do, there was no way she was going to run out of the house and desert her children and she remained at the top of the stairs to protect them. From what could be heard, it sounds as if one of the children had woken up. Bryonie acted with immense courage. I hope that that will be how her family will remember her last moments. She was determined to protect her children if she possibly could. That completely dominated her thoughts. She begged Mr Ali to stop but he ignored her.

33. Mr Ali pushed Antonia away from him so that he could light the petrol. Fortunately for her, she actually ended up outside the house. I am sure that she would have been Mr Ali's next victim but for the fact that he was caught in the fire which he started. He claimed that he had deliberately set fire to himself. I am sure that he had not intended any such thing to happen. He intended to torch the property and anyone in it and he then intended to kill Antonia who was now outside covered in petrol. He knew that the children lived with their mother. He was so full of hatred for Bryonie and so determined that if he could not have a relationship with Antonia then

no one else would, that these 3 children were to him acceptable collateral damage. Aged 9, aged 5, aged 22 months. That has only to be spelled out to demonstrate how exceptionally serious a case of murder this is.

34. Mr Ali gave evidence during the trial. He did not I think take the opportunity at that stage to express any regret or remorse for what he had done, although Mr Nawaz KC tells me that he has expressed remorse to his lawyers. Only time will tell whether such expressions of remorse are deep and lasting. But I do accept that he has said these things. He refused medical treatment in the early stages. I think that was because he knew that if he recovered, there could be no denying what he had done or avoiding punishment. He did not admit his guilt at trial, not even of manslaughter.

35. Mr Ali is now 40 years of age. He has convictions for offences including assault occasioning actual bodily harm and affray in 2007; racially aggravated assault in 2008; two offences of assault occasioning actual bodily harm in 2011; offences relating to the supply of drugs in 2011, 2015 and 2021; kidnap in 2015; and he was sentenced to 18 months' imprisonment for dangerous driving in July 2023. He was on licence at the time of these offences.

36. I have seen reports about his physical condition. He sustained very serious injuries in the fire. He was in a coma for some time. In October 2025, Dr Paul diagnosed chronic respiratory failure secondary to smoke and hot gas inhalational injury. He thought that any further recovery was likely to be limited. He would have a

permanent significant disability as a result of his respiratory injuries. He would remain oxygen dependent and severely limited by breathlessness for the foreseeable future. He is now dependent on a wheelchair to move any more than 10 steps. When he gave evidence, Mr Ali explained that he had had 2 fingers on each hand amputated, affecting his dexterity.

37. I ordered a more up-to-date prison medical report which was provided by Dr Griffiths on 9 February 2026. He explained that on admission, Mr Ali had 59% burns to his body. He can manage his personal hygiene needs and can feed himself. He has been prescribed medication for depression and anxiety which seems to be effective. Mr Ali said that his mood was normal when assessed on 7 December 2025. An eye condition is managed with drops and pain is controlled by medication. He has been housed on the social care unit of HMP Doncaster which has dedicated staff assigned to it. But he has suffered life changing injuries and the reality is that his life expectancy must have been shortened. I bear in mind the implications of that and the reality of it for this sentencing exercise.

38. Mr Sunderland is 27 years old. He was convicted of an offence of arson in 2021. He set light to a vehicle in a street. He was paid money for doing it. He also has a conviction for possessing Class A drugs with intent to supply them, and a conviction for carrying a knife in 2023. There was also an occasion when he set a fire in a waste bin on a path in 2024 although the police were not involved.

39. On arrest, Mr Sunderland was visibly upset. When interviewed, his solicitor read a prepared statement in which Mr Sunderland said that he was beyond sorry for the devastation which he had caused. I accept that he has expressed regret for what happened. He has said so in letters he has written to me and the Gawiths. It is good that he has done that. However, I am bound to observe that regret for what happened did not extend to a willingness to let the victims' family hear his explanation for his actions on the night when questioned by the prosecution in cross-examination. I have no doubt that he was physically and mentally able to answer those questions. His refusal to answer questions was designed solely to help himself. He put his own interests above those of anyone else and his evidence came to a premature end. He also gave an untruthful account in the evidence he did give to the effect that he had only been going to set light to a car. He still maintained that account to a psychiatrist, Dr Quinn and to the probation officer who prepared the pre-sentence report. In all these circumstances, I am satisfied that his regret at this stage is not yet complete.

40. In Mr Ali's case, there is only one sentence that can be passed for the offence of murder and that is a sentence of imprisonment for life. I have then to decide whether this is a case where a minimum term order should be made. That would require me to specify the minimum period that Mr Ali would have to serve before he could be considered for release on parole licence.

41. However, no minimum term will be specified if I am required to make a whole life order pursuant to section 321(3) of the Sentencing Act 2020. I make a whole life order if the seriousness of the offences demands it. Paragraph 2 of Schedule 21 to the Sentencing Act 2020 provides that if the seriousness of an offence of murder is exceptionally high, the appropriate starting point is a whole life order. Cases that would normally fall within this category include the murder of two or more persons, where each murder involves a substantial degree of premeditation or planning; and the murder of a child involving a substantial degree of premeditation or planning, where the offence was committed on or after 28<sup>th</sup> June 2022. The provision regarding the murder of a child was introduced by section 125 of the Police, Crime, Sentencing and Courts Act 2022.

42. Paragraph 2 was considered by the Court of Appeal in *Stewart, Couzens, Tustin and Hughes* [2022] EWCA Crim 1063. The court said that a whole life order was a sentence of last resort for cases of the most extreme gravity which was reserved for the few exceptionally serious cases where the judge was satisfied that the element of just punishment requires the imposition of a whole life order. Such a case would not be on the borderline. The facts of the case considered as a whole must leave the judge in no doubt that the offender must be kept in prison for the rest of their life. All offences of murder are necessarily extremely serious crimes. The case has to be exceptionally serious, even in the context of murder. I have this point at the forefront of my mind. Section 125 of the 2022

Act was not in force when any of the sentences considered by the Court of Appeal in Stewart were passed.

43. Here, Mr Ali was convicted of Bryonie's murder and the murder of 3 children. I am satisfied that he must be sentenced on the basis that he intended to kill them. The jury were sure that he intended to kill Antonia. He was determined that she would not have a relationship with anyone else. I am sure that he intended to kill Bryonie because he blamed her for the break up and he also intended to kill any man who was on the premises. I am also satisfied that from at least the early hours of 18<sup>th</sup> August he had intended, if Antonia did not return to him, to set light to the house to obliterate it and anyone in it, including the children. That was how he would exact his revenge on Bryonie and why her mother would be crying about her own life.

44. Parliament has provided that the seriousness of an offence of murder will normally be exceptionally high if the murder of a child involves a substantial degree of premeditation or planning. At 09:26 on 18<sup>th</sup> August, Mr Ali was also promising that Bryonie would regret what he thought she had done and that the house, the children, and the family would feel it. I am sure on all the evidence in the case that he had determined to burn down the house and anyone in it, including the children, if Antonia did not change her mind. She did not do so, and Mr Ali actually started the fire at about 02:00 on 21<sup>st</sup> August, 3 days later. In my judgment, the murder of these children and their mother was the subject of substantial premeditation. I am

sure that once he had the idea, Mr Ali did not simply dismiss it but continued to brood upon it thereafter as the course of action he would take if Antonia did not return to him.

45. I appreciate that what is substantial premeditation must be decided against the background that it may result in a whole life order rather than a lesser starting point. The premeditation must be substantial enough to do that. I am satisfied that that is the case here.

46. I have reminded myself that in *Stanciu* [2022] EWCA Crim 1117, the Court of Appeal presided over by Lord Justice Holroyde, Vice-President, said that when the murder of one person is committed by using petrol or another accelerant to set fire to that person's home, a court may properly find that the seriousness of the offence is "particularly high" and the appropriate starting point is 30 years. He said that the acquisition and use of an accelerant in such cases would necessarily involve an element of premeditation and planning so that that should not then be used as an additional aggravating feature. A victim would usually be particularly vulnerable because they were at high risk of being trapped inside burning premises, so that was also accounted for in a 30-year starting point. He said that a distinction might be drawn if the offender had deliberately waited until the victim was asleep. Here, Mr Ali knew that the children would be asleep and deliberately waited until he believed that no one was up and about downstairs where, as he realised, they might then have had more warning about what he was going to do. Here too,

there was not simply an element of premeditation, it was substantial.

47. In the final analysis of course, the question for me is whether this is a case of such exceptional gravity in the context of murder cases more generally that the result must be a whole life order. I have my own experience of murder cases to draw on. Fire is a truly dreadful weapon to deploy because it can spread so easily and because a victim can suffer so much before they die; if they survive they can be left with terrible injuries, as Mr Ali's own predicament demonstrates. Mr Ali decided three days previously to start the fire if he did not get what he wanted. On the night, Mr Ali telephoned Mr Sunderland at 22:49 to recruit him. They stole a petrol can, bought petrol, drove to Keighley and waited outside the house for 20 minutes before setting off to start the fire when they were satisfied that everything was as they wanted it to be. A mother and her three children died. Mr Ali attempted to murder a fifth person.

48. I am satisfied that this was the murder of three children and their mother where all the murders involved substantial premeditation. I am satisfied that it is a case of exceptional seriousness and that the starting point must be a whole life order.

49. I must then consider the aggravating and mitigating factors. The victims were murdered in their own home where they were entitled to be safe. Mr Ali was heavily under the influence of alcohol and cocaine. His motives were revenge and sexual jealousy. Bryonie must have been terrified before she died. One of the children woke up and

the child's screams could be heard. Mr Ali had a history of violence towards Antonia. He recruited Mr Sunderland. The offences were committed in a domestic context. Mr Ali has relevant previous convictions. The offences were committed when Mr Ali was on licence. All these matters make the case yet more serious.

50. On the other side of the balance, I have not overlooked the injuries which Mr Ali suffered himself. They will make his sentence much harder to serve, but they would also make his life much harder to live, whether he was in custody or not. He is the sole author of his own predicament. As I have said, fire is a weapon which is hard to control. It was a risk he was prepared to take in order to kill other people by fire. When that risk for him comes to pass but in pursuit of an objective as grave as that, it is a mitigating factor of limited weight.

51. I should make it plain that I have considered other cases of murder by fire and in particular Barrow [2024] EWCA Crim 509. The authorities considered by the Court of Appeal in Barrow pre-dated the amendment made to Schedule 21 by s125 of the 2022 Act. In Barrow, a mother and 2 children were murdered by fire. A minimum term of 44 years was reduced to 38 years. However, it is significant in my judgment that the court observed that if it had been a case of substantial premeditation or planning, it might well have been appropriate to impose a whole life order, having regard to the matters set out in Schedule 21 as amended. In Barrow, the offender was drinking heavily in the hours before the fire. He expressed urges to

be violent and shortly before 03:00, he decided to act on those urges. He siphoned petrol from his motorbike and walked to the victims' address where he started the fire. By contrast, in this case the murders were the subject of substantial premeditation.

52. Mr Ali has also to be sentenced for the attempted murder of Antonia Gawith. There is a sentencing guideline for such offences. It is a very high culpability A case because of the use of fire. It is harm category 2 because serious psychological harm was caused. Such an offence has a starting point of 30 years' imprisonment, with a range of 25-35 years. There are many aggravating factors – relevant previous convictions, the domestic abuse context, previous violence to the victim, the consumption of alcohol and drugs and the fact that the offence was committed whilst on licence. There are no mitigating factors of more than limited weight when set against the overall picture. The defendant's physical condition is eclipsed by the context of the other offences in which the offence of attempted murder was committed and by how his injuries came about. In all the circumstances here, I propose simply to pass a standard determinate sentence just above the top of the applicable range to mark the exceptional nature of the offence. It was part of a plan to wipe out a family. All other sentencing considerations are taken account of by the sentences for murder.

53. I turn now to Mr Sunderland. The sentence in Mr Ali's case does not carry across to Mr Sunderland. This is a separate exercise with different offences and a different individual to consider. Mr

Sunderland's offences of manslaughter are covered by a sentencing guideline which I will come to. But I want to consider first of all the future risk which he poses and how that is best addressed. I am assisted in my consideration of this issue by a psychiatric report from Dr Quinn and a pre-sentence report. I also have a report from Dr Wood in 2018 which I have taken account of as background material. I should say that I am satisfied that Mr Sunderland is not in any way unduly compliant. He is very capable of declining requests or instructions if he wants to. What I saw of him in the trial confirmed to me that he can be resilient when he chooses to be. Of course, his desire for drugs was a significant factor on the night.

54. Dr Quinn has written 2 reports. He said that there was no evidence of any form of mental disorder which would explain any or all of Mr Sunderland's behaviour at the material time. Dr Quinn said he was concerned about comments made by Mr Sunderland to the effect that he had not previously considered the potential seriousness of arson/fire-setting behaviours. That is to my mind an obvious red flag. Dr Quinn said that all the evidence demonstrated that by the time of the present offences, Mr Sunderland was not naïve to arson and in 2024, a disagreement with a Mr Broome had led to him acting in a dangerous retaliatory manner. This refers to the fire he started in a bin. Dr Quinn said that if the defendant was at large and resumed the use of crack cocaine with an associated criminal lifestyle, then the risk of further offences including arson should be regarded as significant.

55. The pre-sentence report has dealt with matters in detail.
56. The author of the report says that his previous behaviour evidences his willingness to resort to reckless/risk taking behaviour with no consideration for the safety or wellbeing of others. Mr Sunderland had spoken to probation at the time of the proceedings for arson of the vehicle in 2021. He said then that the victim was someone who owed Mr Ali and his associates a lot of money; and that Mr Ali and his associates had threatened to put Mr Sunderland's mother's windows through if he did not comply with their demands. Mr Sunderland said that he had set fire to the bin in 2024 as a form of revenge. He said that he may have had a fascination with fires when he was a young child but only watching legitimate bonfires. He said that he had taken crack cocaine for 6 or 7 years. It is clear that he had problems managing his emotions and a history of self-harm.
57. He was assessed as posing a high risk of causing serious harm to the general public. This was because of the seriousness of the present offences, previous offending and other aspects highlighted in the report. It was said that, regardless of the risk to others, he was willing to commit offences for his own gain.
58. In making my own assessment as I must of the future risk which Mr Sunderland poses, the nature of the offences is an important consideration. Mr Sunderland agreed to help start a fire in a house at 2am. I am sure that he knew that the premises were occupied although I cannot be sure that he knew that there were children

there. He could not have missed that there was an adjoining property. He agreed to help with what was an extraordinarily dangerous thing to do. The risk of death and really serious harm was so gross and obvious and I am sure that it must have been obvious to him. He was prepared to do it in order to get money to fund his addiction to crack cocaine. He has a previous conviction for setting light to a vehicle. He was paid to do that. He said in evidence that it was well known that he would damage property for money, for example by breaking windows.

59. His propensity to abuse drugs is a longstanding, deep-rooted problem. It distorts his judgement and resulted in him agreeing to help set a fire in a dwelling house in order to satisfy his craving. The reports suggest that he has an unstable personality, poor control of his emotions, and acts without thought for the consequences. He lacks some of the inhibitions that most people have, for example as to fire. There are no obvious stabilising factors in his life. His willingness to use fire on this occasion contributed to the deaths of four people. I am mindful that he says he has now stopped using drugs and that is a positive development. However, in my judgment, it would be naïve to suppose that he is now definitely at the end of his involvement with prohibited drugs. A longer period of time is needed to evaluate that. I appreciate that some of these concerns have their origins in a very troubled childhood but that does not prevent them contributing to the risk that Mr Sunderland poses.

60. In all these circumstances, I am satisfied that Mr Sunderland does pose a significant risk of serious harm to the public by the commission of further offences of arson or an offence of violence which could cause death or really serious harm. I have well in mind the fact that he has not caused death or really serious harm before and he has no previous convictions for offences of violence but I am nonetheless satisfied that the risk I have identified is made out.
61. Section 285 of the Sentencing Act 2020 provides that if I am of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission of further specified offences by Mr Sunderland, and if I consider that the seriousness of the offences is such as to justify the imposition of a sentence of imprisonment for life, then that is the sentence I must pass.
62. In considering whether these offences are so serious as to justify a sentence of life imprisonment, I have had in mind the guidance provided by the Court of Appeal in *Burinskas* [2014] EWCA Crim 334. I bear in mind that such a sentence is a sentence of very last resort. I have looked at the facts of the offences to make a judgment about them; I have had regard to Mr Sunderland's previous record; to the level of danger posed by him and to whether there is a reliable estimate of the length of time for which he will remain a danger.
63. I do not think that there can be any reliable estimate. The features of concern are deep seated and much work will need to be done to address the risk factors. There is no indication of the prospects for success or the timescale involved. In my judgment, his

behaviour during the trial when he refused to answer questions is a concern. Again, he put his own benefit as he saw it ahead of anyone else in a way that showed a lack of empathy and insight, even after everything that has happened.

64. I have also had regard to the available alternative sentences. A determinate sentence or an extended sentence are not, in my judgment, appropriate sentences here because of the uncertainty about success and time scale which I have just referred to. Given the consequences in this case, I must put a high premium on the safety of the public. I am satisfied that a life sentence is the most appropriate way to achieve that in the circumstances here.

65. I have to specify the minimum term that Mr Sunderland must serve before he could be considered for release on parole. He could only be released when it is determined by the parole board that it is safe to do so.

66. The minimum term has to be set by taking two-thirds of what would have been the determinate sentence in his case if I had been going to pass one, less the number of days spent in custody on remand.

67. Turning to the sentencing guidelines for offences of manslaughter, the offences are properly categorised as Culpability A. The deaths here were caused in the course of an unlawful act which carried a high risk of death or really serious harm which was in my judgment obvious to Mr Sunderland. The extreme nature of the risk of death or really serious harm means that this is Culpability

A. Lighting a fire in an occupied semi-detached house at night, and in a house that I am sure he knew was occupied, clearly meets this requirement. Any one such offence has a starting point of 18 years' imprisonment, with a range of 11-24 years' imprisonment. Here there are four offences. The defendant has a conviction for arson to a car which he committed in return for money. That pales into insignificance when set aside the fact that in this case there were 4 deaths and 3 of the victims were particularly vulnerable due to age. Mr Sunderland was under the influence of cocaine at the time. And he paid no heed when Antonia ran out into the street, shouting for help. He must have heard that but was unmoved.

68. I am satisfied that the determinate term here would be beyond the top of the category range to take account of the exceptional level of harm which was caused. I proceed on the basis that, as I have said, Mr Sunderland did not know that there were 3 children in the house. But without going into every room of the house, he could not know who was or was not there. In that respect, he played with fire and 4 people died as a result. I bear in mind that Mr Sunderland has expressed regret, that he has no previous convictions for offences of violence, and that he ran off when he saw Antonia coming down the stairs, albeit leaving the petrol behind. He expresses his intention to make progress in different ways, ways that have been set out by Mr Worsley KC.

69. The sentences will be concurrent. The totality guideline provides that if concurrent, it will often be the case that the notional sentence

for any single offence will not adequately reflect the overall offending. Ordinarily, some upward adjustment is required and may have the effect of going outside the category range applicable for a single offence. In my judgment, that is the case here.

70. Each defendant must pay the statutory surcharge in the appropriate amount.

71. Sharaz Ali – for the murder of Bryonie Gawith, the murder of Denisty Birtle, the murder of Oscar Birtle and the murder of Aubree Birtle, the sentence for each offence is one of imprisonment for life with a whole life order. For the attempted murder of Antonia Gawith, the sentence is one of 37 years' imprisonment.

72. Calum Sunderland – for the manslaughter of Bryonie Gawith, Denisty Birtle, Oscar Birtle and Aubree Birtle, the sentence is one of imprisonment for life. You must serve the minimum term which I will specify and thereafter you will only be released when the Parole Board judges that it is safe to do so. If you are released, you will remain on licence for the rest of your life. If you were to commit a further offence or breach the terms of your licence, you would be liable to be recalled to prison.

73. If I had been going to pass a determinate sentence in your case, I would have sentenced you to 27 years' imprisonment on each count to run concurrently. You have spent 555 days in custody on remand. The minimum term you must serve will be two thirds of that figure, so 18 years less the 555 days on remand. The result is a minimum

term in your case of 16 years and 175 days on each count which will run concurrently.

Mr Justice Hilliard

6<sup>th</sup> March 2026