



JUDICIARY OF
ENGLAND AND WALES

IN THE CROWN COURT AT BIRMINGHAM
BEFORE THE HON. MR JUSTICE HADDON-CAVE

THE QUEEN

v.

Vikesh CHAUHAN
Mohammed HUMZA
Jaspal RAI

TRIAL: 27th June – 20th July 2017

SENTENCING REMARKS

Introduction

1. At about 2:30 p.m. on the afternoon of Tuesday 27th December 2016, Carl Campbell (aged 33) was shot and killed whilst a passenger in the front seat of a Fiesta car which had stopped at the traffic lights at the junction of Dartmouth Street and the High Street in West Bromwich. He was hit with a ricochet from one of five shots from a Smith & Wesson .44 Magnum handgun fired from an Audi car containing the three Defendants, which had suddenly pulled up just ahead of and close to the Fiesta in the offside lane.
2. This was a planned drive-by shooting. All three Defendants, Vikesh CHAUHAN (D1), Mohammed HUMZA (D2) and JASPAL RAI (D3), planned it and were in it together. The shots were fired by Mohammed HUMZA who was riding in the back seat of the Audi and had wound down the back passenger window, reached out with the handgun and fired the five shots at the other car, three of which penetrated the windscreen. Vikesh CHAUHAN was the driver of the Audi. Jaspal RAI was in the front passenger seat as an extra pair of eyes. All three were also wearing gloves and had their faces covered.

3. The Audi then sped off and drove at speed to a quiet residential cul-de-sac about a mile away called Kinith's Crescent, where they planned quietly to abandon the car. This proved to be the Defendants' undoing. Much to their surprise, almost immediately they were confronted by the police. By a stroke of good fortune, two alert and brave police officers, PC Francis Allen and PC Richard Bastable, happened to be on patrol in the exact area, heard about the shooting on their car radio, spotted the three Defendants emerging from Kinith's Crescent, sought to question Mohammad HUMZA and when he and his co-Defendants then started to run away, bravely chased them on foot, ignoring the risk that that at least one was probably armed with a gun. During the chase, which was witnessed by over a dozen members of the public, the Defendants threw the gun and various pairs of gloves and other incriminating items into the front gardens of the various houses as they panicked and sought to make their escape. Mohammed HUMZA and Vikesh CHAUHAN were quickly apprehended and arrested. Mohammed HUMZA was found with four phones and spent cartridges which fell out of his jacket. Jaspal RAI was followed by a public-spirited member of the public who realised he was wanted by the police; but Jaspal RAI managed to escape and subsequently fled to Belgium where he was picked up by Interpol and returned to this country.

Convictions

4. Having continued to deny murder in his Defence Case Statement, Mohammed HUMZA pleaded guilty to Murder (Count 1) on 4th July 2017 (Day 4 of the trial). The jury were directed to return a formal verdict of guilty on Count 1; a second count (Count 2) of Possessing a Firearm with Intent to Endanger Life was ordered to lie on the file.
5. Vikesh CHAUHAN and Jaspal RAI continued to deny knowing anything about the gun or being involved in planning, encouraging or assisting Mohammed HUMZA in the shooting. After a three week trial, on 20th July 2017, Vikesh CHAUHAN and Jaspal RAI were found guilty by the jury, unanimously, of Murder (Count 1) and Possessing a Prohibited Weapon (Amended Count 2) on overwhelming evidence.

Victim Impact Statements

6. I have read moving Victim Impact Statements from Carl Campbell's father, Julian St Elmo Campbell, and from Carl Campbell's girlfriend, Chantelle Marrie Dudley, with whom he had a child who is now two years old. They speak of the enormous loss which they and the whole family have suffered as a result of Carl being cruelly taken from them, and in Mr Campbell's words, how their world has "fallen apart" since his son's death. I pay tribute again to the quiet dignity which Carl Campbell's family and friends have shown during this trial.

Drug-dealing culture

7. I am satisfied the Defendants were each minor players in the West Bromwich drug-dealing scene; but this shooting represents an altogether different level of violence and criminality by them, born of the dystopian drug-dealing world which they inhabited.

Intention to kill

8. I am satisfied that there was an intention to kill. Five bullets from a very powerful handgun, a .44 Magnum, were fired at the Fiesta car from very close range, as little as 10-12 feet away. Three bullets penetrated the front windscreen (including the bullet which killed Carl Campbell which ricocheted off the dashboard and a vent and entered his skull). A fourth bullet embedded itself in the wing mirror. The fifth could not be located. As is evident from the CCTV, the Audi was very carefully positioned to give the optimum angle and closest shooting position. This shooting could only have been intended to kill one or more of the occupants of the front seats of the car. It was fortunate that the driver was not also killed or injured.

Motive

9. The motive for the killing was revenge. There was evidence from Vikesh CHAUHAN suggesting that the victim, Carl Campbell, and/or another person who was with him in the Fiesta car that day, stole a diamond-studded Cartier 'Tank' watch from him following a drugs deal on 10th December 2016; a watch which he said he had borrowed from Mohammed HUMZA, but which Mr HUMZA's counsel says belonged to Mr CHAUHAN. All three Defendants had pictures of the Cartier watch on their phones. Even if there is some truth in the suggestion of its theft, it is difficult to conceive that a person could be shot and killed in broad daylight for it. Whatever the precise details of the Cartier watch issues, I am satisfied that it formed a significant part of the background to this revenge killing.

Life Sentence

10. The sentence for Murder is fixed by law. Anyone convicted of murder must be sentenced by the Court to life imprisonment. Pursuant to section 269 of the Criminal Justice Act 2003, the Court must decide the minimum term to be served before you can be considered for release on licence. In deciding what minimum term is appropriate the Court must take into account the overall gravity of the offending.
11. It is important that you, and the general public, should understand what a "minimum term" means in practice. Where the court specifies a minimum term, you cannot be released until that minimum term has expired. But even then you will not automatically be released. You will not be released unless and until the Parole Board are satisfied that it is safe to release you into the community. That time may never come. Even if you are released on licence, that is not the end of your sentence. You will remain subject to the conditions of your licence for the rest of your life. If you reoffend, the Secretary of State has the power to order that you be returned to prison to continue to serve your life sentence until it is thought safe to release you again.

"Minimum term"- Schedule 21

12. I direct myself in accordance with Schedule 21 of the Criminal Justice Act 2003 (as amended) in relation to the determination of minimum terms in relation to mandatory life sentences.
13. Parliament has laid down a number of starting points for minimum terms in relation to life sentences. The starting point for Murder involving the use of a firearm is laid down by paragraph 5(2)(b) of Schedule 21 which provides that for “*a murder involving the use of a firearm*” “... *the appropriate starting point, in determining the minimum term*” is “*normally*” 30 years.
14. I bear in mind Lord Phillips in *R v. Jones* [2005] EWCA Crim 3115: “*Where a firearm is carried for the purpose of being used as an offensive weapon, we find it hard to envisage what reason there could be for not following the guidance in Schedule 21 and adopting 30 years as a starting point*”.

Starting Point

15. In accordance with paragraph 5(2)(b) of Schedule 21, I take a starting point for the minimum term of 30 years.

Aggravating features

16. There are, however, a number of very serious aggravating features to this case:
 - (1) *Planning and premeditation*: I am satisfied that a significant degree of planning and premeditation was involved in this case, which included (i) the obtaining of a fully loaded handgun; (ii) arrangements to meet up on the day in question; (iii) the use of a stolen vehicle with false number plates; (iv) the donning of gloves and face coverings; (v) the targeting and tailing of the Fiesta car around the streets of West Bromwich; and (vi) the careful positioning of the Audi to effect the shooting.
 - (2) *Drugs dealing and revenge*: I am satisfied that this was some sort of revenge killing relating to the alleged theft of the Cartier watch a fortnight before, all against the backdrop of the drug-dealing world.
 - (3) *Public place*: This shooting involved a gross breach of public order and danger to the public: it took place in broad daylight, just off West Bromwich High Street, was witnessed by several members of the public and could easily have injured or killed innocent citizens going about their daily lives.
 - (4) *Disposal of evidence*: The Defendants attempted to dispose of the gun and the other incriminating evidence in a quiet residential area of West Bromwich, again, witnessed by ordinary members of the public.

Mitigating features

17. I have listened to everything that has been said ably by Mr Blaxland QC, Mr Singh and Mr Johnson QC on behalf of each of the Defendants. In truth, as

accepted by Counsel, there are few general mitigating features to this case, save for two:

- (1) the fact that the Defendants are still relatively young men; and
- (2) the fact that none has relevant convictions for violence.

18. Reports were not sought or required.

Age and previous convictions

19. Mohammed HUMZA was born on 8th February 1997 and was 19½ years old at the time of the shooting. He has no recorded previous convictions.
20. Vikesh CHAUHAN was born on 27th November 1992 and was 23½ years old at the time of the shooting. He has 4 previous convictions between 2012-2014 for possession of cannabis, one with intent to supply, and one conviction for possession of cocaine to which he pleaded guilty. He admitted being a cannabis user and dealer to fund his habit.
21. Jaspal RAI was born on 3rd May 1992 and was 24 years old at the time of the shooting. He has 6 previous convictions between 2012-2015 for handling stolen goods, obstructing police, driving without license or insurance and two convictions for possession of cocaine to which he pleaded guilty.

No reason to distinguish between the Defendants

22. I can find no reason to distinguish between the Defendants as regards the offence of murder itself. They each had their respective vital roles in this jointly planned attack: Mohammed HUMZA as the shooter; Vikesh CHAUHAN as the driver; and Jaspal RAI as the lookout.
23. Mohammed HUMZA is 4 ½ - 5 years younger than his co-Defendants. Mr Singh said this called for a lower sentence for him than the others. However, in my judgment, Mohammed HUMZA must bear a particular responsibility for the killing since he was the person who was actually prepared to point the gun at the occupants of the other car, pull the trigger, and pull it persistently five times, at very close range. In my view, this balances out the fact that he was younger than his co-Defendants.

Plea of guilty

24. Mohammed HUMZA did, however, have the sense to plead guilty, albeit on 4th day of the trial, and save some court time; and for this I have decided he should receive a discount of 5% from the minimum term.

Balancing exercise

25. I have considered the aggravating and mitigating factors separately and together and, in my judgment, they balance out.

Possessing a Prohibited Weapon (Count 2)

26. A minimum term of imprisonment of 5 years is laid down for the offence of Possessing a Prohibited Weapon (Amended Count 2) in respect of which Vikesh CHAUHAN and Jaspal RAI were also found guilty by the Jury. I shall impose such a sentence on both of them to run concurrently with the Life Sentence, such that it makes no difference to the minimum term.

Time already spent

27. Time already spent in custody will be deducted to arrive at the minimum term. Mohammed HUMZA and Vikesh CHAUHAN have been in custody since the day of the murder, namely, 27th December 2016; accordingly, 208 days should be deducted from each of their minimum terms. Jaspal RAI spent 37 days in custody in Belgium before being extradited to UK (which pursuant to s.240ZA of the Criminal Justice Act 2003 are automatically to be added to the 160 days in custody in a UK prison since his repatriation), making a total of 197 to be deducted from his minimum term.

Sentences

28. Vikesh CHAUHAN, Mohammed HUMZA and Jaspal RAI stand up please. Taking into account all the factors which I have outlined, I pass the following sentences upon each of you:

- (1) I sentence you Vikesh CHAUHAN to life imprisonment for Murder (Count 1) with a minimum term of 30 years – less 208 days already served to be deducted from the minimum term as I have indicated.
- (2) I sentence you Mohammed HUMZA to custody for life for Murder (Count 1) with a minimum term of 28 ½ years (that is 30 year minus 5% for plea) less 208 days already served to be deducted from the minimum term as I have indicated.
- (3) I sentence you Jaspal RAI to life imprisonment for Murder (Count 1) with a minimum term of 30 years – less 197 days already served to be deducted from the minimum term as I have indicated.
- (4) In respect of Count 2 in relation to you Vikesh CHAUHAN and you Jaspal RAI, I impose a term of 5 years such a sentence on each you for Possessing a Prohibited Weapon, to run *concurrently* with the Life Sentence, such that it makes no difference to the minimum term.

29. That is all. Please go with the officers.

List of witnesses who warrant special mention

In addition, Mr Justice Haddon-Cave commended the following individuals, members of the public and law enforcement and employees, for their involvement in the prosecution case:

Katherine Picken

Landlady at Strollers Public House. From a first floor window in the pub she saw the hand of Mohammed Humza holding and firing the gun. She immediately ran downstairs and outside and went to help Carl Campbell. She felt for a pulse, helped get him out of the car and tried to resuscitate him.

Kira-Lee Wootton

She was with friends at the Stables. They heard the defendants shouting and banging on the fence. They saw part of the police chase and saw Vikesh Chauhan hiding by some bushes in Dagger Lane. As they drove past him, she used her phone to record him there.

Peter Nolan

He saw Jaspal Rai walking away from Dagger Lane and decided to follow him. He noted that Jaspal Rai removed his outer jacket.

DI James Munro

As the Senior Investigating Officer, he led the investigation. It has been a complex investigation. It has involved liaising with the scientists to secure evidence of the identification of the third offender, Jaspal Rai, who got away on the day and subsequent liaison with the authorities in Belgium to secure the extradition of Jaspal Rai.

DC Surinder Nota

As the Officer in charge of the Investigation, she has dealt with the day to day running of the investigation. She has provided invaluable assistance and support to prosecuting counsel.

PC Francis Allen and PC Bastable

These officers were on mobile patrol in the area of Dagger Lane when they heard a message over their radio about a shooting in West Bromwich. Whilst they waited for instructions, they saw the three offenders. PC Allen challenged Mohammed Humza who ran off. PC Allen chased him on foot. Although PC Allen may not have been aware that he was chasing the gunman, who was still armed with the gun which was loaded with a live bullet, he must have been aware of the risk. Nevertheless, he gave chase and caught Mohammed Humza. With help from PC Bastable, he restrained Mohammed Humza.

PC Spencer Jenkins and DC Inderjit Basra

After the shooting, the police recovered a substantial volume of CCTV recordings. These showed the shooting and the car used by the gunmen. It was important to establish the route of the car to and from the shooting. That was only done through the dedicated industry of PC Spencer Jenkins and DC Inderjit Basra.

DS Neil Hudson and Sarah Skett

Although the phone evidence did not feature substantially at trial, there were many phones recovered and a huge amount of work has been done to determine whose phones they were and analysing the calls made and the content of the phones. DS Hudson led that work. Sarah Skett produced the charts relied on at trial.