



JUDICIARY OF  
ENGLAND AND WALES

**REGINA**

**-v-**

**MARK SEE**

**Manchester Crown Court**

**25 February 2022**

**Sentencing Remarks of Mrs Justice Yip DBE**

1. Mark See you are 34 years old and are to be sentenced for the murder of your mother, Sandra See. There is only one sentence that the law allows to be passed for murder: that is a mandatory life sentence. That is the sentence I shall pass but I am also required to specify the minimum term which must elapse before you can be considered for release on licence. It will then be for the Parole Board to consider whether, and if so when, you can safely be released.
2. Sandra See was 63 years' old. She was a slight and frail woman. She suffered a fall in January 2021 and broke her femur. She underwent surgery. At the time of her death, in July 2021, she still needed a Zimmer frame to mobilise and she required help with her personal care and domestic chores. Despite her difficulties, she is described by her daughter, your sister Jennifer, as being full of character. She was loved by her family and is missed. Knowing that you killed her makes their loss all the more difficult to bear.
3. You and your mother had a complicated relationship. When you were young, she left the family home after suffering domestic violence, leaving you in the care of your father. Although you professed to have understood her decision, you appear to have blamed her for a difficult childhood. You told the jury about the bullying you had experienced at school. I am sure you did not have the easiest time growing up but you

had been able to move on with your life, secure employment and start a family of your own.

4. You moved in with your mother shortly before the first lockdown. You met your new partner, Natalie, and after a couple of months she too moved into your mother's bungalow. After your mother's fall, Natalie became her carer. By July last year, Natalie was pregnant. Your attitude towards Natalie when giving your evidence betrayed a lot. You regarded her as lazy, although on your own account your mother said she was a nice girl, who cared for her and did much for her.
5. On 12 July, last year you went to work as usual. You appeared normal and jocular. On your way home, you stopped to buy whiskey. You were not in a good mood when you got home. As you often did, you picked arguments with Natalie and with your mother. Natalie says you were raking up the past. It is fair to say this was not all one-sided. Your mother would also say unpleasant things to you too. That night, you began drinking as soon as you got home. You refused the meal Natalie cooked that evening and carried on drinking heavily. As the night went on, you were getting more and more angry and were screaming and shouting. Around 11pm, a neighbour who had gone outside could hear you continuously shouting and bawling in a way that made it appear that you were not giving anyone else any chance to speak. Your mother went to bed but you loudly insisted that she got up again and that she join you in drinking. She reluctantly agreed.
6. According to you, while you were complaining about Natalie being lazy, your mother pointed out that she was her carer and was pregnant so could not be expected to also get a job. You regarded this as taking Natalie's side and making excuses for her. You say that you suggested Natalie should leave but that your mother said if anyone should go, it should be you. This seems to have enraged you further. By 2 a.m., you had been drinking and being belligerent for over eight hours. Around that time, you began repeatedly calling an alcohol delivery service to get more drink. You wanted your mother to pay for it. You said you would transfer money from her account. She threatened to call the police, leading you to get her phones and smash them against a wall.
7. You then went into the kitchen and were banging and crashing around. You returned with a milk carton in which you stored petrol for your lawnmower, just as Natalie was leaving the living room to go to the bathroom. Your mother was sitting on the sofa on

the far side of the room. In the very short time it took Natalie to cross the hallway, you ignited the petrol with a cigarette lighter, setting the living room on fire.

8. The evidence suggests that your mother got up from her seat and tried to move towards the door but that she fell. Whether she did that before you lit the petrol, realising what was happening, or after the ignition is not clear. Either way, she must have experienced the horror of recognising that she was trapped in a burning room. The fire started near to the doorway. She, a woman with limited mobility, was on the other side of the room. Death was not instantaneous. You described hearing your mother's screams. She was engulfed in flames and suffered the most awful burns before succumbing. That was a truly horrifying way to die.
9. You claim that, having started the fire, you tried to save your mother by rolling her in a duvet and trying to pat out the flames that were consuming her. Looking into the fire, Natalie had the impression you were trying to help your mother. However, any such attempts were fairly short-lived. You say the flames were too intense. Although you did suffer significant burns, the extent and distribution of your injuries do not fit with a sustained rescue attempt. You saved yourself by leaving the bungalow. A neighbour heard you say to Natalie "Fuck it, she's dead, let's go." You got in your van and drove off.
10. Natalie did not leave with you. The recording of her 999 call played to the jury demonstrated her considerable distress. She recognised that your mother, someone she cared for, was being incinerated in the burning bungalow. She pleaded for the fire service to come quickly. She thought about going back in but thought too about the risk to her pregnancy. As the emergency operator told her at the time, she did the right thing in getting herself out and has nothing to feel responsible for. She could not have saved Sandra. Had she tried, the overwhelming probability is that she too would have succumbed. In starting that fire, you also put the life of your pregnant partner in immediate danger. Fortunately, she was not physically harmed but it is obvious, having heard her give evidence, that she bears significant mental scars from that night.
11. You were found lying curled up in a field 16 hours later. While in hospital, you were assessed by a psychiatric nurse. You told her that you had suffered from depression since your 20s but that you had not persisted with the anti-depressants you were prescribed. Instead, you chose to drink heavily in the mistaken belief that would help you manage your mood. In reality, your repeated binging on alcohol had a profoundly negative effect. You told the nurse that when you were low in mood you had "dark

thoughts”, which included thoughts about hurting your mother and setting the house on fire. You said that your mother had commented on your drinking and that you had impulsively got the petrol and used it to set fire to the house.

12. Parliament has set out a statutory scheme for sentencing for murder in Schedule 21 to the Sentencing Act 2020. The first step is to identify the starting point before considering aggravating and mitigating factors. There is no doubt that a murder involving a victim being burnt alive in their own home is particularly horrifying. Deliberately starting a fire using petrol is a wicked act and this factor has to be reflected in the minimum term. Causing death by arson does not feature in the specific examples of cases where the seriousness is likely to be regarded as particularly high giving a starting point of 30 years. Many examples of murders involving arson can be found which either have features falling within the examples set out in paragraph 3(2) of Schedule 21 and/or are plainly of a comparable level of seriousness. Each case must though be assessed on its own facts. It will be a feature of many cases involving the use of petrol that the petrol has been purchased and taken to the scene for the purpose of the attack. That does not apply here as you had the petrol legitimately and I accept that you acted impulsively. I do not minimise the horror of this offence in any way. Right thinking people will naturally feel revulsion at the manner of Sandra See’s death. However, I do not think the circumstances of your case take it into the category where the starting point is 30 years. In my judgment, this is to be treated as a case where the starting point is 15 years but where that cannot be the end point as a minimum term of that length would not reflect the very significant aggravating factors.
13. Statutory aggravating factors are set out at paragraph 9 of Schedule 21. I do not find that this case involves a significant degree of planning or premeditation. You had thought about harming your mother and had thought about setting the house on fire. However, these were disturbed thoughts, upon which you had not acted previously. There was no prior element of preparation.
14. I find that the following sub-paragraphs do apply:
  - (b) the fact that the victim was particularly vulnerable because of disability;
  - (c) mental or physical suffering inflicted on the victim before death.
15. In mitigation, it is urged upon me that your intention was to cause serious harm rather than to kill. I do not think that can be right. Once you decided to harm your mother by

using a significant amount of petrol to start a fire in her path to safety, it seems to me that you must, in that moment, have recognised that this would kill her. Even if I am wrong about that, it is effectively a distinction without a difference. The circumstances presented such a high risk of death that even if your intent did fall short of that, it affords you very little mitigation. Trapped on the other side of the burning room, Sandra See could not possibly have survived the fire without, at least, the most dreadful injuries. The chances of her living long given her already frail state were remote.

16. I do though accept that your intent was formed quickly, albeit against a background of aggression that persisted over several hours. The intent persisted more than momentarily since you acted on it by going to where the petrol was stored and bringing it back to the living room. You acted in a drunken temper. You may, for a moment, have come to your senses and sought to extinguish the flames engulfing your mother. However, for the reasons I have given I am unable to accept the submission that you did all you could to save your mother. Neither were you overcome by immediate regret or horror at what you had done as demonstrated by your callous comments once outside and your cowardice in leaving the scene.
17. I have regard to the lack of premeditation as a specific statutory mitigating factor. I have also given careful consideration to whether your mental state at the time reflected a mental disorder lowering your culpability, within the meaning of paragraph 10(c) of Schedule 21. Additionally, I have in mind the Sentencing Council's guidelines for sentencing offenders with mental disorders.
18. You suffered from depression and experienced the dark thoughts you described to the nurse. You talked of hearing voices but the assessment demonstrated no evidence of psychosis and suggested that these were really just your own internal thoughts. I accept that you were depressed, and that you continue to be depressed. The evidence though points to your voluntary intoxication playing a larger part in the offence. You were able to work and had been joking and at ease with your colleague that day. There were multiple occasions when you chose to drink to excess and then became angry and abusive. I will accept that mental illness played some part in what you did. I also accept that you have contemplated taking your own life and have been on suicide watch in prison. You are now receiving treatment in prison. This affords some mitigation, although I do not consider your culpability was significantly lowered by any mental disorder.

19. More generally, I recognise that you now regret killing your mother. The extent to which that regret is true remorse rather than regret for the position you find yourself in is less easy to disentangle. Any acceptance of your responsibility for her death is rather tempered by your lies about how the fire started. Nevertheless, I will give you the benefit of the doubt and treat your expressions of guilt at causing your mother's death as genuine. I also take account of the fact that you have no relevant previous convictions and that this is your first experience of custody.
20. Even after taking account of all the mitigation I have identified as being available to you, I find that the horrifying nature of the murder of your vulnerable mother still calls for substantial upwards movement from the starting point.

**The sentence**

21. Mark See, for the murder of your mother Sandra See, I sentence you to life imprisonment. Taking account of all the factors I have set out, the minimum term will be one of 21 years, less the 213 days that you have spent on remand in custody following your arrest. If that calculation is found to be erroneous, it will be corrected without the need for a further hearing.
22. That term represents the minimum period you will be required to serve. After it is served, there is no guarantee that you will be released at that time, or at any particular time thereafter. It will then be for the Parole Board to decide if you are fit to be released. You must also understand that if you are released you will remain subject to licence for the rest of your life and may therefore be liable to be recalled and to continue your detention if you reoffend.
23. The appropriate statutory surcharge will be applied.