



JUDICIARY OF
ENGLAND AND WALES

THE HON. MR JUSTICE CAVANAGH

R V BENI NAMI AND HUSSEIN SEMUSU

LEEDS CROWN COURT

11 DECEMBER 2020

Stay seated

1. Beni Nami and Hussein Semusu, you come before me for sentence having each been convicted after a trial in this Court of the murder of Tcherny Ly on 25 August 2019. Beni Nami, you have also been convicted of having an offensive weapon, a knife, on the same occasion.
2. There is only one sentence that the law allows to be passed for murder. That is a mandatory life sentence. That is the sentence that I will pass, but I am also required by Schedule 21 to the Sentencing Act 2020 to specify a 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 be safely released.
3. In your case, Beni Nami, the minimum term that I arrive at will reflect the totality of your offending. I will specify a sentence for the offence of possessing an offensive weapon, but it will be served concurrently with the sentence for murder.
4. I heard the trial and the facts that I set out below are those of which I am sure having heard the evidence.
5. This murder took place at the Chapeltown Carnival, in Leeds, just before 10pm in the evening. You, Beni Nami, had been involved in a fight with Tcherny Ly some three weeks before. On 25 August 2019, you caught sight of Mr Ly and a friend, Teo Barros, in Chapeltown Road, and you went home to collect a Rambo-style knife before going to look for Mr Ly in order to attack him with the knife. You also collected Hussein Semusu who came along with you to provide support and back-up for the confrontation that you both intended would take place.
6. I sentence you, Hussein Semusu, on the basis that you did not bring a knife along to the confrontation, as that is consistent with the jury's verdict of acquittal on the charge of possession of an offensive weapon that had been laid against you. However, it is clear to me that you were well aware that Beni Nami was armed with a knife when you went along to support him in the confrontation.
7. The two of you caught up with Mr Ly and his friend outside a food tent at the junction of Chapeltown Road and Button Hill. A fight ensued. I am satisfied that you both took part in it. This fight was of short duration, just a few seconds. The CCTV footage is

from a considerable distance away and does not make it possible to see exactly what took place. However, I am satisfied that you, Beni Nami, produced the knife with a view to attacking Tcherny Ly. Mr Ly was also armed with a knife, which he took out, and he struck first. He caught you with a thrust to your chest, which broke your skin and caused a cut, and with a second thrust to your hand and lower arm, which also caused minor injuries. You were stepping back at the time. If the first thrust had properly connected with you, you might have been seriously injured or even killed.

8. You then stabbed Mr Ly with a single thrust. This was a very powerful blow. The knife penetrated some 12 cm into Tcherny Ly's body. It cut into Tcherny Ly's upper abdomen and then penetrated his stomach and spleen, before cutting into his left renal vein and his aorta. The thrust was so powerful that the tip of the blade penetrated one of the vertebrae in Mr Ly's spine.
9. You, Hussein Semusu, were mainly occupied with a scuffle with Mr Ly's friend, Mr Barros. However, you had gone along to help Beni Nami out in a knife attack, and to provide whatever support was required.
10. Either immediately before or immediately after the stabbing, both of you were involved in a brief chase of Tcherny Ly, before the loss of blood meant that he collapsed to the ground. In the meantime, you both hurried away from the scene. You did not take any steps to check if he was alright or to offer assistance. In fact, nothing could have been done to save Mr Ly, and he died very shortly afterwards.
11. Mr Ly was not blameless, as he also used a knife, but he did not deserve to die. He was 21 years old at the time of his murder. He had been born in Guinea-Bissau and had spent some time living in Portugal and England before settling in Leeds with his step-mother, with whom he was very close. He was doing a business course at college. I have read the Victim Personal Statements from his mother, his father, and his step-mother, all of whom have attended this trial. They describe a happy, helpful, and family-minded young man, who was loved by his family and friends. His family have been shocked and very distressed by his death, and it has had a major impact on his brothers and other family members.
12. The starting point, for both of you, before considering aggravating and mitigating factors, is 25 years. This is because you, Beni Nami, took a knife to the scene intending to have it available to use as a weapon and to commit an offence. The same 25-year starting point applies to you Hussein Semusu as it does to Beni Nami, because it also applies to an offender who, though not personally responsible for the fatal injury, participated in the murder with the intention that the victim would be seriously injured by a weapon brought to the scene by one of the attackers. It is not credible that you were unaware that Beni Nami had a knife until you arrived at the location of the fight.
13. However, the starting point will not be the end point in your cases. In deciding upon a minimum term, I will not adopt a mechanistic approach, and I will balance all of the aggravating and mitigating characteristics when determining the minimum term for each of you.
14. The aggravating features concerning this attack were that:
 - (1) It was premeditated, to some extent, though I accept that it was not planned very far in advance. You decided upon it, Beni Nami, about half an hour before the attack took place when you saw Tcherny Ly in Chapeltown Road, and you recruited

- Hussein Semusu to assist you in the attack. You, Hussein Semusu, willingly agreed to do so;
- (2) The stabbing took place at night, in a public place, surrounded by members of the public, who will no doubt have been terrified by what they witnessed;
 - (3) Two of you were involved in the attack; and
 - (4) An attempt was made by you to cover your tracks, by changing your clothing and in your case, Beni Nami, by trying to clean Mr Ly's blood off your knife.
15. I take account of the fact that Tcherny Ly struck the first blow, and that you, Beni Nami, only inflicted one blow with the knife, which you did in the heat of the moment immediately after being stabbed yourself. This is of some value as mitigation, but the value is reduced by the fact the two of you had gone to find Mr Ly in order to carry out a knife attack on him, and it was you who confronted him. The jury rejected your contention that this was, or might have been, an act of lawful self-defence.
16. I sentence you on the basis that I cannot be sure that either of you carried out the attack with the intention that Mr Ly would be killed. Rather, I sentence you on the basis that your intention was to cause him really serious harm. Whilst, it is true that the knife that you carried, Beni Nami, was a vicious Rambo-style knife, and the knife thrust was a ferocious one, I take account of the features I have just mentioned, namely the fact that there was only one knife thrust and that you stabbed Mr Ly immediately after being stabbed yourself by Mr Ly, and in the heat of the moment. The incident was of very short duration. Nevertheless, you both went along with the intention that there would be an attack with a knife, which would cause Mr Ly really serious injury.
17. I move on to deal with personal aggravating and mitigating features.
18. I start with you, Beni Nami. You were the prime mover in this attack. It was your idea, and it was carried out to further your feud with Tcherny Ly. You were the person who brought the knife to the scene and you were the person who stabbed Mr Ly.
19. It is also an aggravating feature that, in your defence statement, filed with the Court in May 2020, you blamed Mr Ly's friend for the stabbing. You maintained this lie up to the commencement of the trial and beyond, only admitting that it was you who stabbed Tcherny Ly when it was time for you to give evidence. You gave instructions to your legal team which meant that Mr Ly's friend, Teo Barros, was cross-examined on the basis that it was he who had killed Mr Ly, when you knew that this was not the truth. This was very distressing for the witness, and might have had very serious repercussions for Mr Barros.
20. Moreover, you have shown no remorse for the killing of Tcherny Ly.
21. The main and strongest mitigation that you have is that you were a young man when you killed Mr Ly, being 19 years old at the time. This is important mitigation. You were born on 14 July 2000, and so you are now 20. You suffered a difficult start in life, arriving in the UK in 2015 and then being abandoned. It was some time before your parents, who already lived in the UK, acknowledged that you were their son and allowed you to live with them. They only did so when a DNA test showed that you were their son. By your own account you had been involved in selling cannabis on the street for some two years before the attack on Mr Ly. There is nothing to suggest that either you or Hussein Semusu are particularly immature for your age.

22. You do not have any previous convictions for knife offences. You have one conviction for theft on 14 March 2019, for which you were given a conditional discharge. I disregard this offence for the purpose of sentencing you today. However, in the witness box you admitted to having carried out knifepoint robberies of other drug dealers in the past, which you say that you had been instructed to do.
23. As you for you, Hussein Semusu, you played a secondary role. As I have said, I sentence you on the basis that you did not personally carry a knife, and you did not stab Tchernon Ly. Also, unlike Beni Nami, you did not accuse Teo Barros of being the person who stabbed Mr Ly. However, you went along to support and assist Beni Nami in his attack on Tchernon Ly, knowing that he was intending to use a knife in the attack. You, too, have shown no significant remorse.
24. It is an aggravating feature that you have three previous convictions for offensive weapon offences, all of which took place in 2018. You were convicted of having a machete in a public place and were sentenced to 18 weeks in a Young Offenders Institution. You were twice convicted of having improvised weapons in prison whilst serving the sentence for that offence. One offence was committed on 23 May 2018 and the other on 31 July 2018. These offences were committed whilst you were on remand for the first offence. For the last offence, you were sentenced in February 2020 to a further 16 months in a Young Offenders Institution.
25. As with Beni Nami, the main, and substantial, mitigation in your case is that you too were young when the attack took place. You were born on 23 November 1999, and so were 19 at the time of the murder and are 21 now. You came to this country from Uganda at the age of 5, but you had a more stable home life than Beni Nami, living with your family, including older sisters and a younger brother.

The Sentences

Stand up

26. Beni Nami, for the murder of Tchernon Ly, I sentence you to custody for life. Taking account of all the factors I have set out, the minimum term will be one of 20 years, less the 466 days that you have spent on remand in custody following your arrest.
27. For the offence of possessing an offensive weapon in a public place, I sentence you to two years in a Young Offenders' Institution. This sentence will be served concurrently with the sentence for murder.
28. Hussein Semusu, for the murder of Tchernon Ly, I sentence you to imprisonment for life. Taking account of all the factors I have set out, the minimum term will be one of 16 years, less the 115 qualifying days that you have spent on remand in custody following your arrest.
29. If the calculation of qualifying time spent on remand is found to be erroneous, it will be corrected without the need for a further hearing.
30. It is important that you – and everyone concerned with this case or reading or reporting this sentence – understand what your sentences for murder in fact mean. The minimum term is not a fixed term after which you will automatically be released but is the minimum time that you will spend in custody before your case can be considered

by the Parole Board. It will be for the Parole Board to say at that time whether or not you are fit to be released. There is no guarantee that you will be released at that time, or at any particular time thereafter. If and when you are released, you will be subject to licence and this will remain the case for the rest of your life. If for any reason your licence were to be revoked, such as if you reoffend, you would be recalled to prison to continue to serve your life sentence in custody.

31. The appropriate statutory victim surcharge will be applied.