



Rex

v.

Kadeem HIBBERT

Sahid KPAKA

Courtney FORRESTER

HHJ DHIR KC

16 May 2024

Sentencing Remarks

1. On the 30 October 2022 Givani Espuet was the victim of a fatal stabbing on the streets of London. The fatal wound was a stab to his heart which penetrated the left ventricle. No amount of medical intervention could have saved him. No one sitting in court this morning could have been left in any doubt about the impact this senseless killing on his mother his siblings, his girlfriend and all who knew him.
2. Givani Espuet was only 21. He was a hard-working young man who was about to get engaged to his long-term partner. There has been no

suggestion that he was involved with any gang or that he had done anything else to attract the fate which befell him that night. He was simply unlucky enough to be in the wrong place at the wrong time, where you and others could do what you did to him.

3. Your actions have brought grief and misery to the lives of those who knew him. His mother, Judith Reid, his sister, Shannel Espuet, and his girlfriend of 7 years, Christiana Constantinou, have each made moving statements in which they have expressed so eloquently the devastation which you have brought on their lives. His mother referred to the huge void which his death has left on his family and all who knew him. His sister told how the memories of the night he died haunt her as she re-lives them over and over again. Likewise, his girlfriend said that the image of him dying alone in the road will forever haunt her.
4. Kadeem Hibbert, the jury found you guilty of the murder of Givani Espuet and of violent disorder committed on the same occasion.
5. Sahid Kpaka, the jury found you guilty of Mr Espuet's murder after you pleaded guilty to violent disorder on the first day of the trial.
6. Courtney Forrester, the jury found you guilty of manslaughter after you had pleaded guilty to violent disorder at the adjourned plea and trial preparation hearing.

7. You each participated in the group violence which began outside the Aura Lounge in Harrow Road, continued as Mr Espuet was chased along and across the road by you and others and ended when he fell down, he had several knife inflicted injuries. The fatal injury being a stab wound to his heart. The experts said death was inevitable and quick. You were each involved in the violence throughout the incident, from start to finish.
8. Indeed, you, Kadeem Hibbert, broke free when others attempted to hold you back and you rejoined the group pursuing Mr Espuet. You also carried a knife throughout the incident, lunging towards Mr Espuet with the knife when the violence began. The Crown suggest that you administered the fatal blow, but I cannot be sure of that. I am, however, sure that you brought the knife to the scene. I am sure of that because of the CCTV evidence and the manner in which you produced the knife outside the Aura Club.
9. You, Sahid Kpaka, took a swing at Mr Espuet at the outset of the violence and you held him in a headlock at the end of the incident. It was when you released him that he fell to the ground and died. I am not sure you were carrying a weapon yourself, and I am not sure that you knew that anyone else was carrying a knife.
10. You, Courtney Forrester, were part of the group and you lunged forward and kicked out towards Mr Espuet shortly after the violence began. At the

end of the incident, you punched, or punched at, Mr Espuet twice while he was being held in a headlock by Mr Kpaka unable to defend himself. You were unarmed and, given the jury's verdict, I cannot be sure that you knew that anyone else had a knife.

11. Kadim Hibbert and Sahid Kpaka, for the offence of murder, I have to impose a sentence of life imprisonment. However, I have to set for each of you a minimum term which you will serve before you are eligible to be considered for release by the Parole Board.
12. It is important that you, and everyone concerned with this case, should understand what a minimum term means. A minimum term is not a fixed term after which you will automatically be released.
13. It is the minimum time which you will spend in custody before your case can be considered by the Parole Board. It will then be for the Parole Board to say whether or not you will be released.
14. If and when you are released, you will still be subject to licence. This will remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.
15. I am also required to impose the statutory surcharge on each of you, if it applies. The order can be drawn up in the appropriate amount.

16. Kadeem Hibbert, the law says that the starting point in your case is a minimum term of 25 years, because you brought a knife to the scene intending to have it available to use as a weapon and you used that knife in committing the murder.
17. I make clear that, since I am not sure that you inflicted the fatal blow, I will sentence you on the basis that you assisted or encouraged the person who inflicted the fatal blow to assault Mr Espuet. In doing that, however, you used your knife. You produced the knife at a very early stage in the incident and you lunged at Mr Espuet with it. Your knife remained visible in your hand at various stages throughout the incident.
18. Sahed Kpaka, the law says that the starting point in your case is a minimum term of 15 years.
19. Courtney Forrester, there are sentencing guideline for this offence. Your advocate says this is at the top end of category C, but accepts there reasons why this can fall into category B. The Crown suggest a higher starting point, namely category B.
20. I am sure that Mr Espuet's death was caused in the course of an unlawful act which involved an intention by you to cause him harm falling just short of grievous bodily harm and which carried a high risk of grievous bodily harm which was or ought to have been obvious to you. That is because of

the number of people involved in attacking him, the manner of the attack. and the number of injuries he sustained which make it clear that more than one person was carrying a knife, and more than one person used a knife in the attack. Having said that I am not sure that you were aware of the use of a knife or knives and the sentence I impose will reflect that.

21. I have to impose a sentence of imprisonment on all three of you for the offence of violent disorder. That is, in a sense, an academic exercise, since the sentence which I will impose on you for the offence of violent disorder will be concurrent with, but significantly shorter than, the sentence which I will impose on you for the offence of murder or manslaughter and I will treat the violent disorder as part and parcel of the murder or manslaughter, with the result that the fact that you have been convicted of violent disorder will not serve to increase the sentence which I impose for murder or manslaughter.
22. The sentencing guideline for violent disorder says that the starting point is a sentence of 3 years' imprisonment, on the basis that you each participated in an incident involving serious acts of violence and the incident resulted in an extreme level of serious physical injury, namely death.
23. In each case, I have to consider whether I should adjust the starting point for your minimum term or for your term of imprisonment up or down, so I have to consider all of the aggravating and mitigating factors.

24. Your offences of murder and manslaughter are aggravated by the fact that you participated in group violence against a man who was seriously outnumbered and unarmed, and you did so on a busy street in front of members of the public.
25. Another aggravating factor which is common to you all is that you were to some extent under the influence of alcohol.
26. In your case, Kadeem Hibbert, the other aggravating factors are as follows:
- (1) I am sure that others were put at risk of harm by your offending.
 - (2) I am sure you disposed of the knife in order to cover up your involvement in the offence.
27. The Crown suggest that it is an aggravating factor that you wrongly put the blame for what you did on others, but that factor does not apply because I have accepted that it may be that someone else inflicted the fatal blow.
28. You are 30 years old and you have previous convictions for 8 offences, but these were committed between 2009 and 2016 and only one of them, an offence of robbery committed when you were 15, involved the use or threat of violence. I do not consider these convictions to be aggravating factors.
29. As for mitigating factors:

(1) I have already mentioned that your use of the knife in the incident involved producing it and lunging with it at Mr Espuet, but that I cannot be sure that you used it to deliver the fatal blow. It follows that your culpability was significantly less than that of many defendants for whom the 25-year minimum term applies.

(2) I accept that you did not intend to kill Mr Espuet.

(3) I accept that your conduct towards him was not premeditated.

(4) I have read the documents which have been filed on your behalf and I have taken account of everything which has been said by your counsel. In particular your remorse.

30. As for you, Sahid Kpaka, you are 29 years old and you have previous convictions for three offences, including one offence of possession of a knife in a public place, but these offences were committed between 2011 and 2013, when you were still a teenager, and I do not regard them as an aggravating factor.

31. As for mitigating factors:

(1) I am not sure that you did intend to kill Mr Espuet.

(2) I accept that your conduct towards him was not premeditated.

- (3) I have read the references and certificates which have been filed on your behalf including the letter handed to me this morning. and I have taken account of everything which has been said by your counsel. In particular your remorse.
32. I will reduce your sentence for violent disorder by one tenth by reason of your guilty plea.
33. You, **Courtney Forrester**, are 26 years old and you have previous convictions for 14 offences, committed between 2016 and 2021. These are mostly non-violent offences, although they include one offence of battery and one offence of possession of a knife in a public place. Overall, however, they are of little effect as an aggravating factor.
34. As for mitigating factors:
- (1) I accept that there was no planning involved.
- (2) I have read the many references and certificates which have been filed on your behalf and I have taken account of everything which has been said by your counsel. In particular your ADHD and your attempts to address that.
35. I will reduce your sentence for violent disorder by one quarter by reason of your guilty plea.

36. I have to consider whether you are dangerous, in the sense that there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences. I do not consider that you are dangerous in that sense. This was your first and only offence involving serious violence and I have concluded that your culpability fell within the medium category.
37. Kadeem Hibbert, for the offence of murder I impose on you a sentence of life imprisonment. I fix the minimum term which you will serve in custody at 22 years, less the time which you have spent in custody on remand. I am told that you have spent 549 in custody on remand, including 29 February 2024, so the minimum term will be 20 years and 224 days.
38. I also impose on you a concurrent sentence of 2 years and 6 months' imprisonment for the offence of violent disorder.
39. Sahid Kpaka, for the offence of murder, I impose on you a sentence of life imprisonment. I fix the minimum term which you will serve in custody at 17 years, less the time which you have spent in custody on remand. I am told that you have spent 552 in custody on remand, including 29 February 2024, so the minimum term will be 15 years and 187 days.
40. I also impose on you a concurrent sentence of 2 years and 3 months' imprisonment for the offence of violent disorder.

41. Courtney Forrester:

(1) For the offence of manslaughter I impose on you a sentence of 10 years' imprisonment.

(2) For the offence of violent disorder, I impose on you a concurrent sentence of 1 year and 10 months' imprisonment.

42. Your total sentence is therefore 10 years' imprisonment. The time which you have spent in custody on remand will count towards your sentence. You will serve up to two-thirds of your sentence in custody. You will serve the remainder on licence. You must keep to the terms of your licence and commit no further offence, or you will be liable to be recalled and you may then serve the rest of your sentence in custody.