



JUDICIARY OF  
ENGLAND AND WALES

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**-v-**

**Emil Bell**

**Manchester Crown Court**  
**Sentencing Remarks of Mr Justice Bryan**  
**2 February 2018**

1. Emil Bell, you have been found guilty of the murder of Sait Mboob, and of the wounding with intent of Joel Botchway, Tyrone Hazle and Kashaun Waite. I must now sentence you for those offences.
2. On the evening of 8 August 2017 a group of around 10 youths from the Ardwick area of Manchester many of whom were members of the “7M” gang including yourself, travelled to Moss Side and attacked a rival group of youths from Moss Side in and around Isobel Close off Cross Hill Street in Moss Side. It is clear that there was some rivalry and animosity between at least some members of the 7M gang from Ardwick and Sait Mboob and other youths from Moss Side.
3. In this regard there had been a previous incident in March 2017 at the Connell Sixth Form College when a group of young men, including members of 7M were looking for Sait Mboob, and there was an incident at HM Prison Forest Bank in June 2017 when prison staff intervened to break up a fight between a group of young men, including members of 7M who were visiting a prisoner and Sait Mboob who was visiting a different prisoner.
4. On the evening of 8 August 2017, and after you had earlier been dealing Class A drugs with Andre Williams in and around the suburbs of Manchester in a rented Mercedes car (your career of choice since leaving school without any qualifications at 16), you travelled to Moss Side in that Mercedes.
5. In the light of the jury’s verdicts and the evidence they heard at your trial, it is quite obvious that the purpose and objective of you both going ahead to Moss Side that evening was not, as you said, to buy some Caribbean food, but was to act as an advance party to provoke the Moss Side group out onto

the streets (an objective which you achieved) ready to be attacked by members of the 7M gang who were already preparing to travel to Moss Side pre-armed with knives, machetes and at least one hammer, prior to any trouble commencing with the Moss Side group, and whose arrival in Moss Side you were co-ordinating using your “dealing” phone that you sought (unsuccessfully) to distance yourself from in your defence case statement. The 7M group then joined up with you (some indeed joining you in the Mercedes) and carried out the attacks for which you have been found guilty on a joint enterprise basis.

6. This was a pre-meditated and pre-planned attack by members of 7M, including yourself, who in most instances went armed with weapons including knives, machetes and at least one hammer, and who in most instances took steps to disguise themselves with masks and balaclava helmets, intending to inflict, at the very least, serious injury to their victims. The attacks, in the broad daylight in a residential area, were shocking both for your victims, and for the members of the public who witnessed the attack.
7. The evidence suggests there were ten youths in the attacking group. Five from a Fiat 500 stolen a few weeks earlier, and five youths who decamped from the rented Mercedes in Crosshill Street. A number of independent eye witnesses saw the youths decamping out of the Mercedes, one expressly referring to that group as including the youth in the front passenger seat, the seat in which you accept you were sitting when the Mercedes stopped in Crosshill Street adjacent to Isobel Close, the site of the fatal stabbing and other woundings.
8. It is readily apparent, from the jury’s verdicts and from the overwhelming weight of the evidence, that your version of events of that evening was a lie, like the many lies that you told the jury as you sought to tailor your account to the account of prosecution witnesses as they gave their evidence, both in your defence case statement, your amended defence case statement and in the oral evidence that you gave. The jury clearly rejected your account that you were an innocent bystander who had happened to disarm an alleged attacker that none of the witnesses saw (including a witness Alex Johnson who passed by the Mercedes at the site of that alleged attack) suffering a cut to your hand in disarming such alleged attacker of a flick knife and thereby leaving blood on that flick knife found in the passenger door that was DNA matched to you. Rather you were in the thick of it in Crosshill Street, armed with that

very flick knife and suffering a knife slip injury (the knife had no guard) whilst you were using it offensively as part of the attacking group. Your conduct that evening is also consistent with you being involved in the planning of the attack and assisting and encouraging others in the attacking group.

9. It will probably never be known which of the attacking group inflicted the fatal blows, or those upon the other victims, but you stand to be sentenced on the basis that the attack was carried out by you and other members of the 7M gang on a joint enterprise basis all acting together, and encouraging and assisting each other, with the common purpose of attacking the rival group with lethal weapons, with each member of the group either having a weapon himself or participating in some aspect of the attack and its planning, in the full knowledge that the others were using weapons indiscriminately to inflict extreme violence upon the victims.
10. Sait Mboob was only 18 at the time he was fatally stabbed. It is clear from defensive wounds to his hand that he had tried to fend off his armed attackers, but without success. Whoever stabbed him did so with severe force, sufficient to go through the bone of his left shoulder blade, and in a separate equally severe thrust, penetrated a bone in his leg and severed his right posterior tibial artery.
11. Each wound resulted in substantial blood loss and subsequent cardiac arrest resulting, after sustained attempts at CPR, in his tragic death early the following day. The other three victims suffered serious stab injuries that could also easily have been fatal but for the chance circumstance of the precise location of those wounds and prompt medical assistance.
12. Neither you, nor any of the attackers, tried to assist the victims, call for medical assistance or await the arrival of medical assistance. Rather they fled the scene back to Ardwick. Nor does there appear to have been any element of remorse within the 7M gang as to their actions in its aftermath. Whilst you were dropped off at the Manchester Royal Infirmary to receive attention to your hand (where you proceeded to lie to the attending medical staff saying that you had cut it with a knife whilst chopping an onion) and so took no part in subsequent events (which I bear well in mind) other members of the 7M gang were soon apparently celebrating their attack at the Power League social club with re-enactments of stabbing gestures, and group celebratory hugs.

13. The facts of this case illustrate the tragedy of the loss of a young life, and the serious injury of three others, as a result of gang related knife crime which is sadly all too common in parts of our cities. Sait Mboob, and the other victims were just that – victims of the conduct of you and other members of the 7M gang on the evening of 8 August 2017 who had done nothing that would in any way justify the attack upon them.
14. In this regard I have had full regard to the victim personal statement from Sait's mother. It makes painful reading, too painful in fact to read out in open court. It identifies the terrible loss that she and other members of her family have suffered and how it has affected their lives which will never be the same again.
15. As for you, Mr Bell, you were born on 4<sup>th</sup> March 2000 and so were 17 years and 5 months old at the time of your commission of these offences. Prior to and during your trial there were in place reporting restrictions under section 45 of the Youth Justice and Criminal Evidence Act 1999. However your trial has now concluded and you will be 18 in 5 weeks in any event when that reporting restriction would have ceased to apply. Following an application that reporting restrictions be removed, and immediately before sentencing I made such an order, as I was satisfied on the particular facts of this case, and at this stage of the trial, that the direction in place under section 45(3) imposed a substantial and unreasonable restriction on the reporting of proceedings, and that it was in the public interest to remove that restriction.
16. In sentencing you, and although you are close to your 18<sup>th</sup> birthday, I confirm that I have had regard to, as I am required to have regard to, the aim of the youth justice system (Section 37 of the Crime and Disorder Act 1998), and your welfare (Section 44 of the Children and Young Persons Act 1933). I have also taken full account of the Overarching Principles of Sentencing Youths guidelines issued by the Sentencing Council, in particular the impact of sentences on young people.
17. There is only one sentence that the law allows to be passed for the offence of murder: that is a mandatory life sentence. For an adult, it is called a sentence of imprisonment for life. For someone aged 18-21 it is called custody for life. For someone under 18 at the time of the commission of the offence, such as yourself, it is called detention during Her Majesty's Pleasure.

18. I am required to specify the minimum term, pursuant to Section 269 and Schedule 21 of the Criminal Justice Act 2003, which must elapse before you can be released on licence.
19. It is important to emphasise, so that you and the public can understand the position, that the minimum term is just that - a minimum period which cannot be reduced in any way. After it is served, there is no guarantee that you will be released at that time, or at any particular time thereafter. It is then only if the Parole Board decides you are fit to be released that you will be released. Moreover if, and when, you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your Detention at Her Majesty's pleasure if you re-offend. It is in these ways that a life sentence, such as a sentence of Detention at Her Majesty's pleasure protects the public for the future.
20. Pursuant to paragraph 7 of Schedule 21, Parliament has decided that the starting point for the minimum term for anyone under 18 convicted of murder is 12 years. This is lower than the figure for adults. Had you been an adult at the time you committed this murder the statutory starting point would have been 25 years, pursuant to paragraph 5A of Schedule 21 as you took a knife to the scene intending to commit an offence. I adopt a statutory starting point of 12 years as I am required to do.
21. Having chosen that starting point I am required then to take into account aggravating and mitigating factors in your case.
22. There are the following aggravating features in your case:-
- (1) The specified aggravating feature that there was a significant degree of planning and pre-meditation. The attacking group travelled to Moss Side pre-armed with knives, machetes and at least one hammer with the intention of attacking the other group of youths in Moss Side.
  - (2) This was an attack with knives, machetes and at least one hammer. The use of a knife brought to the scene by you is a serious aggravating feature. It is a feature that would have resulted in a starting point of 25 years for someone over 18 under paragraph 5A and is a highly relevant aggravating feature for a defendant under 18 – see R v Odegbune and others [2013] EWCA Crim 711. The use of a knife brought to the scene has always been

a serious aggravating feature – see R v M, AM & Kika (2010) 2 Crim App R (S) at [7] and R v Kelly (2012) 1 Cr App R (S) 56.

- (3) This was a group attack arising out of hostility to another group leading to that other group being deliberately targeted.
- (4) The telephone traffic on the phone you used for drug dealing (the “229” phone) evidences that you were playing a leading role in co-ordinating the pre-planned attack on the evening of the murder, co-ordinating the arrival and meeting up of two different groups of gang members one arriving in the Fiat and the other by taxi.
- (5) This was an offence committed by you whilst you were on bail, which included bail conditions prohibiting any contact with other specified members of the 7M gang.

23. I turn to the mitigating features:-

- (1) I take into account that there may have been no intention to kill (a fact-specific mitigating feature), but this was nevertheless a case of extreme violence using lethal weapons, with the attackers not caring whether their victims lived or died.
- (2) I also take into account your age. At 17 you are not an adult, but neither do I consider you to be naïve, impressionable or young for your age, immersed as you are in gang culture and the glorification of gang violence as personified by the You Tube videos in which you participated. You are not of previous good character, and are a self-confessed Class A drug dealer who is willing to carry out criminal activities for gain, undertaking other criminal activity including obtaining property by fraud (the hiring of the Mercedes), and driving without a licence.
- (3) I have also had regard to the mitigation offered on your behalf by Mr Nolan QC.

24. In setting the minimum term I am required, pursuant to section 269(3) to take into account both the seriousness of the offence or of the combination of the offence and any one or more offences associated with it. That is relevant here. The seriousness of the first offence of murder has to be seen also in the

context of the three offences of wounding with intent, and in consequence I have applied what I consider to be an appropriate uplift to the minimum term, taking into account the principle of totality.

25. In this regard, and having regard to the Sentencing Council's Definitive Guideline on Assault, the woundings with intent are Category 1 cases as cases of greater harm given that the injuries were serious in the context of a section 18 assault having regard to the injuries suffered by Tyrone Hazle as described in the statement of Dr Alan Grayson, and given that there was a sustained assault on that victim by multiple assailants as described by a number of independent witnesses in their accounts. It is also a case of higher culpability given the use of weapons, significant premeditation, and your leading role in the gang attack. I bear well in mind the point made by Mr Nolan QC on your behalf to avoid any double-counting as these are also aggravating features in relation to count 1, and I have done so.
26. The starting point for such woundings with intent, is a sentence of 12 years imprisonment with a range of 9 to 16 years for an adult offender. However as you are 17, I have taken full account of the Overarching Principles of Sentencing Youths guidelines issued by the Sentencing Council, in particular the impact of sentences on young people. I also take account of the fact that in relation to such offences you would ordinarily be released after serving one half of a determinate sentence, for example a determinate sentence of 10 years is equivalent to a minimum term of 5 years.
27. I am satisfied that the aggravating features of your case far outweigh the mitigating features of your case, having regard in particular to aggravating factors that this was a pre-meditated and pre-planned gang attack involving the use of knives and other weapons in relation to which you had a leading role, and the offences were committed whilst you were on bail.
28. In setting the minimum term I have had regard to such aggravating features, and the overall seriousness of your offending taking into account the three counts of wounding with intent and the totality of your offending, whilst also having regard to your age, the absence on an intention to kill, and the mitigation advanced on your behalf.
29. For the murder of Sait Mboob (Count 1) I sentence you to detention during Her Majesty's Pleasure. Taking account of all the factors I have set out, including the totality of your offending, the minimum term I impose is 17

years less 171 days that you have spent on remand in custody for this offence.

30. On each of counts 2 to 4, the counts of wounding with intent, I am satisfied that neither a youth rehabilitation order nor a detention and training order is suitable in your case. I accordingly pass a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act which takes into account the mitigating factors in your case including your age, namely a sentence of 10 years, concurrent on each of counts 2 to 4, and concurrent to count 1.