



JUDICIARY OF
ENGLAND AND WALES

R
-v-
AB and CD

In the Crown Court at Northampton

30 November 2023

Sentencing remarks of Mr Justice Morris

AB, you are now aged 15. You have been convicted by the jury of the murder of Fred Shand. You have also pleaded guilty to an offence of having an article with a blade or a point. CD, you are now aged 17. You have pleaded guilty to an offence of having an article with a blade or a point.

It is now for me to pass sentence upon you. I ask that you remain seated whilst I describe the circumstances of your offences. I will refer to Fred and to you by first names.

The facts in outline

At just before 335pm on 22 March 2023 Fred, who was 16 at the time, was stabbed by AB with a large knife once in the heart on a grass traffic island near the Cock Hotel on Harborough Road in Northampton. At the time AB was aged 14. Fred died at the scene shortly thereafter. This was a horrendous attack in broad daylight on the streets of Northampton. At the time, it must have been a terrifying experience for all who witnessed it. The attack shocked the wider community of Northampton.

That afternoon, AB together with his friend CD had been looking for Fred to carry out a revenge attack. Both of them were armed with knives.

Post-mortem examination revealed that the knife had passed between Fred's ribs and damaged his heart, causing catastrophic blood loss. The cause of death was a single stab wound to the left side of the chest.

Many members of his family have sat through every day of this trial, with great patience and dignity. We have heard, read in court today, the victim personal statement of Fred's father, Rohan Shand. I have also read the statement of his cousin, Karlene Vassell. They speak eloquently and movingly of the terrible ordeal they have had to endure both following Fred's death and during the course of the trial and of the never-ending pain of their loss, made even harder to bear by the loss in 2017 of Fred's mother. It is clear that Fred was a much loved son, grandson, nephew and cousin. Rohan Shand also speaks of the impact of his death on the wider community.

The background

At the time of the events, Fred was living with his father and was a student at Kingsthorpe College in Northampton. His mother had died when he was 10. AB was living at home with his parents, his grandmother and younger siblings. CD lived [in Northampton] with his father, his brother and other family members.

The background to events was an escalating series of incidents between two groups of teenage schoolboys, arising from a dispute over a girl. That dispute played out on social media. One group included AB and CD; the other group included Fred, his friend Jake and another called Victor. On Monday 20 March this year, at a branch of Taco Bell in Northampton AB assaulted a member of Victor's group, because of things that had been said about AB on social media. At the time, AB was carrying a knife. The next day, 21 March, in revenge for that assault, Fred and Jake assaulted Pharrell, a friend of AB and CD in a branch of McDonalds. Neither AB nor CD was present.

That evening there was much discussion on social media amongst AB and CD's group about the incident at McDonalds. Fred was being held primarily responsible for the attack.

The day in question: 22 March 2023

These social media exchanges continued the next morning. AB and CD made a plan to find Fred and carry out a revenge attack on him. They tried unsuccessfully to get others to come along. Just before noon, CD sent a message to AB telling him to bring his knives, to meet him to go and "smack them ... up" at school. At around 240pm, AB hired an electric scooter and a few minutes later CD joined him on the scooter. AB had brought two knives with him – a large hunting knife with a double edged blade 26cm in length and an Arizona knife with a cutting blade 11.7cm in length. The two of them set out together on the scooter to find Fred. Each was dressed in black, with head coverings. Along the way, they stopped off and AB gave the Arizona knife to CD. They then travelled first to Kingsthorpe College, where Fred was a pupil. By this time CD had taken over driving the scooter. However when they arrived at the College at 325pm, Fred had already left. The two then turned round and headed back towards the town centre on the scooter.

At this time Fred was with his friend Jake, and a girl, heading home on foot after school. They were walking south on Harborough Road. At the same time, CD and AB were coming down on the other side of the road on the scooter.

The stabbing

As they approached the junction with Kingsthorpe Grove just before 335pm the two groups spotted each other. There was considerable traffic on the roads. Fred and Jake crossed over the road to the traffic island green. At the same time, CD and AB drove past the green and then turned back on to it. They got off the scooter. The two pairs of youths came together on the green and a fight started. Fred lashed out at CD with his belt. CD briefly fell to the ground. At that point, AB moved forward and chased Fred, having taken his knife out. Fred ran back towards a tree on the green and at that moment AB moved forward and stabbed Fred in the chest. AB chased Jake who was running away. Fred staggered and then collapsed on to the edge of the road. Jake went to his assistance. AB and CD turned round and moved away. The whole incident was captured on CCTV. The fight itself lasted little more than 7 seconds.

AB and CD then made off in the opposite direction towards [CD's home address]. Two members of the public in a car followed them. Jake and others made 999 calls. The emergency services arrived, and despite surgery on the spot, they could not revive Fred. He was pronounced dead at the scene at 4pm.

AB and CD made their way back to CD's home [address], followed by the two members of the public in the car. They disposed of their knives in the back garden. The police were alerted and each of them was arrested at CD's [home address] that afternoon.

Sentencing young people

I turn to consider your sentences. In doing so, I have considered and apply the Sentencing Council's guideline "Sentencing Children and Young People" – the Youth Guidelines. I refer in particular to paragraphs 1.2 and 1.5. I also apply the guidance given by the Court of Appeal in the recent case of *ZA v Rex* [2023] EWCA Crim 596. I bear well in mind the specific considerations which I must take into account, given your young age.

AB

I address you first, AB.

Murder

The sentence for murder is fixed by law. This means there is only one sentence I can give you. For a person your age it is called detention during His Majesty's Pleasure. This is a custodial sentence. This means that instead of going home today you will go to a secure place. You will not be allowed to leave that secure place until you are told you can. The Court must impose this sentence and must also state the shortest length of time you must stay in custody. This is called a minimum term. I will shortly explain the minimum term that you will have to spend in custody.

So that there is no misunderstanding, the minimum term is not the point in time when you will be released. It is the minimum term you must serve before you are considered for release. Whether and when you are released is a matter for the Parole Board, not for me.

The Parole Board is a group of people who decide if it is safe for a person to leave custody. After you have served the minimum term in custody they will decide if you can leave then or not. If they decide it is not safe, then you will stay in custody for a longer time. When you do leave custody, you will be on licence for the rest of your life. This means that there are rules, or conditions, which will be decided upon, when you leave custody. You will have to follow those rules for the rest of your life. If you break those rules you may have to go back into custody.

Schedule 21 of the Sentencing Act 2020 sets out the approach which I must adopt in deciding what minimum term you must serve. I must first identify the appropriate starting point for that term, before going on to consider, and balance, the aggravating and mitigating factors.

You were aged 14 at the time of the offence in March 2023. You took a knife to the scene intending to have it available to use as a weapon and used that knife in committing the murder. In these circumstances paragraph 5A, in combination with paragraph 4(1), of Schedule 21

applies. Accordingly, I find that the starting point for the minimum term in your case is 13 years.

There are aggravating features of the offence which warrant an increase from this starting point. First, the attack on Fred was planned and premeditated to a significant degree, and beyond the mere taking of a knife as an available weapon. Fred was the specific target of your plan, which was to arm yourself, find Fred and attack him in revenge for what had happened at McDonalds the night before. Secondly, the murder was carried out in broad daylight in a public area and within the sight and sound of a number of members of the public.

As regards mitigating factors, whilst use of a knife in such circumstances might very well lead to death, I am not satisfied to the criminal standard that you intended that Fred should be killed. Rather I find that you intended to cause serious bodily harm. As to your personal mitigation, whilst you have no previous convictions, you have previous involvement in buying and carrying knives. I take account of your relatively young age; however this is already reflected in the level of the starting point for the minimum term. I do take account of everything that is said in your pre-sentence report, what has been said on your behalf today and the letter in your own handwriting which you have personally written to me. You have strong family support. Generally your conduct in custody has been good, although I note that there have been incidents of misconduct. I recognise that you have accepted responsibility, and feel genuine remorse, for the consequences of your actions and for the death of a young man. I acknowledge your desire to become a law-abiding and useful member of society is genuine and the pre-sentence report and the letter from Upskill are optimistic that you will achieve this. Overall, in my judgment these mitigating factors balance out with the aggravating factors.

Possession of a knife - AB

You have pleaded guilty to possession of the knife which you carried with you leading up to, and in the course of, the attack on Fred on 22 March. In addition to the Youth Guidelines to which I have already referred, there are two further relevant sentencing guidelines which apply. These are the guidelines for possession of bladed articles and offensive weapons for children and young people (“the Youth Knife Guidelines”); and the guidelines for possession of bladed articles and offensive weapons applicable to adults (“the Adult Knife Guidelines”).

In your case, AB, this offence concerns the hunting knife with which you stabbed Fred. Having considered the Youth Knife Guidelines, I am satisfied that your offence is so serious as to pass the custody threshold and, given your custodial sentence for murder, a youth rehabilitation order cannot be imposed. There are a number of aggravating factors. In principle, and applying both Knife Guidelines, looking at this offence alone, I would have imposed a detention and training order of a number of months duration.

However, because I am also imposing a sentence of detention at His Majesty’s pleasure for the offence of murder, the court cannot impose a detention and training order at the same time. The possession of this knife is already specifically taken account of in your minimum term for murder, leading to a 5 year uplift in the starting point. In these circumstances, I will impose no separate penalty in respect of this offence.

AB

Please stand

AB, this was a brazen and shocking attack, leading to the senseless death of a young man.

On Count 1 for the murder of Fred Shand, the sentence is detention during His Majesty's pleasure. You will serve a minimum of 13 years less the period of 248 days you have spent on remand.

On Count 2, for the offence of having an article with a blade or point, there will be no separate penalty.

You may go.

CD

CD, you were tried and acquitted of more serious charges arising out of your involvement in the events of 22 March. On 19 July 2023, in the course of the trial and when Count 3 was added, you pleaded guilty to possession of a bladed article on that day. You were 17 when you pleaded. The knife in question is the Arizona knife which you carried with you to, and at, the scene of the attack on Fred. You were the principal orchestrator of the plan to locate Fred and sent the message in the morning to AB to bring knives. AB handed the knife over to you. You had the knife on you in the course of the confrontation with Fred and Jake and at the scene of the murder. You did not take out the knife. However I find that you knew that AB knew that you were also in possession of a knife, and that will have emboldened AB in his actions. When you got home [...], you hid it in bushes at the back of your garden.

Previously in March 2021 you had been permanently excluded from school for having a knife on school premises and in August 2022 you were convicted of possession of a hunting knife in a public place in July 2022. In addition, two photos of you posing with knives at an earlier date were found on your mobile phone.

I apply the three sentencing guidelines to which I have already referred. I have read with care the detailed pre-sentence report and taken into account everything that has been said today on your behalf. Since August this year you have been on remand in local authority accommodation and have made considerable progress. I note the recommendation that I should impose a youth rehabilitation order with a number of stringent conditions. I note what is said about such orders in paragraph 82(7) of the judgment in ZA.

As a result of your previous conviction, unless there are exceptional circumstances, there is a minimum sentence for this offence of 4 months detention and training order. The Adult Knife Guidelines explain how I am to approach the question of whether there are exceptional circumstances.

This was a serious offence of possession of a knife and with the serious aggravating factors I have outlined. However I bear well in mind that, when sentencing young persons, the court must have regard to the principle aim of preventing offending in the future and to the welfare of the young person.

In your case a combination of the circumstances and the progress you have made since your remand to local authority accommodation in Leicester has led me to conclude that there are exceptional circumstances justifying me in not imposing the minimum custodial sentence or any custodial sentence, and in imposing a youth rehabilitation order. I am satisfied that the requirements set out in paragraph 6.33 of the Youth Guidelines are met.

First, your conduct in custody was exemplary and you have made considerable rehabilitative progress since being remanded to local authority accommodation. You have cut your links with old associates in Northampton and commenced a new life in Leicester. Your father provides ongoing support of you and engaged fully with the preparation of the pre-sentence report. You have established a close relationship with your support worker who speaks highly of you. With the benefit of 7 GCSEs, you have now enrolled at college in Leicester for a fashion and design course. You are assured of local authority accommodation with a social care support. As a result, there is a good prospect of a reduction in the risk of harm in the future.

Secondly, a youth rehabilitation order will impose conditions – that is rules - which have elements of both punishment and rehabilitation.

Thirdly, exceptionally, you have already served the equivalent of almost 6 months in custody. Any further custodial sentence will mean that you would soon be released from custody. Support towards rehabilitation in custody would be relatively limited, and, once released, would be far less than under a youth rehabilitation order. You would not then have the benefits of accommodation and support and might well lose your place at college. There would be a substantial risk that the benefits of the progress you have made to date will be lost. In my judgment in your case preventing re-offending, as well as your welfare, requires that the support you are currently receiving should continue.

The youth rehabilitation order proposed is comprehensive, and includes elements of punishment, as well as rehabilitation. This will give you the best opportunity to continue with rehabilitation. You must take that opportunity.

For these reasons, I will impose a sentence of a youth rehabilitation order with certain rules. This is a community order. It means you do not have to go to custody, but you do need to follow those rules. The rules are called requirements.

Your sentence will last for 18 months.

I will now tell you the requirements – the rules – for your youth rehabilitation order.

First, you have to meet with your YOT officer when he/she wants you to for the next 18 months. Your YOT officer will tell you when you have to meet them, and where you have to meet them. This is called a supervision requirement. The YOT officer will help you take responsibility for what you did and help you to take positive steps in the future.

Secondly, you must not enter Northamptonshire for 6 months.

Thirdly, for a period of 6 months you will be electronically monitored and subject to a curfew between 8pm and 7am.

Fourthly, for 3 months you must engage in a specific knife crime programme.

Fifthly, for 6 days you must engage in reparative activity – that means unpaid work.

Sixthly, you must complete an extended activity requirement for 6 months, with 25 hours of supervision a week for the first three months and thereafter 5 hours of supervision a week.

Seventhly, you must continue to reside in the local authority accommodation where you currently reside for the next 6 months.

Finally, you must not contact AB for 3 months.

If you break these rules you will be brought back to this court or the Youth Court. Breaking the rules is called breaching the order. If you break the rules and come back to court, you may be given more rules or a different sentence. That might mean you have to go to custody.

As this may be a lot to take in today, I will ensure that you are given a paper copy of these sentencing remarks and in particular of the requirements.

CD

Please stand

On Count 3, for the offence of having an article with a blade or point, the sentence is a youth rehabilitation order with the conditions which I have just explained to you.

You may go.