

R.

V.

ZAIN MIRZA

AYAANLE ALI ADAN

MAHAD GOULED

ZAKARIE MOHAMED

CHIBUKE OHANWEH

SENTENCING REMARKS

1. On Wednesday 17th January 2024, at the end of a trial spanning some ten weeks, the jury convicted you Mirza, Adan, Gouled and Ohanweh of the murders of Saydi Sheikh and Zakariya Mohamed, the attempted murders of Khalid Khalid and Ali Sheikh and doing an act tending and intended to pervert the course of public justice: setting fire to a white Mitsubishi, one of the vehicles that been used in that enterprise.
2. Zakarie Mohamed, you were acquitted of murder and attempted murder. At the start of the trial you pleaded guilty to perverting the course of public justice: accepting that you had been involved in setting fire to the Mitsubishi.
3. What took place on 24th October and into the early hours of 25th October 2022, was very well orchestrated and planned. On the evidence adduced in the trial, I am entirely satisfied that the events were the culmination of a carefully planned retaliation attack for the killing of Mohammed Usman Mirza on 19th November 2019.
4. Mohammed Usman Mirza was 19 at the time of his death. Trials took place in this building of those accused of his murder. A number of young men were convicted of murder and some of manslaughter. Not satisfied with the police arresting the assailants of Mohammed Usman Mirza's death, the subsequent convictions and sentences imposed, Mirza here you took part in planning a revenge attack on a member of a rival gang, Sayid Sheikh, also known as 'Giddy'. In that plan a number of others from the gang your brother had been a member of and where you yourself were either a member or a close associate, joined in to ensure it was carried out and was effective.

5. At about midnight on 24th October into 25th October 2022, four people, each armed with a gun, forced their way into 44 Henley Road in Ilford. At that residential address were five men. No fewer than 48 shots were fired from those four guns. Knives were also carried into that house. Saydi Sheikh and Zakariya Mohamed were killed. As well as four gun-shot wounds to Saydi, the pathologist found 28 separate stab wounds. As you Ohanweh agreed in evidence, a fair description of what had happened to Saydi Sheikh was that he had been butchered and left to die.
6. Zakariya Mohamed had five stab wounds and had been shot at least seven times. Khalid Khalid was shot six times and Ali Sheikh, just the once. A fifth man present managed to get away from the address without being attacked. The injuries caused to Khalid Khalid were, in my view, extremely serious. After treatment at the scene, he was found to have a reduced level of consciousness, and gunshot wounds to the head, right buttock and right thigh. He was taken to hospital for treatment and discharged four months later in February 2023. In his medical notes show that his verbal and non-verbal reasoning skills have declined as has his memory, attention span and mental abilities.
7. Having shot at and stabbed these men, minutes later those involved made their escape in the white Mitsubishi they used to get to Henley Road. A short distance away, in Ronnie Lane, another vehicle was waiting to pick up those involved and the Mitsubishi was doused with petrol and set alight. Thanks to the swift thinking of a member of the public, the fire service was alerted, quickly responded, tackled the blaze and the fire extinguished. Part of the plan of those involved had clearly been for the outer clothing worn by the attackers, as well as any other physical evidence connecting them to the scene, to be destroyed. When the fire had been extinguished, removed from the back of the vehicle by the fire brigade was a pile of remnants of clothing that had fire damage, but also rather more significantly, traces of gun-shot residue and DNA.
8. An extensive and dedicated police investigation led to the five of you being sought and arrested. Examinations of telephone use led to the discovery of what have been termed ‘mission’ phones: mobile phones acquired solely for purposes connected with this attack and only in use for a few hours. Fortunately a lack of discipline by one of you using those phones and diligent police work, led to evidence revealing connections to many involved in this brutal attack.

9. Two other pieces of evidence were uncovered by the work of the police: the use of social media in a sequence that shows that you Adan, Gouled and Ohanweh were in the same location lying low in the hours after the offence, but using the same mobile phone device to access your various social media accounts – no doubt you were keen to see how your attack was being considered, and no doubt glorified by others in your gang.
10. From phone cell site analysis it is clear Mirza that you were in the area of the shooting. Although not one of those who used a gun, it would appear that you simply could not resist the urge to be in the area where the plan to avenge the killing of your brother was being acted out. Tellingly at 4 minutes after midnight, your phone is using a cell site serving the location of 44 Henley Road. At that very time neighbours in Henley Road speak of hearing sounds like fireworks. What they were hearing was the gunfire from the shooting in 44 Henley Road.
11. As I have said, inside 44 Henley Road many gunshots were fired. Some shots were through a closed door, and all shots were clearly aimed to kill anyone who was in that house with Saydi Sheikh. One of the attackers was heard to say these chilling words: *“He’s not dead yet, finish him, stab him, kill him.”* The attack came to an end within minutes once it was thought Saydi was dead. The words: *“He’s dead. Let’s go”* were heard.
12. Examination of various materials including mobile phones shows that Mirza, Adan, Gouled and Ohanweh that you were all connected to or were members of the ‘Only Manor’ gang in Newham. That gang is, and has been in conflict with a gang from Ilford known as ‘Ilford First’ or ‘Drillford’. Sayid Sheikh was part of that Ilford gang.
13. In the course of the trial gang membership or association was not in issue. You each claimed to make your living from selling class A and B drugs on behalf of your gang; giving accounts of doing so for others you were not prepared to name. Videos showing each of you glorifying in violence and mocking those in rival gangs formed part of the material placed before the jury.
14. This is, all too sadly, yet another example of gang rivalry and violence played out on the streets of London. Two more young men killed, one young man left with life-changing injury another lucky he only received a single gun-shot wound and this court sentencing more young men to lengthy terms in custody. Each of you has sought to distance yourself from what took place by saying you were not involved and some blaming other members of your gang. Two of you claimed to be elsewhere. As the verdicts show your lying accounts have been comprehensively disbelieved.

15. I have seen and read three powerful impact statements. They were read in open court as part of the sentencing process. The families of Saydi Sheikh and Zakariya Mohamed speak of their loss, the people they knew and the on-going impact on all of them of their loss. The family of Khalid Khalid speak of the impact on them of his serious injuries, the difficult period they endured when they were unsure as to whether he would survive, as well as the on-going impact on him and them. As they observe, the events of October 2022 are etched onto their hearts and will always be with them.

Sentencing provisions and antecedents.

16. The only sentence for murder is a life sentence. Here that sentence, by reason of your ages, is expressed either as imprisonment for life in the cases of you Mirza and you Gouled, or custody for life for you Adan and you Ohanweh. [s.275 Sentencing Act 2020]
17. Mirza, you were 20 at the time of these offences and are now 21 [date of birth 29th June 2002]. I note your conviction on 19th March 2018, for the possession of a hunting style knife with a 15cm serrated blade, as well as convictions on 11th March 2021, for offences concerning cannabis, heroin, cocaine and the acquisition of criminal property. At the time of these murders you were on licence in respect of a sentence of 51 months detention in a young offenders' institution that had been imposed on you.
18. Adan, you were 19 at the time of the offences. Now 20, you will be 21 next month [date of birth 24th February 2003]. You too have previous convictions. On 20 April 2021, for criminal damage; on 9th August 2021, for possession of a lock knife with a five-inch blade; 1st April 2022, for offences connected with the supply of cannabis, and facilitating the acquisition or possession of criminal property, for which you were subject to a Community Order for 24 months. You were subject to this community order at the time of these offences. Finally, I note that on 10 May 2023, you were arrested and then charged with conspiracy to supply class A drugs between November 2017 and November 2021. You pleaded guilty and are yet to be sentenced. Thousands of individual deals of Class A drugs to a value of over £60,000 in that four-year period. In that case it is suggested that an organised crime group supplied 143.5kg of Class A producing an income of just under £7.5 million.
19. Gouled, you were 20 at the time of these offences, the murders were just days before your 21st birthday. You are now 22 [date of birth 29th October 2021]. In your case there are convictions from 18th January 2018, for the possession of a large kitchen knife in a public place; on 15th June 2018 for a similar offence and possession of cannabis, 24th September

2018, again for the possession of an offensive weapon (a bottle of ammonia) and offences of battery; 19th March 2019, possession of a bladed article and wounding; 4th December 2020, for possession of class A drugs with intent and facilitating the acquisition or possession of criminal property; and for offences committed on 14th May 2022 including aggravated vehicle taking.

20. Ohanweh, you were 20 at the time of the offences and are now 21 [date of birth 28th April 2002]. Your antecedents show 21st July 2018, possession with intent to supply heroin and crack cocaine; 30th July 2018, possession of a lockable knife, in a public place; 12th September 2018, possession with intent to supply heroin and crack cocaine; and 18th June 2022, possession of a flick knife, in a public place. At the time of the offences here, you were on licence from the sentence you received for that offence.
21. As I have already stated, in relation to murder the only sentences that can be passed are ones of imprisonment for life, or custody for life, and those are the sentences I will pass in each of your cases. The issue for this Court is the minimum terms you must each serve before you are first considered for release. When it comes to the minimum term that you will each serve, I make it plain that I am not ordering that you are released at the end of it: that will be a matter for the Parole Board. Only when the minimum term has been served can the Parole Board decide whether it is safe to release you. If the board does release any or all of you, then you will remain on licence and liable to recall for the rest of your life.
22. I have considered the provisions of schedule 21 of the Sentencing Act 2020. As paragraphs 2 and 3 of that schedule make clear, had you been over 21 at the time of the offending, for offences of this type with a substantial degree of premeditation and planning, the starting point would be a whole life order. S.126 of the Police Crime, Sentencing and Courts Act 2022, has now made provision for whole life orders for those aged 19 or 20 where the seriousness of the offence, or combination of offences, is ‘exceptionally high’ even by the standard of offences which would normally result in a whole life order. The prosecution sentencing note makes clear that they do not submit that this case comes within that definition. Shocking and appalling as this case is, I also do not find that test to be met.
23. Here there are two murders both involving the use of firearms. The appropriate starting point in determining the minimum term, for those aged 18 and over is one of 30 years.

24. Having chosen that as the starting point, I need next to consider next any aggravating or mitigating factors. In my judgment there are a number of significant aggravating factors present.

- Firstly, the sophistication and planning of the murders. Planning here includes the sourcing and use of four guns: three pistols and a revolver; the use of ‘mission phones’; disguised clothing; a ‘mission base’ in 2A Durham Road; a stolen vehicle with false registration plates to go to and from the scene of the attack and then a second getaway vehicle, again likely to be a stolen vehicle, for the next stage of your escape.
- Secondly, the use of firearms, which I note looked at in isolation, would justify a starting point of 30 years for a single murder.
- Thirdly, the bringing of other weapons (knives) to the scene, which again looked at in isolation would justify a start point to a minimum terms of 25 years’.
- Fourthly, the degree of violence used. As already mentioned, when cross-examined Ohanweh you agreed that a fair description of what happened to Saydi Sheikh was that he had been butchered.
- Fifthly, I have to reflect that in addition to the two murders, you are to be sentenced for two attempted murders.
- Sixthly, these are offences with a background of gang criminality and internecine gang violence.
- Finally, the destruction of evidence by setting fire to the Mitsubishi.

In considering all these factors I must guard against ‘double-counting’ as some of these matters have led to the determination of the initial start point for sentence in your cases.

25. I note also the various previous convictions recorded against each of you. Mirza and Ohanweh you were both on licence at the time of the offending and Adan, you were subject to a community order.

26. In considering mitigating factors, the only factor is your respective ages at the time – 19 and 20. As that is something I have already referred to in relation to the consideration of a whole

life order, again whilst I must and will have regard to it, I also need to ensure that I do not ‘double-discount’ for this feature of the case.

27. Turning to counts 3 and 4, I have considered the Sentencing Council definitive guideline on attempted murder. Each of the attempted murder offences is within Category A for culpability and for count 3, the attempted murder of Khalid Khalid, Category 1 as to harm. On count 4, Ali Sheikh, it is in Category 2 as to harm. For count 3 alone, the guidelines give a start point of 35 years’ custody with a range of sentence of between 30 to 40 years custody. For count 4, a start point of 30 years and a category range of 25 to 30 years. In this case, if sentencing you just for counts 3 and 4, I would be passing life sentences with minimum terms close to 20 years.
28. In relation to count 5, for you Mirza, Adan, Gouled and Ohanweh, your roles in setting fire to the Mitsubishi is clearly an aggravating factor of the other four counts and a factor I have identified within my consideration of schedule 21. The Sentencing Council issued guidelines for Perverting the Course of Justice effective from 1st October 2023 that apply to offenders aged 18 and over. Applying those guidelines on this offence alone, it would in my judgement, on the facts of the case set out, easily come into Category A, High Culpability, due to the planned nature of the conduct and the underlying offences being extremely serious, and Category 1 as to harm. On the guidelines that produces a start point for sentence of 4 years’ custody and a range of sentence of between 2 and 7 years’ custody. The full context of the facts of this case, would justify a sentence at the top, or at the very least, towards the top of that range of sentence. I will return to the question of the application of those guidelines when I turn to deal with the fourth defendant, Mohamed.
29. I have considered whether, in considering the minimum terms, any distinction should be drawn between you for the roles you each played. In my judgment the answer to that question is ‘no’: you were each involved in planning and carrying out this horrific attack.
30. In setting a minimum term that reflects the overall criminality I also must bear in mind the principles of totality.

Mitigation

31. Mirza, I have seen and read a moving letter from your father. He expresses his concerns that today he is, in effect, losing his second son. Whilst he does not seek to excuse the offences you have committed, he speaks of the hopelessness amongst some young men facing limited options and getting attracted to seeing what those older than them are doing - making money

selling drugs. He speaks of his regrets in not moving away from East London. He empathises with the other families grieving here. He says this:

No parent should have to bury their child. I speak from experience when I say it is the hardest thing any parent can do. I pray to God on a daily basis to give the victims' family strength and patience, I have some understanding of what they must be going through having gone through it myself. I hope and pray that they can find a way to move forward, you can never get over the loss of a child, all you can do is try and learn to live with it.

32. On your behalf Mr Etherington submits that this case may be better described and considered as an 'Only Manor' attack rather than one you primarily directed. The material on that issue goes two ways and in my view makes little if any difference to sentence.
33. Adan, I have this morning seen and read a Pre-Sentence Report prepared in August 2021 and a psychiatric report from Dr Lisa Wootton from May 2023. Both reports refer to your low maturity and vulnerability. There is a diagnosis of ADHD and an adjustment disorder. Mr Forster relies on both when it comes to assessing age and maturity in your case. He also invites some proportion to the inevitable lengthy minimum term.
34. Gouled, as Mr Mian realistically accepts, age is the only point he can make on your behalf. He asks that in setting the minimum term, there should be some light to be at the end of a long tunnel. Ohanweh, Mr Femi-Ola endorses all these points in relation to you.
35. The issue that these submissions and supporting documents highlight is the extent to which age and maturity impact on the minimum terms to be imposed.

Sentence for Mirza, Adan, Gouled and Ohanweh.

36. In my judgment, taking into account the aggravating and mitigating factors I have identified, the appropriate overall minimum term of the life sentences on each of the four of you: Mirza, Adan, Gouled and Ohanweh is one of 38 years.
37. The days on remand between arrest and now which I am told in your case Mirza are none as you were recalled, Adan 435 days, Gouled 423 days and Ohanweh 243 days, will count towards those sentences.
38. In each case the sentences are:

Mirza on counts 1 and 2 life imprisonment with a minimum term of 38 years. On counts 3 and 4 life imprisonment with a minimum term of 19 years and on count 5, a sentence of 6 years imprisonment. All those sentences to be concurrent.

Adan, on counts 1 and 2 custody for life with a minimum term of 38 years less 435 days. On counts 3 and 4 custody for life with a minimum term of 19 years and on count 5 a sentence of 6 years detention. All those sentences to be concurrent.

Gouled, on counts 1 and 2 life imprisonment with a minimum term of 38 years less 423 days. On counts 3 and 4 life imprisonment with a minimum term of 19 years and on count 5 a sentence of 6 years imprisonment. All those sentences to be concurrent.

Ohanweh, on counts 1 and 2 custody for life with a minimum term of 38 years less 243 days. On counts 3 and 4 custody for life with a minimum term of 19 years and on count 5, a sentence of 6 years detention. All those sentences to be concurrent.

39. What that means in each of your cases is that, before you will first be considered for parole, there will be a period of 38 years less the number of days (if any) set out. If the information which I have been provided with as to the days on remand proves to be inaccurate, then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days.
40. When it comes to the minimum terms that you will each serve, I make plain that I am not ordering that you are to be released at the end of that term. Whether all or any of you will be released or not at that stage will be a matter for the Parole Board to consider. Only when the minimum terms have been served can the Parole Board decide whether it is safe to release you or not. If the Board does release you, then you will remain on licence and liable to recall for the rest of your lives.

Sentence for Mohamed.

41. In your case Mohamed, I have to sentence you for perverting the course of justice, count 5. I have already referred to the relevant offence guidelines which apply to those aged 18 and over. In my judgment the underlying offences here are ones of the utmost seriousness, indeed it is difficult to think of more serious offences: double murder, double attempted murder, with firearms, against a background of gang conflict. The conduct in count 5 was

sophisticated and planned. It involved the acquisition and use of an accelerant with the aim of destroying a car stolen prior to the offending and to be used specifically for this ‘mission’. Before consideration of factors specific to you, these factors place the culpability of the offence in Category A. Harm also comes into the highest bracket. As I have stated, using an accelerant to set alight the car with the clothing worn for the purposes of committing the attack that led to two murders and two attempted murders had a serious impact on the administration of justice.

42. The guideline then sets out what is said to be a ‘non-exhaustive’ list of additional elements providing the context of the offence and factors relating to you so that I can identify whether a combination of these or other relevant factors should result in any upward or downward adjustment from the sentence arrived at so far. The guidelines then list factors increasing seriousness and factors reducing seriousness or reflecting personal mitigation.
43. You were 18 at the time of the offences and are now 19 (date of birth 22nd September 2004). In terms of previous convictions, on 30th November 2020, a conviction for the possession of a lock knife, and possession of cannabis; 8th December 2020, possession with intent to supply cannabis; 2nd May 2021, facilitating the acquisition / possession of criminal property, and breach of the orders made in relation to the offences on 8th December 2020.
44. Included in the list of factors reducing seriousness or reflecting personal mitigation are mental disorder, learning disability (where not taken into account in step one) and age and/or lack of maturity. I am aware of the diagnosis of autism: your Autism Passport was part of the evidence adduced at trial, and I saw and read the report from Dr Paula Rothermel dated 3rd October 2023, as part of my determination that you should have the services of an intermediary throughout the course of the trial. I also note what is said about your mental age at the time as well as your role within the gang compared to others being more limited. I have also considered the sentencing guidelines for those with mental disorders, developmental disorders, or neurological impairments, as well as the decision in Z4 [2023] EWCA Crim 596 and other decisions about 18 not being a cliff edge in terms of sentence. Mr Kamlish submits that all that is known about you should have a significant impact on the appropriate sentence. Considering the full context of the offence here, the acts that took place, and your own role and culpability as impacted by the assessment of you for this trial, the start point for sentence in your case is one of 4 years’ 6 months’ duration.
45. In relation to credit for plea, on your behalf it is submitted that credit greater than 10% should be given. It is said that although the plea was as the trial started, your reduced intellect and

cognitive abilities is such that a clear understanding by you of the case against you and the giving of instructions by you, is such that credit of 20% should be afforded you. I do not agree that as much credit as that would be correct. It seems to me that if I have already made allowance for those factors, I need to be careful so as not to ‘double-discount’ the impact of the points made about credit. I also note that the initial defence statement served on your behalf was a denial of involvement. In my judgment the credit to be given is of the order of 10%.

46. Mohamed, in your case on count 5, a sentence of 4 years’ detention in a young offender institution. You will serve one half of that sentence in custody and then be released on licence for the remainder of that sentence. Whilst on licence, you must comply with all its terms. Your licence may be withdrawn at any time and your return to custody ordered.
47. As the statutory surcharge applies in this case to all of you, the appropriate orders will apply and can be drawn up in each of your cases.
48. Before I leave this case I wish to commend DS Emma Fitzpatrick on the investigation in this case. In my view she has led a team who have managed to uncover significant evidential material and it has all been presented in this courtroom in a fair and balanced way. When, late in the day, questions or further relevant enquiries needed to be made, assistance was given to the defence and to the Court.

Recorder of London
His Honour Judge Mark Lucraft KC
Central Criminal Court,
Old Bailey,
LONDON EC4M 7EH
January 23rd 2024.