



JUDICIARY OF  
ENGLAND AND WALES

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**Kasim Ahmed and Shamraze Khan**

**Sheffield Crown Court**

**25 July 2014**

**Sentencing remarks of Mr Justice Coulson**

Kasim Ahmed and Shamraze Khan, you may remain seated until I tell you to stand. I am going to sentence you individually, starting with you, **Kasim Ahmed**.

You were born on the 19 February 1996. You are now 18 years old. The offences for which I sentence you were committed on 27<sup>th</sup> October 2013, less than 4 months before your 18<sup>th</sup> birthday.

On the first day of this trial, you pleaded guilty to the murder of Thavisha Peiris. Mr Peiris was a Sri Lankan who had qualified at Sheffield Hallam University and was working as a pizza delivery driver for Domino's in order to pay back the money that he had borrowed from his family to fund his studies. The evidence was that he was an exceptionally pleasant and likable young man who worked hard and had a solid future in front of him as a software engineer. It was a future that you took away from him.

His father, Serath, provides a graphic account of the loss suffered by Thavisha's family.

"The premature death of our youngest son Thavisha has had a profound impact on our lives. In October 2013, we were devastated and shocked to hear of his tragic end. Even now, we are still unable to comprehend that he is actually gone.

Thavisha was one of the most caring and loving sons a parent could have. He was full of life and always had a smile on his face. Anyone who met him immediately liked him. He was bright, intelligent, hardworking and energetic and had all the potential of bringing success for his future as well as his parents. We are now left with nothing but a broken heart."

He also demonstrates the catastrophic financial consequences of his son's murder:

"The financial impact of losing our son will have a major impact on our life. On retirement, I received a sum of 3,500,000 rupees, equivalent to £15,800. The cost to send Thavisha through college in Sri Lanka cost approximately £2700, to send him through college in Sheffield cost approximately £5000 and the cost of his food and lodgings cost the family

£2700. All these expenses were born out of me, having utilised my retirement savings for my son's future well being, as an investment for the family as well as for Thavisha. Our future reserves have been spent educating Thavisha and now at the age of sixty seven years, my wife being a the age of fifty nine years, we are suffering from diabetes and high blood pressure and have no household income."

On Sunday 27<sup>th</sup> October 2013, at about 10:00 in the evening, in the company of your older cousin, Shamraze Khan, you were walking down Southey Crescent in the Southey Green area of Sheffield when Mr Peiris stopped you to ask for directions. You apparently told him that, since he was a delivery driver, he should know where he was going. The two of you then followed Thavisha Peiris when he turned into a parking bay where he parked his car. I find that, by then, the two of you had decided to rob Thavisha Peiris of his mobile phone, and possibly also his SatNav and his money belt.

You had a knife in your pocket because you are a habitual street robber who always carries a knife with him for that purpose. However, on this occasion, despite the production of the knife, Thavisha Peiris resisted your attempt to take his phone. You do not like to be challenged; as the pre-sentence report makes clear, it is an affront to your self-esteem.

So you stabbed him. You then decided to stab him again and again. The post-mortem revealed that Thavisha Peiris had a total of 14 wounds inflicted by your knife. Whilst perhaps four of those might be said to be defensive injuries, the remaining 10 stab wounds were all offensive injuries inflicted by you. Some of those injuries were particularly severe, such as injury 4, which penetrated Thavisha Peiris' neck and cut his carotid artery; and injury 12, which penetrated and sliced through one of the main chambers of his heart.

When you first stabbed Thavisha Peiris, you may well have intended only to do him really serious harm. But the number of blows inflicted, the considerable force with which you stabbed him (about which there was evidence at the trial), and the effort required to pull the knife out of his body and stab him again, leave me in no doubt whatsoever that, as you continued to stab him, you were concerned only to kill Thavisha Peiris.

For his murder, the only sentence I can impose is one of detention for life. The remaining issue for me is the minimum term that you will serve before you are first considered for release.

In that regard, I have considered carefully the pre-sentence report dated 16<sup>th</sup> July and prepared by the Probation Service. That assessed you as posing a high risk of causing serious harm; in other words, you are a dangerous man. That accords with my own assessment of you: I recall that when you appeared on the videolink at the preliminary hearing, and did not realise that I could hear, you were boasting to Shamraze Khan that you had already been involved in 5 fights in prison.

The pre-sentence report does not conclude that you are particularly immature or mentally underdeveloped: on the contrary, the report's picture of you is of someone of reasonable maturity with a good insight and understanding into what you do and have done.

If you had been over 18 at the time of this murder, the standard starting point of 15 years imprisonment would have been doubled to 30 years, because this was a murder carried out in the course of a robbery, and was, in my view, an offence of particularly high seriousness.

However because you were 17 at the time of the killing, Parliament has decided that the single starting point is 12 years imprisonment, pursuant to schedule 21, paragraph 7, of the Criminal Justice Act 2003. That starting point does not, however, take into account any of the circumstances of this particular murder; it is akin to the standard 15 year starting point for an adult.

In the present case, there can be no doubt that there were numerous aggravating factors – I have identified a total of six - which warrant a very significant increase in the 12 year starting point.

The first is the one to which I have already referred, namely that you killed Thavisha Peiris in the course of a robbery. You brutally killed someone providing a form of public service, just because you wanted his mobile phone. As I have said, the seriousness of the offence was particularly high.

The second aggravating factor is that you murdered Thavisha Peiris with a knife taken to the scene, which indicates a significant degree of premeditation on your part. Whilst you had not targeted Thavisha Peiris as your next victim until he came into view on Southey Crescent, you planned to rob anybody at knifepoint whom you considered to be worth robbing, and if the circumstances were right. That is why you had the knife in the first place.

The third aggravating factor is the amount of physical suffering you inflicted on him before he died: there was graphic evidence at the trial of Thavisha Peiris' screams as you plunged the knife into him again and again. You ignored those screams.

The fourth aggravating factor is your criminal record. It is a truly terrible record for someone so young.

In July 2010 you were convicted of the possession of an offensive weapon in a public place and sentenced to a youth rehabilitation order. In November 2011 you were convicted of an attempted robbery and sentenced to a detention and training order. You failed to comply with the terms of that order and you had to be returned to detention for a period of 8 weeks.

In November 2012 you were convicted of two offences of robbery and two offences of possession of a knife in a public place. You were sentenced to a detention and training order for 2 years, the maximum period allowed for a DTO. In September 2013, just 10 months later, you were released from detention (because Parliament insists that offenders such as yourself serve half, and sometimes less, of the sentence originally imposed by the judge). However, by the 19<sup>th</sup> October 2013 you were in breach of your release conditions and you were remanded in custody. You were released on bail on 21 October 2013. Just 6 days later you murdered Thavisha Peiris in a knifepoint robbery that went wrong. It is not fanciful to conclude that, in the light of your criminal history, this was a murder that was waiting to happen.

Accordingly, the fourth aggravating factor is your many previous convictions for possessing a knife and knifepoint robbery; and the fifth, separate aggravating factor is that you were on bail at the time of this murder.

Finally in this catalogue of aggravating factors, there are the two knifepoint robberies which, together with Shamraze Khan, you committed just an hour before the murder of Thavisha

Peiris in Sheffield City Centre. Again these were typical of your style: you had a knife and the two of you had a general plan to rob anybody who seemed vulnerable to such an attack. You inflicted injury to one of your victims, Aiden Foster, using the handle of the knife, just because you could. The other victim was Leah Burgess, a terrified 14 year old girl. You stole their mobile phones and a small amount of money.

I am not going to impose separate sentences for those robberies: instead I am going to regard them as aggravating factors which further increase the minimum term in your case.

In my judgment, those six aggravating factors double the length of the statutory starting point. In other words, they increase the appropriate minimum term in your case to one of 24 years. It follows from what I have said that, if you had been the same age as your co-accused, Shamraze Khan, this minimum term would have been significantly higher.

I consider that the only mitigating factor is your plea of guilty. Although that was very late, and although there was an overwhelming case against you (in addition to everything else that I have mentioned, there was forensic evidence and you confessed to the murder to your family, the day after it had happened), I consider that there should be some modest reduction to reflect your guilty plea. I would therefore reduce the minimum term in your case from 24 to 23 years.

I reject any suggestion that your difficult home life is a mitigating factor. You had received the benefit of numerous interventions from various public authorities which were designed to help you, and you had ignored them. I also reject the suggestion that you are remorseful. You did not plead guilty until the day of trial and I find that that was motivated solely by your realisation that the case against you was overwhelming.

**Kasim Ahmed, stand up.**

On count 3, for the murder of Thavisha Peiris, and taking into account the knifepoint robberies committed an hour before his murder, I sentence you to detention for life with a minimum term of 23 years.

Nobody in court should be in any doubt about that sentence. It means that you will serve a minimum of 23 years in detention and prison. That term cannot be reduced or diminished in any way because of good behaviour or anything else. It is only after you have served those 23 years that you will be even considered for release. It means that you will remain in detention and then prison until at least the year 2037. You may not be considered suitable for release even then.

There is no separate penalty on counts 1 and 2. The victim surcharge applies. Any time spent on remand should count towards the minimum term.

Take him down.

**Shamraze Khan**, you are 26. Yesterday, you were found guilty of the murder of Thavisha Peiris. In my judgment, the evidence against you was overwhelming. As I told you yesterday, the only sentence that I can impose is one of life imprisonment. Again, the only remaining issue is the length of the minimum term that you will serve before you are first considered for release.

You were the partner of Kasim Ahmed in the carrying out of two knifepoint robberies in Sheffield City Centre at about 9 o'clock that night, and you were again his partner in the similar attempted robbery which led to the murder of Thavisha Peiris about an hour later.

Your case, that you were nowhere near the car when the stabbing happened, was rightly rejected by the jury, given the eye witness evidence of Peter Bartholomew, who saw both you and Kasim Ahmed standing by the driver's door when the car was parked, immediately prior to the stabbing; and your palm print found on the rear quarter light which made plain that you had been looking into the car before or at the time of the murder.

As I have already said, Thavisha Peiris was murdered in the course of a robbery and I regard his murder as an offence of particularly high seriousness. Thus the statutory starting point in your case is one of 30 years imprisonment.

In addition, there is one clear and obvious aggravating factor: your involvement in the knifepoint robberies an hour before the murder.

It did you no credit that, both in your basis of plea and in your evidence at trial, you sought to play down your involvement in those events to an unrealistic and dishonest extent. It was clear from the evidence of both Aiden Foster and Leah Burgess that you and Kasim Ahmed acted together in carrying out those robberies. That is best demonstrated by the evidence of both of them that, whilst Kasim Ahmed took the phone from Leah Burgess, you were emptying out her bag and sorting through its contents to find money or something else valuable to take.

I am not going to impose a separate sentence in respect to those robberies, but they are aggravating factors which have to be reflected in the minimum term. They would increase the minimum term beyond the 30 year starting point.

However, whilst in the case of Kasim Ahmed, there were numerous other aggravating factors that increased the minimum term in his case, there are a number of mitigating factors that reduce the length of the minimum term appropriate in your case.

First, I accept your case that you did not have a knife at the time of the robberies or at the time of the murder. Secondly, the evidence was plain that you took no part in the stabbing of Thavisha Peiris. Kasim Ahmed alone wielded the knife.

Thirdly, whilst you knew that, if the robberies that you carried out with Kasim Ahmed went wrong, the victims could suffer really serious bodily harm as a result of the use of the knife, I accept that at no time did you intend the killing of your victims. Thus, when Thavisha Peiris was stabbed, I find that you intended him to suffer really serious harm, but I accept that your intention did not go beyond that. You did not, at any time, intend him to die.

Fourthly, and most importantly, I accept that you were a secondary party in these planned robberies. You played a significant role, but a lesser role than that of Kasim Ahmed.

But this mitigating factor is offset, to a relatively large extent, by the age difference between you. You were 8 years older than Kasim Ahmed, and referred to him as your nephew. You have a wife and 4 children. You were plainly more mature than him. You were someone he looked up to. You should have steered him away from his serious criminal activity or, at the very least, had nothing to do with him. Instead you became his willing partner.

Finally in the list of mitigating factors, I note that, although you have a criminal record for minor offences, you have no previous convictions for violence, or for the use or the carrying of a weapon; or for anything which remotely resembles what happened on the night of the 27 October 2013.

**Shamraze Khan, stand up**

Taking all these matters into account, I conclude that the appropriate minimum term in your case is one of 24 years imprisonment. That is the same minimum term which I have applied to Kasim Ahmed, before the discount for his guilty plea. As I have already said, if he had been your age, his sentence would have been higher. To put that point another way, your overall culpability is similar to his because, although you were a secondary party, you were much older and more mature than him, and had an even better understanding of what you were doing. That age difference is, of course, reflected in the different statutory starting points.

The comments that I have already made to Kasim Ahmed in respect of his minimum term also apply to you.

Accordingly on count 3 the sentence is life imprisonment with a minimum term of 24 years. There is no separate penalty on counts 1 and 2. The victim surcharge applies. Any time spent on remand should count towards the minimum term.

Take him down.