



IN THE CROWN COURT AT BIRMINGHAM

THE QUEEN

v.

**SHAMREZ KHAN
TAHIR ZAMAN**

21 APRIL 2021

SENTENCING REMARKS OF THE HON. MR JUSTICE PEPPERALL

1. Shamrez Khan and Tahir Zaman, you have been found guilty by this jury of the murder of Murtaza Nazir and of perverting the course of justice.
2. The brutal murder of Murtaza Nazir was both meticulously planned and efficiently executed. Just before 8pm on 28 August 2020, two masked men jumped out of a Seat Leon and a Dacia Duster in the Stechford area of Birmingham and gunned down Mr Nazir while accomplices kept the engines running. As the gunmen got back in, the two cars sped off leaving Mr Nazir dying in the street. In all, the four murderers were at the scene for no more than 30 seconds.
3. The plot to kill Mr Nazir involved no fewer than five different cars and, I am satisfied, at least ten people. The two cars used directly in the murder bore cloned plates that matched genuine cars of the same make and colour. Those cars were only used in the last 90 minutes before the shooting when they replaced two earlier vehicles that had been used both to carry out reconnaissance as the conspirators searched for Mr Nazir and to start assembling the team that would ultimately form the murderous convoy. The windows and windscreens of all four vehicles were heavily tinted such that eye-witnesses and CCTV cameras could not detect the cars' occupants. A fifth vehicle was used at the end of the day to ferry the gunmen and their drivers away. In addition to the four men directly involved in this offence, the plan depended on having others ready and willing to take the first two cars away from the area, to supply the gunmen with their weapons, to dispose of the cars used in the shooting, to provide safe shelter while the murderers waited for their transport at the end of the evening, and to drive them back to their homes.
4. The four men directly involved in the shooting of Mr Nazir each wore similar dark clothing, hoods, masks and gloves. They had the foresight to leave their mobile phones well away from the scene of their crime and to communicate upon walkie-talkies. Further, they had made plans for the cars used in the shooting to be disposed of that very night.

5. This was a professionally planned and ruthless assassination on the streets of Birmingham. Fortunately, each of you made mistakes that allowed the prosecution to prove your guilt. Shamrez Khan, you undertook reconnaissance early in the day of the shooting in a vehicle that could be connected to you, during which time you carried your mobile phone. You were caught on camera during the afternoon of 28 August at the very garage where the murder cars were to be taken a few hours later for disposal. Further, you made the mistake of wearing the same clothes as you arrived back at the garage some 8 minutes after the shooting. Tahir Zaman, you were undone by your need for a cigarette. A smoke that caused you to lower your mask and reveal your face to the prying CCTV cameras and that left behind vital DNA evidence on the cigarette butt.
6. Your offending was only revealed by one of the largest trawls of CCTV evidence in the history of West Midlands Police. While an enormous number of officers will have contributed to the successful prosecution of this case, it is appropriate that I single out Detective Constable Spencer Jenkins from Harborne police station for his extraordinary and meticulous work upon the CCTV evidence, including finding the reflections in windows of Mr Zaman getting into the Dacia Duster.
7. Such, however, was the professionalism of this murder that two of those directly responsible have never been identified.
8. It is clear from the evidence that Murtaza Nazir knew that he was being hunted by masked gunmen. Terrified, he ran for his life only to be brutally gunned down by three shots into his back. He was just 26 years old and left behind a young widow, Ilayshah Khan, and their baby son. Ms Khan made a victim personal statement that was read to the court. She and Murtaza Nazir were childhood sweethearts. She describes him as a kind, loving and caring family man who had been so excited just nine months earlier to become a father. It is plain that she was very much in love with Mr Nazir and that her life has been utterly shattered by his murder. She felt unable to continue living just one street away from where her husband died and has since moved away from the area. Without the financial support of her husband, Ms Khan has had to fall back on state benefits in order to pay her bills. She and her son have had to move from one temporary home to another. It is clear that she feels completely alone in the world.
9. Mr Nazir's sister, Shamana Nazir, read her own victim personal statement to the court. She described in moving terms the enormous sense of loss shared by Murtaza's parents, siblings and wider family. He was a popular man who filled their lives with humour and love.
10. I shall pass sentences on count 1 that encompass the totality of your offending on this indictment. In doing so, I have regard to the guidelines issued by the Sentencing Council in respect of the principle of totality. For the offence of murder, I am required by law to pass a sentence of life imprisonment and to fix the minimum term, being the period that you must each serve in custody before you can apply to the Parole Board to be considered for release. Even after serving the minimum term, you will only be released from prison when the Parole Board decides that further imprisonment is no longer necessary for public protection. Upon your eventual release, you will remain under supervision on licence for the rest of your lives, and you may be recalled to prison at any time.

11. In setting the minimum term, I must have regard to schedule 21 of the Sentencing Act 2020. In my judgment, the seriousness of this offence was particularly high. Indeed, Parliament has provided that cases that would normally fall within this category include murders involving the use of a firearm. I therefore take a starting point of 30 years in accordance with the guidance provided by paragraph 3 of schedule 21.
12. There are, however, a number of additional serious aggravating features in this case. First, I am sure that there was a significant degree of planning or premeditation. Such planning included parking up vehicles in position the day before the shooting; carrying out repeated reconnaissance; the use of multiple blacked-out cars; the use of vehicles with cloned number plates; the use of disguises; the use of walkie-talkies; the collection of firearms; the meticulous planning of the route; the identification of a safe place to wait for their transport; and the provision of a further car to carry the murderers away from the scene.
13. Secondly, by your convictions on count 2, the jury has found that you were parties to the destruction of the murder cars. Indeed, I am sure upon the evidence that Shamrez Khan was the critical link between those responsible for this shooting and the destruction of the cars. Thirdly, this offence was committed by a gang acting together. Fourthly, two different self-loading handguns were used firing a total of ten bullets in just a few seconds. Fifthly, the use of such weapons during daylight hours on a busy residential street obviously involved the risk that bystanders could have been injured or killed.
14. Further, your offending is in each case aggravated by your previous convictions:
 - 14.1 Shamrez Khan, you are now 23 years old. At the age of 15, when challenged by a girl's brother for shouting abuse at her, you ran home to fetch an air pistol that you then used to shoot both siblings in the face. You were convicted of two offences of wounding with intent to cause grievous bodily harm and one offence of possessing a firearm with intent to endanger life.
 - 14.2 Tahir Zaman, you are older at 29. You have been before the courts on 16 occasions in respect of 25 offences. Of most relevance, at the age of 19, you stabbed a man in the neck with a flick knife. The incident led to your convictions for wounding with intent to cause grievous bodily harm and possession of an offensive weapon.
15. I am satisfied that you are both extremely dangerous men who coldly and ruthlessly participated in the shooting of Mr Nazir.
16. On behalf of Mr Khan, five matters are urged on me. First, that Mr Khan is still only 23. Secondly, that he was a driver and not a gunman. Thirdly, that I should place limited weight on Mr Khan's teenage offending. Fourthly, that I should take into account the effect of the continuing pandemic upon prison conditions. Fifthly, that Mr Khan was newly married at the time of his arrest and that the inevitable sentence of imprisonment will punish his new wife and indeed his mother who is in poor health.

17. Shamrez Khan, I accept that you are still a young man, but there is no evidence before me of immaturity. In any event, this offending cannot be explained by immaturity. I accept that you were the driver of the Seat Leon rather than a gunman. This was, however, a carefully planned shooting in which each conspirator played an essential role in the offending. Further, upon the evidence at trial, I am sure that you were very heavily involved in the reconnaissance exercise earlier on 28 August and that you took the lead in making the arrangements for the disposal of the two cars. As to your previous convictions, I accept that you will have been somewhat immature at the age of 15. Nevertheless, your ready willingness even as a boy to fire a firearm, even if an air pistol, in other people's faces is extremely disturbing and should properly be taken into account as an aggravating feature of your offending on this indictment.
18. On behalf of Mr Zaman, it is said that I should sentence him on the basis that he was a participant rather than a gunman. Secondly, it is argued that his teenage offending should be disregarded. Thirdly, I am again asked to consider the effects of the pandemic upon prison conditions. Fourthly, it is said that he is a family man with two young children and that the effect of the inevitable sentence of life imprisonment will be profound upon his family.
19. Tahir Zaman, upon the jury's verdict and the evidence at trial, I am sure that you were one of the two gunmen. In any event, as I have already explained, I draw no distinction between the roles played by the central conspirators in this carefully planned shooting. I accept that your offending in 2011 is now somewhat distant in time and that those offences were committed when you were 19. Stabbing another person in the neck with intent to cause grievous bodily harm is, however, a very serious offence and is, in my judgment, properly to be regarded as an aggravating feature of your criminality on this indictment.
20. In accordance with the judgment of the Court of Appeal in the case of R.v. Manning [2020] EWCA Crim 592, I am asked to take into account the likely additional impact of serving a sentence of imprisonment during the continuing pandemic. Such considerations can be decisive in far less serious cases when a judge is deciding whether a sentence of imprisonment can be suspended, or when determining the length of a short sentence. They, however, have very little force in setting the minimum term to be served for this murder.
21. I acknowledge the profound effect that my sentence will have your loved ones and, in Mr Zaman's case, your young children. They are, I regret to say, further innocent victims of your offending and their plight does not provide any real mitigation in the context of this case.
22. In my judgment, the appropriate minimum term in this case to take into account all of the aggravating and mitigating features and also the principle of totality is a period of 35 years.
23. I turn then to count 2. While there are no sentencing guidelines for the offence of perverting the course of justice, I take into account the following principles that can be derived from the caselaw:

- 23.1 First, conduct which tends and is intended to pervert the course of public justice strikes at the heart of the administration of justice and almost invariably calls for a sentence of immediate imprisonment.
- 23.2 Secondly, in assessing the seriousness of the offence the court should consider the seriousness of the underlying offence, the nature of the conduct, the period over which it was continued, whether it cast suspicion upon or led to the arrest of an innocent person; and the extent to which the attempt to pervert the course of justice was successful.
24. In this case, the underlying offence – as you both well knew - was murder. The conduct was the cutting up and scrapping of cars used in the shooting. Such conduct was persisted in throughout the evening and night of 28 August and the morning of 29 August. The offence did not lead to suspicion falling upon innocent people, but it did deprive the police of the opportunity to examine the murder cars for hairs or other deposits that might have enabled scenes of crime officers to obtain DNA linking others with this shooting, or indeed to provide further evidence of your own guilt. In my judgment, the proper sentence for the offence of perverting the course of justice is one of six years' imprisonment.
25. Shamrez Khan and Tahir Zaman, I therefore sentence you to life imprisonment on count 1 and direct that you will each serve a minimum term of 35 years before you are eligible for parole. Further, I sentence each of you to a concurrent sentence of 6 years' imprisonment on count 2. I direct that, in the calculation of the minimum term, you should have full credit for the time that you have been remanded in custody, which according to the information before me is 215 days in the case of Mr Khan and 158 days in the case of Mr Zaman. Further, I order that you should pay the appropriate victim surcharge. You may go down.