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IN THE COURT OF APPEAL

CRIMINAL DIVISION SITTING AT SWANSEA CROWN

COURT

ON APPEAL FROM THE CROWN COURT AT CARDIFF

MR JUSTICE GRIFFITHS 62EN0291123

CASE NO 202304482/A3

NCN: [2024] EWCA Crim 1419

The Law Courts
St Helen's Road
Swansea
SA1 4PF

Thursday 10 October 2024

Before:

LADY JUSTICE NICOLA DAVIES

MR JUSTICE PICKEN

REX

V

CHRISTOPHER ANJAD EL GIFARI

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NON-COUNSEL APPLICATION

J U D G M E N T

LADY JUSTICE NICOLA DAVIES:

1. On 23 November 2023, in the Crown Court at Cardiff, the applicant (aged 31) was convicted of the offences of murder and robbery and on 1 December 2023 was sentenced to life imprisonment for murder and ordered to serve a minimum term of 32 years less 245 days spent on remand. To the count of robbery, a concurrent sentence of 10 years' imprisonment was imposed.
2. The applicant renews his application for leave to appeal against sentence following refusal by the single judge.

The Facts

3. Mark Lang, aged 54 at the time of his death, worked as a delivery driver. At midday on 28 March 2023 he was undertaking deliveries in Laytonia Road in Cardiff. He briefly left his transit van with the engine running in order to deliver a parcel. The applicant saw this and took the opportunity to steal the van with its load of parcels. The sound of the applicant accelerating away alerted Mark Lang, who rushed up the road and, knowing that the applicant had driven towards a dead end, took a standing position in the centre of the road to block the applicant's escape on the way back. The applicant performed a three-point turn, crushing into a garden wall and then drove backwards towards Mark Lang. Visibility was good and Mark Lang was wearing a high visibility jacket. The applicant accelerated towards him from a standing start, he reached speeds of between 18 and 19 miles an hour and struck Mark Lang with the van. Having hit Mark Lang the applicant continued to accelerate, Mark Lang was pinned to the front of the bonnet. He was facing the applicant through the windscreen before he slid down and became trapped between the undercarriage of the van and the road as the applicant drove at speed out of

Laytonia Avenue and along North Road. The applicant drove between lanes, he undertook another driver and was recorded driving at 47 miles per hour in a 30 mile an hour area.

4. The applicant briefly stopped at red traffic lights, CCTV shows him moving the van slightly backwards and forwards in what the judge considered to be an attempt to dislodge Mark Lang's body. With Mark Lang still trapped underneath, the applicant drove away, he turned sharply into New Zealand Road and finally came to a halt. A passerby ran to the van to alert the applicant to Mr Lang's body underneath the van, whereupon the applicant left the van and ran away. He was arrested the following day.

5. The applicant drove a total of 743 metres before hitting Mark Lang. The pressure on Mr Lang's body was so great that his high vis jacket ground yellow marks into the road. The gap between the bottom of the van and the road was 16 centimetres, Mark Lang was a large man weighing 20 stone. As a result of the applicant's actions Mark Lang suffered heart failure and irreparable brain damage. He died 17 days later when life support was withdrawn. A post mortem concluded that he had died as a result of brain injury caused by a lack of oxygen, traumatic cardiac arrest and blunt force trauma to his trunk.

6. The applicant had 26 convictions for 55 offences during the period May 2008 to May 2022. His relevant convictions included offences of taking a motor vehicle without consent, theft from a motor vehicle, racial/religiously aggravated common assault, interfering with a vehicle and dangerous driving.

7. In sentencing the applicant the judge adopted a starting point of 30 years as the minimum term, no criticism is made of that. The judge identified a number of aggravating features namely that Mark Lang was performing a public service as a delivery driver when he was killed by the applicant, the applicant used the van as a weapon, the mental and physical suffering experienced by Mark Lang as he realised he was trapped under the van and then as he was dragged along before losing consciousness, was particularly severe. The judge noted the many convictions of the applicant and identified the relevant convictions mentioned above.

8. In mitigation the judge accepted that the offences were not premeditated. As to the intent to kill, the judge stated that the applicant did not care whether Mark Lang lived or died in driving so fast as he did when he had every reason to know Mark Lang was trapped under the van. The applicant had demonstrated a complete disregard for Mark Lang's life. The applicant had shown no remorse at any time save in what the judge described as a dishonest and self-serving prepared statement which did not reflect the way in which he had behaved at the time of the offence and before his arrest. The judge noted that the applicant was now engaging positively with rehabilitation programmes in prison. Having considered both the aggravating and mitigating features, the judge determined that the balance weighed against the applicant and raised the minimum term by 2 years.

Conclusion

9. The sole ground of appeal is that the minimum term of 32 years was manifestly excessive

in that the judge erred in increasing the minimum term from the 30-year starting point, he should have decreased the term to reflect the mitigation.

10. There is no merit in this application. The judge approached with care and in detail the aggravating and mitigating circumstances of the offence. He was the trial judge and he made findings of fact which were open to him to make on the evidence. Having made those findings, the judge was entitled to conclude that the balance weighed against the applicant and therefore the minimum term should be increased from the starting point of 30 years to 32 years less time spent on remand.

11. The sentence imposed is not excessive still less manifestly excessive so. Accordingly, this application is refused.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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