



JUDICIARY OF  
ENGLAND AND WALES

**Bristol Crown Court**

**28 November 2013**

**R  
-v-  
James  
and  
Norley**

**Sentencing remarks of Mr Justice Simon**

The circumstances of the murder of Bijan Ebrahimi (and the subsequent burning of his body) are deeply shocking.

Ben Ebrahimi (as he was known locally) was a single man of Iranian origin, who lived alone, and kept to himself. It was partly because of this that some his neighbours came to view him with suspicion. He had moved to this country in 2001; and had lived in a ground floor flat at 88 Capgrave Crescent for about 6 years. Among his neighbours were the two of you. You (Lee James) lived at No.82 with your partner and 3 children; and you (Stephen Norley) lived at No.84. Each of the flats had doors at ground level, and looked out onto a piece of communal open ground.

Witnesses speak of disputes between Mr Ebrahimi and some of his neighbours. One of the complaints against him was that he took photographs or video films of people in the open area outside the flats.

There were accusations that he was filming children. He explained that he was gathering evidence about the anti-social behaviour of some of these neighbours.

On Thursday 11 July (three days before he was murdered) You (James) were complaining that he was spending too long watering the plants outside his flat, and using this as an excuse to look at children. You entered his flat and threatened him. He called the police; and you (in turn) spoke to a Police Community Support Officer, who happened to be in the vicinity. You raised your complaints about him looking at your children, saying words to the effect that, if the Police wouldn't deal with it, you would; and that you were not scared of being arrested or sent to prison. You were warned not to take matters into your own hands

Two police officers arrived and made enquiries. They left to make some investigations back at the police station and then returned to Capgrave Crescent. When they saw you, you were highly aggressive. You told them that there was no point since they would not do anything about it; and that you would protect your kids by making sure that he could not anything like this again.

Two witnesses heard you threatening to kill him. You (Norley) were seen trying to calm things down.

Eventually the officers decided to arrest Mr Ebrahimi rather than you. It was said to be for his own safety.

Some of the neighbours cheered when they saw him being led from his home in handcuffs.

In fact it is now clear that Mr Ebrahimi's filming was directed at you (James) and not your children. He told the officers that he was filming you because you were drinking cans of lager all the time and making a mess.

The fixed and removable memory recovered from his camera shows that, although children were in shot, they were not the object of any special interest. The footage also shows you (James) entering his flat and threatening him, until you were pulled away by your partner.

By the next morning, Friday 12 July, the police were satisfied that Mr Ebrahimi had not committed any offence. He was released and went home, having been given advice about how his filming might be perceived. During the course of that evening he made several calls to the police reporting the continuing hostility of his neighbours and seeking assistance.

I make it clear that the quality of decisions of the police (either in relation to the arrest of Mr Ebrahimi, his release or the response for his requests for help) is not a matter for this Court. I am concerned with your acts and your culpability for what occurred.

In the early hours of Saturday 13 July, Mr Ebrahimi emailed the beat manager to say that he was being called nasty things and that he did not feel safe staying in his home.

During the course of that afternoon, a number of people (which included the two of you) assembled in the communal area outside the flats. By the late afternoon this group (fuelled by the consumption of alcohol) had become noisy, and were making aggressive remarks towards Mr Ebrahimi, who remained in his flat throughout the day. These remarks (intended to be heard by him) were similar to what had been said before: that he was a paedophile.

They were as baseless then as they always had been.

At some stage it is clear you (James) decided to take the matter further. You told your partner to go into the flat and you locked the front door.

It is still unclear how your victim came to be killed.

The hanging basket and the tubs outside his flat were later found to have been recently watered; and it seems he may have come out of his flat to water them when he thought it was safe to do it.

The account that you gave to the police in a subsequent interview was that you were about to go back into your flat when you saw him come out and walked over to him. You said you told him to stop staring at your children; and he played dumb, and then said something about one of his daughter's dresses. According to your account, you pushed him, and he then made a remark about nappies, at which point you pushed, punched and kicked him.

I consider it extremely unlikely that he in fact said or did anything which might have roused you to violence. He would have heard you and others shouting abuse, which included accusations that he was a paedophile, together with threats that he did not deserve to live. What is very much more likely is that, affected as you were by alcohol, you misinterpreted whatever he said; however, it is unnecessary to form a view about this, because it does not affect the sentence.

You described to the police how when he went to the ground you continued to punch him and to kick him.

At some point what was happening was noticed by his neighbours

One of them heard a voice shouting angrily, twice: 'I am going to kill you.'

Another witness saw you outside in the communal area, repeatedly stamping on your victim's head.

You (Norley) were standing nearby. I accept that there is independent evidence that at one point you intervened to stop James from delivering more punches to the head; and there is no evidence that you were involved in the fatal assault.

However it is clear that you both set about burning the body. You (Norley) got hold of some White Spirit; and the pair of you dragged his body out of the Communal area, onto a grassed piece of ground on the edge of Whitmore Avenue.

There you set fire to the body, before running back to the flats, and taking steps to get rid of the clothes you had been wearing, and the incriminating material which was on them.

Paramedics arrived at 0136 on the morning of Sunday 14 July, the body of your victim was still burning, and the fire had to be put out with a fire extinguisher.

The post mortem examination revealed multiple heavy blows to the face and head, which may have led directly to his death, or may have caused him to die of asphyxia from inhaled blood. It appears that his body was set alight after death.

When you returned to your flat, you (James) told your partner that you had taken care of things. You were arrested soon after, charged with the murder of Mr Bijan Ebrahimi, and pleaded guilty to the murder, effectively at the first opportunity.

You (Norley) did not answer questions during your police interview; but you too pleaded guilty to assisting an offender at what I treat as the first opportunity.

You (James) are 24; with a record for minor offences.

You (Norley) are 25 with no previous convictions. You have been in regular employment, and have been described as a devoted and attentive family man.

I have read and taken into account the statement of Bijan Ebrahimi's sister (Manizhah Moores) made on behalf of his family and friends. It sets out some of the difficulties in his life; and describes the deep sense of loss that his family and friends have endured (and continue to endure), as a result of his murder and the desecration of his body.

I have also listened and taken into account what has said on behalf of each of you behalf. You will each pay the statutory charge.

### **Lee James**

The sentence for murder is prescribed by law: I therefore sentence you to a term of life imprisonment.

I must also fix the minimum term which you must serve before you are considered for release, by reference to schedule 21 of the Criminal Justice Act 2003

Before considering the aggravating and mitigating factors I take the starting point to be a term of 15 years.

There are two aggravating factors (I do not regard your previous record as relevant to this sentence).

First, you had been threatening to use violence in the days before you murdered Mr Ebrahimi. Your persistent animosity and threats to kill him were noted by witnesses. I am satisfied that this was a vigilante crime, with the element of bullying and victimisation that this implies. You had decided (wrongly) that Mr Ebrahimi was paedophile and that this put him outside the law. You thought that you were entitled to take the law into your own hands (as the misleading expression has it). What you did had nothing to do with the law or justice. The law provides that guilt is decided in a court with the protections of a fair trial; and the law protects life. Yours was an act of murderous injustice.

Secondly, (and this a statutory aggravating factor), there was the destruction of the body. You told the police that you panicked and were not thinking straight. But the burning of the body, so that the police officer who had seen him only 2 days before no longer recognised him, was a gratuitously abusive act, and has (not surprisingly) added to the great distress of his family.

So far as mitigation is concerned there is one factor, but it is the most important factor: your plea of guilty to the offence of murder, and the expression of your remorse.

For this you are entitled to the maximum credit to which you are entitled: a reduction of one sixth.

Taking all these matters into account I have decided that the minimum term that you must serve before you are considered for release, is a term of 18 years, less the time you have spent on remand. This does not mean that you will be released after this time. You will only be released when the Parole Board conclude that it is safe to release you. If they decide to release you, you will remain on licence for the rest of your life

### **Stephen Norley**

You have pleaded guilty to an offence under s.4(1) of the Criminal Law Act, assisting an offender.

You helped James drag the body away from the site of his murder; and you were involved in setting fire to it. It was you fetched the White Spirit.

The aggravating factor is the seriousness of the offence which you knew Lee James had committed.

The mitigating factors are your previous excellent character, and most importantly, your plea of guilty.

Among the many references I have seen, is one from your employer. He has spoken of his sense of sadness and shame that these crimes have brought on this City; but also describes you as the most grounded, stable and honest person he has every employed.

How you came to commit this crime seems to be a mystery to everyone who knows you, and (it seems) to you.

The maximum sentence for this offence is a term of 10 years (since the maximum sentence for the person you assisted is fixed by law)

In *Att-Gen's Ref No 16 of 2009* (2009) EWCA Crim 2439 the Court of Appeal indicated that there are 3 material matters for the sentencing court to consider: (1) the nature and the extent of the criminality of the offender assisted; (2) the nature and extent of the assistance provided, and (3) the extent that the interests of justice were damaged.

So far as the last of these matters is concerned, the interests of justice were not significantly damaged. The attempts to conceal the crime were futile; and I accept that this was a short-lived role and relatively unsophisticated assistance.

However the burning of the body of a man, whom you knew had been murdered, makes this a serious instance of this offence.

In my view the appropriate starting point for this offence is a term in excess of 6 years. Taking into account the credit for the plea and other mitigation, the sentence will be a term of 4 years.

You will serve half that time in prison, less any time on remand; and when you are released you will remain on licence for the remaining period of the sentence. If you commit any further offence during that time you may be recalled to prison.