IN THE CROWN COURT AT MANCHESTER, CROWN SQUARE

THE KING

— v —

(1) BOY A

(2) BOY B

RULING BY THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE
ON AN APPLICATION FOR AN EXCEPTING DIRECTION

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1. For reasons which will become clear, in this ruling I shall refer to the first defendant in this case as 'Boy A', and to the second defendant as 'Boy B'.

2. On 17 April 2024, both defendants were convicted of the murder of Nathaniel Shani. At the date of that murder, Boy A was 14, and Boy B was thirteen and a half, years old. Nathaniel was aged 14. On that day, I adjourned sentencing until 2:00pm on 19 June 2024, for the purpose of obtaining reports and counsel's notes on sentence. Eight minutes before the sentencing hearing had been listed to commence, I received an e-mail from a member of the Press, seeking the lifting of the reporting restrictions which had been imposed in relation to each defendant pursuant to section 45 of the Youth Justice and Criminal Evidence Act 1999 ('the 1999 Act'), by orders respectively dated 19 September 2023 (Boy A) and 21 December 2023 (Boy B). Counsel had not previously been notified of that application, which fact, together with its timing, contravened the requirements of rule 6.5 of the Criminal Procedure Rules 2020 ('the CrimPR'). I was not willing further to adjourn or delay the sentencing of two young defendants. With the consent of all parties, I indicated that the application for an excepting order could be renewed in writing following sentence, at which point all parties would be given the opportunity to make written, and, if appropriate, oral submissions.

3. On 21 June 2024, the application was renewed by Ms Walker, *'on behalf of Reach North West and North Wales, publishers of many news websites and newspapers, including the Manchester Evening News'* and I have since received and

considered written submissions from all counsel (to which Ms Walker was given the opportunity, but did not wish, to reply).

4. All parties were content for me to make a decision on the papers, in accordance with rule 6.2(2)(b) of the CrimPR. Nevertheless, in particular given the decision which I have reached, and in the interests of open justice, I give this ruling in open court.

The Law

5. Section 45 of the 1999 Act provides (so far as material):

> ***'*45.— Power to restrict reporting of criminal proceedings involving persons under 18.**
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> ...
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> (3) The court may direct that no matter relating to any person concerned in the proceedings shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as a person concerned in the proceedings.
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> (4) The court or an appellate court may by direction ("an excepting direction") dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied that it is necessary in the interests of justice to do so.
>
> (5) The court or an appellate court may also by direction ("an excepting direction") dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied —
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> (a) that their effect is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
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> (b) that it is in the public interest to remove or relax that restriction;
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> but no excepting direction shall be given under this subsection by reason only of the fact that the proceedings have been determined in any way or have been abandoned.
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> (6) When deciding whether to make—
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> (a) a direction under subsection (3) in relation to a person, or
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> (b) an excepting direction under subsection (4) or (5) by virtue of which the restrictions imposed by a direction under subsection (3) would be dispensed with (to any extent) in relation to a person,

the court or (as the case may be) the appellate court shall have regard to the welfare of that person.

(7) For the purposes of subsection (3) any reference to a person concerned in the proceedings is to a person—

(a) against or in respect of whom the proceedings are taken, or

(b) who is a witness in the proceedings.

(8) The matters relating to a person in relation to which the restrictions imposed by a direction under subsection (3) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—

(a) his name,

(b) his address,

(c) the identity of any school or other educational establishment attended by him,

(d) the identity of any place of work, and

(e) any still or moving picture of him.

(9) A direction under subsection (3) may be revoked by the court or an appellate court.

(10) An excepting direction—

(a) may be given at the time the direction under subsection (3) is given or subsequently; and

(b) may be varied or revoked by the court or an appellate court.

..."

6. The principles applicable to applications for an excepting direction were summarised in *R v KL* [2021] EWCA Crim 200 ([66] and [67]), cited below:

'66. As to the legal principles, these were comprehensively considered in *Markham*[1] at para 73 to 90 and in *Aziz*[2] at para 30 to 40 and are now well-established. They have been developed taking full account of Convention case law and other international law obligations of the United Kingdom. The international dimension relating to the protection of children is given significant weight in the domestic law balancing exercise and there is no need to recite the international law materials in every case where this issue arises: *Markham* at para 80.

67. Drawing upon those two decisions, the relevant principles may be summarised as follows:

[1] *R v Markham* [2017] EWCA Crim 739; [2017] 2 Cr. App. R. (S.)

[2] *R v Aziz (Ayman)* [2019] EWCA Crim 1568

(1) The general approach to be taken is that reports of proceedings in open court should not be restricted unless there are reasons to do so which outweigh the legitimate interests of the public in receiving fair and accurate reports of criminal proceedings and in knowing the identity of those in the community who have been guilty of criminal conduct.

(2) The fact that the person before the court is a child or young person will normally be a good reason for restricting reports of the proceedings in the way permitted by the legislation; and it will only be in rare cases that a direction under section 45(3) of the 1999 Act will not be given or, having been given, will be discharged.

(3) The reason why removal of a restriction will be rare is the very great weight that the court must give to the welfare of a child or young person. In practical terms, this means that the power to dispense with anonymity must be exercised with "very great care, caution and circumspection". See the guidance given by Lord Bingham CJ in the context of the 1933 Act in *McKerry v. Teesdale and Wear Valley Justice* (2000) 164 JP 355; [2001] EMLR 5 at para 19.

(4) However, the welfare of the child or young person will not always trump other considerations. Even in the Youth Court, where the regime requires that proceedings should be held in private, with the public excluded, the court has power to lift restrictions. When a juvenile is tried on indictment in the Crown Court there is a strong presumption that justice takes place in open court and the Press may report the proceedings.

(5) The decision for the trial judge is a case specific and discretionary assessment where, guided by the above considerations, a balance falls to be struck between the interests of the child and the wider public interest in open justice and unrestricted reporting.

(6) When considering a challenge to an excepting direction made by the Crown Court by way of judicial review, the Divisional Court will "respect the trial judge's assessment of the weight to be given to particular factors, interfering only where an error of principle is identified, or the decision is plainly wrong": see *Markham* at para 36.

(7) To this standard public law approach must be added the conventional public law requirements that: (i) a fair process should be adopted by the judge in considering an application [to] remove a restriction; and (ii) the judge should give reasons sufficient to explain why the balance has come down in favour of removal of the restriction. This latter point is particularly important because the judge's reasons are the only indicator that the parties (and a reviewing court) will have to satisfy themselves that the judge has indeed performed a lawful balancing exercise.'

The application

7. For the Press, it is said that the case for naming both defendants is strong, given the grave, shocking and tragic nature of the case, involving the fatal stabbing of a young boy. It is said that knife crime is an issue of great concern to the wider public, and that the naming of both defendants will assist in the debate of that serious societal problem and help to retain confidence in the justice system, in allowing members of the public to see the process take its course in a transparent manner. It is argued that both defendants ought to be named, having been jointly charged. Ms Walker contends that section 45 of the 1999 Act enables the making of an excepting direction if the court is satisfied that it is in the public interest to remove or relax the restriction imposed. Pursuant to section 52 of the same Act, in considering the public interest the court must have regard, in particular and as relevant, to the interest in, amongst other matters, the open reporting of crime. Reliance is also placed upon the forward to the Judicial College document entitled *Reporting Restrictions in the Criminal Courts*, which stresses the need for the court to be satisfied that there is good reason for a departure from the strong public interest in open justice, which must be outweighed by the welfare of the child. Ms Walker also makes generic reference to the case law, including that relating to section 39 of the Children and Young Persons Act 1933 (being the predecessor provision to section 45 of the 1999 Act), emphasising the distinction to be preserved between juveniles in Youth Courts, who are automatically entitled to anonymity, and juveniles in the adult criminal courts, who are not so entitled and must apply for a discretionary reporting restriction. She draws attention to guidance issued in 2015 by the Crown Prosecution Service, whereby an application for a section 45 order should be made only if the public interest and rights under Article 10 of the European Convention on Human Rights to receive and impart information are outweighed by the rights of the juvenile defendant. She observes that that guidance acknowledges that, in some cases, allowing the media to identify a juvenile can help to deter others from committing crime. In summary, Ms Walker argues that, in this case, the defendants' welfare is outweighed by the public interest in its being openly reported.

Boy A's response

8. On behalf of Boy A, Mr Littler KC and Ms Waxman submit that the nature of the offence does not justify an excepting direction and that it is difficult to see how the naming of the defendants would 'help to retain confidence in the justice system'

or deter others from committing crime. It is said that there is nothing unique about this case or the convictions and that the general public would have the same confidence in the justice system regardless of the names of those convicted; that confidence emanating from the conviction itself, possibly the age of the offenders and the sentence imposed. It is the success of the police; the prosecution; the fair trial process; the conviction and the sentence imposed which act as the deterrent to others, not the names of those involved. In any event, they submit, there is "a good reason" for retaining the orders made under section 45, relating to the welfare of Boy A and of his wider family. In that connection, reliance is placed upon a letter from a Youth Justice Officer who opposes the naming of Boy A as running contrary to the welfare model of youth justice, and its emphasis on paternalism and protection. She notes concern over safeguarding and at the risk that, were Boy A to be named, he would have to be transferred from his present secure and stable accommodation, located in an area which enables his parents, extended family members, and professionals to visit him on a regular basis. That, it is said, could have a significant adverse impact on Boy A's emotional and mental health and on the interventions which are currently taking place, together with an adverse impact upon Boy A's parents; siblings; and extended family members, all of whom are having to adapt to this traumatic event. Reliance is also placed upon Boy A's remorse, to which reference was made in the pre-sentence report, and his engagement with professionals who have the knowledge and expertise to support him into adulthood. The Youth Justice Officer states her belief that the reporting of Boy A's name might adversely affect his rehabilitation. It is submitted that an excepting direction would lead to him and his family becoming an immediate target, in the context of a 'minor concern' which had arisen during trial of a threat to Boy A's life, were he to have been acquitted. Were reporting restrictions to be removed, it is said, an unnecessary risk might be created. Mr Littler and Ms Waxman also observe that Boy A's parents are concerned about their own safety in the community, were their son's name to be published, and their fear that they will have to move address. They submit that any risk to Boy A or his family must be avoided, which can be achieved *'by not unnecessarily allowing the names to be publicised'*. In short, it is said that it is neither in the interests of justice nor in the public interest to disclose the names of either defendant and that, in any event, the welfare of Boy A and his family far outweighs the need for open justice.

Boy B's response

9. On behalf of Boy B, Mr Temkin KC and Ms Clancy submit that his welfare is as important now as it was recognised to have been at the time at which the section 45 direction was made. Indeed, on one view, it is said, his welfare is more important at this point as he comes to terms with his participation in the killing of Nathaniel and its consequences in terms of the length of his period of detention. Recognising the distinction to be made between the situation before and after conviction, it is submitted that it should be remembered that Boy B is still only 14 years old and has a right to privacy under Article 8 ECHR. His best interests should be a primary consideration, in accordance with Article 3 of the UN Convention on the Rights of the Child. The material provided in advance of the sentencing hearing, comprising the psychiatric and Youth Justice reports and various letters from those who know and are close to Boy B, are said to reveal that he is and has been of delicate mental health and, at times, actively suicidal, having experienced trauma throughout his childhood. He suffers from nightmares and replays the incident in his head. He is considered to be vulnerable by his mental health practitioner.

10. Acknowledging that the case against the defendants involved knife crime (a topic of great concern to the public) and was serious, and the age of the deceased, it is submitted that the naming of the defendants will make no difference to the debate over a serious societal problem. Already in the public domain are the facts that the offenders were young teenagers and that the incident had taken place in public, in daylight and in a busy alleyway. Unlike *Markham*, it is submitted, this is not a case engaging unusual and outlandish facts or brutality. The fact that both defendants have been prosecuted and convicted, and the detail widely reported to date, suffice to meet the aim of retaining confidence in the justice system. Even if there were some, modest degree of merit in the applicant's position, the impact on Boy B's welfare indicates that an excepting direction would be disproportionate and unnecessary. The statutory test for the making of such a direction is said not to be met and it is noted that the reporting restriction will, in any event, cease to apply when Boy B reaches the age of 18. It is submitted that, even if the test is considered to be met in respect of one defendant only, no excepting direction should be made given the risk that any such direction would operate to breach the reporting restriction applicable to the other.

For the Crown

11. Properly, on behalf of the Crown, Mr Pitter KC and Ms Kelly adopt a neutral position, setting out the legal principles to be considered and applied. They observe that: the starting point is that proceedings in open court should not be restricted unless there is good reason; the fact that the defendant is a child or young person will normally be a good reason; the court should be slow to find that the 'rare' circumstances for lifting the restriction exist; whilst the fact of conviction and the nature of the offence are important considerations, the court will need to consider the overall circumstances of the case to assess whether there is a public interest in the publication of the identity of the defendants; of note is that both defendants are some way from reaching adulthood and, in the context of criminal offending, can be said to be very young; and each case is fact specific — were the court to conclude that the restriction ought not be lifted, such a decision could properly be justified in this case.

Discussion and conclusions

12. In considering the circumstances of this case, I have had regard to the principles summarised in *KL,* to the earlier caselaw and materials from which they in part derive, and to the principles in the European Convention on Human Rights which that caselaw reflects.

13. At the date of sentence, Boy A was 15 years old, his birthday having taken place two days earlier, and Boy B was aged 14 years and 3 months. Each defendant has been sentenced, as the Law requires, to detention during His Majesty's pleasure. Boy A received a minimum term of 12 years and 91 days. Thus, at the earliest date on which he may be released, he will be 27 years old. Boy B's minimum term is 9 years and 200 days; he will be 23 years old at the earliest date on which he may be released.

14. Recognising the very great weight which must be given to the welfare of a child or young person and the very great care, caution and circumspection to be applied, I begin by considering the welfare of each defendant individually.

Boy A

15. In her letter dated 25 June 2024, the Youth Justice Officer speaks of her serious concern *'at any safeguarding concerns that may arise'* and the prospect of a transfer *'if there were any risks relating to his safeguarding'*, which, it is said, *'could have a massive impact on his emotional and mental health and interventions that are currently taking place'*. She further observes that reporting of his name *'may impact on his rehabilitation and therefore it is my professional judgement that it is not in the public interest'*.

16. It is for the court to judge whether the making of an excepting direction is in the public interest. Informing that judgement is all available material relating to its prospective effect on Boy A's welfare, to which the Youth Justice Officer is able to speak. In this case, her views are expressed in speculative, and, as was observed to have been the case in *KL* [85], highly generalised, terms. I have been given no detail of the *'minor concern'* which arose during trial and it is not explained how that concern would survive, if at all, post-conviction, or how or why it is that Boy A would become *'an immediate target'*, in the secure environment in which he is being held. Absent an excepting direction, he will benefit from anonymity until June 2027 (a relevant consideration, per *Markham* [89]), but will have a further lengthy period in custody after that time. It is not clear, and the submissions made on his behalf do not address, how his rehabilitation will be inhibited in those circumstances.

Boy B

17. Absent an excepting direction, Boy B will have a right to anonymity until 2028, following which he will have a minimum of five years to serve. Like Boy A, he faces a considerable term of detention which will extend into his adult life by some years.

18. Some fragility in Boy B's mental health is apparent from the pre-sentence report and psychiatric report which I considered in advance of his sentencing hearing and have reviewed in the context of this application. I note that the psychiatric report records that he has no intention or plans to end his life — having described his mother, sister and grandparents as 'protective factors' — whilst also recording Boy B's concern that 'a longer sentence' would lead to a deterioration in his mental health and an increase in suicidal thoughts. The period indicated by 'a longer

sentence' is not made clear. At the date of that report (30 May 2024), no medication had been prescribed for Boy B. He was said to be engaging in sessions with mental health practitioners, which were then focused on increasing his emotional literacy; helping him to recognise his feelings; and supporting him in the development of coping skills. It was said that an ADHD assessment would take place following sentence. It was also said that Boy B would have continued access to trauma work, following his report of symptoms of PTSD and feelings of anxiety and low mood, which the psychiatrist considered likely to be related.

19. The pre-sentence report, dated 6 June 2024, similarly records that Boy B no longer has suicidal feelings and that he has been working with a substance misuse worker since he has been on remand. He is said to be making good progress in education and staff have seen significant improvements in his engagement, attitude, and efforts in class. The author of the PSR states her opinion that it is clear that Boy B's mental health can fluctuate and will need to be monitored by professionals who can support him on a regular basis and meet his needs. She assesses his safety and wellbeing as being at high risk until he has completed significant work around his mental and emotional health, as well as developing his identity and being secure within himself. He has demonstrated a willingness to work with all relevant services, as necessary.

20. Recognising that fragile mental health is unlikely to be improved by the grant of an excepting direction, there is no evidence to suggest that such a direction would itself result in its deterioration, at a time when Boy B is in a secure environment, has access to professional support services, and has demonstrated a willingness to engage with them. Furthermore and here again, there is no evidence that the reporting of Boy B's identity would adversely affect his rehabilitation.

21. I do not minimise the distress and concern held by Boy A's parents in relation to their own safety, but it must be recognised that it is not the purpose of section 45 to protect adult family members of a convicted defendant, and, in any event, the identities of both defendants' families will be known in the wider community and, realistically, will become known, at the latest, by the time that Boy B reaches the age of 18 and the section 45 restrictions relating to him expire. Had the defendants been at, or closer to, the age of majority, their families would have been in the same position.

22. Against that background, I turn to consider whether there is sufficient reason to depart from the general approach to which reference is made at [67(1)] of *KL*, that is which outweighs the legitimate interest of the public in receiving fair and accurate reports of criminal proceedings and in knowing the identity of those in the community who have been guilty of criminal conduct. Rare as the lifting of a reporting restriction may be, I bear in mind the strong presumption, when a juvenile is tried on indictment in the Crown Court, that justice takes place in open court and that the Press may report the proceedings. I bear in mind that, following conviction, the need to preserve the integrity of the trial process falls away as a consideration and that both defendants have been found guilty of murder, whilst also bearing firmly in mind that an excepting direction granted under section 45(5) must not be granted by reason *only* of the fact that the proceedings have been determined in any way.

23. I reject the submission that the decision in *Markham* can be explained by the exceptionality of its facts which ought to be contrasted with those of the instant case — as was held in *KL* (at [87] and [88]):

> '87. Finally, we should address the submission that anonymity cannot be removed unless the facts are "exceptional". In our judgment, though the facts in cases such as *Markham* and *Aziz* were indeed truly shocking, there is no rule of law or iron clad principle which requires this to be the case before an excepting direction can be made. So, when the Court of Appeal in *Aziz* observed at para 43 that the crime was regarded by the judge as "exceptionally serious", and explained at para 41, that *Markham* was "exceptional on its facts" it was not identifying some form of additional condition that had to be satisfied before an excepting direction could be made. In our judgment, this approach is not inconsistent with the principles we have summarised at para 67 above: these give *very* substantial weight to the interests of the child which is why it will be rare for an excepting direction to made.
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> 88. The fact that such murders are now so common cannot be sensibly prayed in aid to say that there is nothing "exceptional" about this murder, even if, contrary to our view, there was some form of exceptionality requirement. We note the statistics presented on behalf of the media in this case that knife crime in England and Wales was at a record level in September 2020, and that offences recorded involving a knife or sharp instrument are now at the highest level ever recorded. This issue is clearly a matter of substantial public interest.'

24. I accept that, to date, the Press has been able to report extensively on the trial and sentence without reference to the identity of the defendants, though I note that it

is not necessary in every case to demonstrate as some form of condition of removal of anonymity that the public needs to know the defendant's identity in order to understand the case: *KL* [86]. Nevertheless, as is clear from my sentencing remarks, which need not be repeated in this ruling, this was a stabbing carried out by Boy A, in the late afternoon, in a public place and in the presence of other young people, with a knife which he had brought to the scene, intending to have it (and a screwdriver) available to use as a weapon. At least two hours before the fatal stabbing occurred, Boy B acquired knowledge of both weapons and, in that knowledge, subsequently encouraged Boy A to stab Nathaniel, having earlier bragged of his own intention to 'chop' him with a knife. The deceased was himself only 14 years old. The public will wish to know the identities of those who commit such a serious offence in seeking to understand how it is that children of that age can do so. Knife crime in general and the circumstances of this particular case are matters of substantial public interest. Whilst, as recognised by section 58 of the Sentencing Act 2020, the principal aim of the youth justice system is to prevent offending or re-offending by persons under the age of 18, that is not to say that the deterrent effect on others who would commit such offences of the identification of these young defendants is of no relevance, or value.

25. Standing back, I am satisfied that the balance between the important competing interests in this case tips in favour of granting an excepting direction in relation to Boy A and Boy B under both sub-sections 45(4) and 45(5) of the 1999 Act. I am satisfied that it is in the interests of justice to do so, that the fact that the defendants are young is not a good reason for restricting reports of the proceedings, and that the effect of the existing directions is to impose a substantial and unreasonable restriction on the reporting of the proceedings, which it is in the public interest to remove.

26. Had I considered that the welfare of either defendant outweighed the wider public interest in open justice and unrestricted reporting, I would have considered the prospective effect on his welfare of an excepting direction relating only to the other. In the event, that consideration does not arise.

27. Accordingly and in relation to each defendant, I propose to grant an excepting direction, but that will be subject to a stay. First and foremost, that stay will allow appropriate time in which the defendants and their families may be prepared for the prospective consequences of the reporting which is likely to follow and

suitable, professional support may be put in place. Having regard to the defendants' welfare, it is right to allow that time, the duration of which I consider to be consistent with the public interests to which I have referred. That stay will expire at 5:00pm on Monday, 15 July 2024, unless, in the meantime, an application has been made, on behalf of either defendant, to the Divisional Court for judicial review of my decision. Any such application should be notified to this court as soon as reasonably practicable after it has been made. In the event of such an application, the stay which I have imposed shall continue until the application has been determined.

28. **In any event, and even in the absence of any application for judicial review, there is to be no reporting of any matter which would constitute a breach of the existing restrictions until such time as I confirm, in open court, that the stay has been lifted. Any report in the meantime which is in breach of the existing restrictions will constitute a contempt of court.**

5 July 2024

Judiciary of England and Wales

IN THE CROWN COURT AT MANCHESTER, CROWN SQUARE

THE KING

— v—

(1) KYLE DERMODY

(2) TREY STEWART-GAYLE

SENTENCING REMARKS OF THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE

RESTRICTIONS ON PUBLICATION

Under section 45 of the Youth Justice and Criminal Evidence Act 1999, orders have been made in this case which restrict publicity in relation to (amongst others) certain individuals to whom these sentencing remarks refer. No matter relating to any of those individuals may be included in any publication if it is likely to lead members of the public to identify him/her as a person concerned in the proceedings, including, in particular, his/her name, address, the identity of any educational establishment or workplace which s/he attends, or any still or moving picture of him/her. Those orders remain in place until the individuals to whom they relate reach the age of 18.

The defendants were sentenced on 19 June 2024, when the remarks set out below were made. On 5 July 2024, an excepting direction was made in relation to both defendants, subject to a stay the lifting of which was confirmed in open court on 17 July 2024, enabling their names to be published. The reasons for that direction are set out in a separate ruling.

Kyle Dermody and Trey Stewart-Gayle, you may remain seated for now.

1. On 17 April 2024, the jury convicted each of you of the murder of Nathaniel Shani. It is my duty to sentence you for that, most serious crime. In addition, Kyle, I have to sentence you for the offence of having a bladed article — the knife with which you killed Nathaniel — with you in a public place, to which you pleaded guilty at your plea and trial preparation hearing, on 13 October 2023.

2. Judges have to give reasons for the sentences which they pass. When doing so, they need to refer to certain legal principles, guidance, evidence and information which they have taken into account. For that reason, my sentencing remarks will need to contain quite a lot of detail which may sound rather formal and may, at times, be difficult to understand. I shall do my best to explain everything to you in a clear way. At the end of my remarks, I shall summarise, in simple language, the sentence which each of you will receive and I shall ask you to stand up just before I do that. If you are unclear about anything, your barristers will be able to explain it to you, when this hearing is over. A written copy of my remarks will also be available shortly after this hearing.

3. I start by summarising the circumstances of your offences.

The facts

4. On 15 September 2023, in an alleyway off Tavistock Square, Harpurhey, you, Kyle, stabbed Nathaniel Shani during a fight. You did that using a knife which you had brought with you, inflicting a gaping wound to his neck and throat. You, Trey, encouraged Kyle to stab Nathaniel. The events of that day were recorded clearly by a number of CCTV cameras. At the time of his death, Nathaniel was just fourteen years old — as were you, Kyle. You, Trey, were thirteen and a half. You spent your fourteenth birthday on trial for murder. That a boy of Nathaniel's age should have met his death

through the actions of two boys of a similar age, who were once his friends, is a tragedy, for everyone concerned. Sadly, it is no longer shocking.

5. It is clear to me that not all of the evidence which members of Nathaniel's group of friends gave at trial was truthful. Much of it was self-serving. The same may be said of your own evidence. In the summary of events which I am about to give, wherever I make findings of fact on matters which were in dispute at trial, I do so on the basis that I am sure of my conclusions, to the criminal standard.

6. Having been good friends with Nathaniel since Year 7, you, Kyle, began to engage in physical fights with him at the start of Year 8. Nevertheless, you said, you remained friends at that time, but fell out in Year 9 following an issue between one of your friends and one of his friends in which he had taken sides. At that time, so you told the jury, Nathaniel had become increasingly violent and aggressive, bullying younger children and dealing in drugs. You said that you had seen him with a knife and that he had posted pictures of knives, swords and hammers. On one occasion, you said, before you had returned to [*redacted*], following your managed move, he had threatened to attack you on sight. You had next seen him, in August 2023, at Manchester Carnival, when, on your evidence, he had approached you, in the company of his friends, asking for a fight and telling you that you were going to get 'wetted', meaning stabbed, and that he was going to mash you up. You had thought that his friends had had knives on them. You had walked away. At some later date, before 15 September, you had heard, via a Snapchat message, that Nathaniel was looking for you. You told the jury that you had been worried about what would happen if he were to see you.

7. And yet, despite all of that, on 15 September, you went to Tavistock Square, having no need to do so, knowing that it was a place at which Nathaniel and his friends would hang out, and having chosen to arm yourself with a knife and a screwdriver, for, as you put it, 'protection'. You had not been to Tavistock Square for two to three months beforehand and gave no believable reason for having gone there on that day, telling the jury simply that you had done so because you had wanted to meet your friends and to catch up with people from [*redacted*]; that it had been an area in which you

had been allowed to be and to which you had not been for a while. As you accepted, you could have chosen to go anywhere else, where you would not have felt scared. In addition, your evidence was that, whilst you had been carrying a knife for protection since June 2023, you had not armed yourself every day — you had not done so at Carnival, for example, although you had recognised that you might see Nathaniel whilst there. Having arrived at Tavistock Square at around three o'clock in the afternoon of 15 September, on your own account relaxing and feeling bored at times, you remained there, throughout the afternoon, including after Trey had taken [*Boy X*]'s cannabis from him; after you had heard Nathaniel's friend, [*name redacted*], say that Nathaniel would go mad when he found out that [*Boy X*]'s drugs had been stolen, and you had realised that [*Boy X*] had been connected with Nathaniel; after [*name redacted*] had told you that Nathaniel believed you to have been the person who had taken the drugs from [*Boy X*]; and after you had been told by [*name redacted*] that Nathaniel was coming to Tavistock Square, with friends and weapons.

8. Rather than leave the square at that point, as someone truly frightened for his safety would have done, you chose to stay, telling [*name redacted*] that you had 'protection'. When Nathaniel arrived, far from making yourself scarce, you walked towards him. It was you who suggested moving into the alleyway, a suggestion which would have made no sense if, as you claimed at trial, your intention had been to move to a public area in which cameras and houses were present — there were CCTV cameras in the square itself, as well as members of the public going in and out of the shops.

9. From the Snapchat messages which were exchanged on and before the day of Nathaniel's death, it is clear that Nathaniel and his friends had been involved in dealing cannabis and that Nathaniel had expressed a desire to start dealing in cocaine, in order to earn more money. He had been very angry that cannabis had been taken from [*Boy X*]. He believed that, if he did not retaliate, he would look, in his language, 'wet'. He thought that you, Kyle, had been the person who had taken those drugs and had intended to teach you a lesson. Amongst the messages shown to the jury were those sent by Nathaniel to his group, asking them to bring weapons with them. How poignant was [*name redacted*]'s unheeded advice to him: *'…You're gonna get yourself*

stabbed. Thinking, thinking, over a bit of weed. It don't matter bro either. Risk your life…weed is not worth getting fucking stabbed, bro.' But Nathaniel remained of the view that reputation mattered. There is no evidence that any member of the group did in fact bring a weapon to Tavistock Square and Nathaniel himself was unarmed. From the materiaI later downloaded from his telephone, it is clear that he and members of his group had previously engaged in violent bullying of other children, and had had an unhealthy interest in weapons, as, I am sure, you were both aware. All of you were boys intent on playing the 'hard man', having no clue what being a man is truly about.

10. You and Nathaniel had a history, Kyle. On 15 September, both of you were very angry. I accept [*name redacted*]'s evidence that, at the railings at the entrance to the alleyway, you told Nathaniel, *'Come to the ginnel to see what the knife can do'*. Rather than leave through the opposite end of the alleyway, which would have been an option, you then engaged in a fight, off the square; in an area in which it was less likely that you would be observed, or interrupted. Viewed as a whole, your actions and words on that afternoon lead me to the sure conclusion that you had taken a knife and a screwdriver to Tavistock Square knowing that Nathaniel and his friends were likely to be there and intending to have them available to use as weapons. Having regard to all of the evidence which I have summarised above, I reject Mr Littler KC's skilful submission on your behalf, to the effect that your intention at that stage had been conditional upon your being attacked.

11. Once in the alleyway, Kyle, Nathaniel made fun of, and goaded, you, seemingly in the belief that you would not use a knife against him, a bigger and stronger boy, with a particular reputation. He belittled the knife which you produced and was the first actually to engage in an act of violence, by throwing a punch at you. All of those actions fuelled your anger. You dodged his first punch, but retaliated with the knife — as can be seen in the CCTV footage, grabbing his shoulder with your left hand, before, seconds later, bringing it down on his neck, using an overarm motion.

12. Consistent with the evidence of Dr Lumb, I conclude that both knife wounds which Nathaniel received were caused by that single blow. By its verdict, the jury has rejected your evidence, Kyle, that you acted in lawful self-defence. On your behalf, Mr Littler has submitted that I ought to conclude that you acted in excessive self-defence. I reject that submission; whilst I cannot be sure that your intention was to kill Nathaniel, rather than to cause him serious bodily harm, I am satisfied that you were not acting in excessive self-defence, or in fear of violence. You could see that Nathaniel had nothing in his hands. As Dr Lumb told the jury, the injury to your chest was unlikely to have been caused by a screwdriver, but, in any event, Nathaniel had thrown the screwdriver which, you, Trey, had pointed at him, to the ground, and no-one else had produced any weapon, or acted aggressively. The apparent shock which each of you displayed, after the stabbing, as the enormity of what you had done began to sink in, does not indicate otherwise.

13. During this time, rather than try to calm Kyle down, Trey, you egged him on. On your own evidence, at least an hour before Nathaniel had arrived at Tavistock Square, you knew that Kyle had brought a knife, and, maybe, a screwdriver, with him. I am sure that, earlier that afternoon, some two to three hours before the fight, you had told [*name redacted*] that you were going to 'chop' Nathaniel and that you had a 'ting' (a knife) for him, because you did not like him. You did not have a knife and, doubtless, there was an element of bravado in that statement, but, it indicates both the timing of your awareness that Kyle had brought a knife to Tavistock Square and your knowledge of its intended purpose and cannot be dismissed as mere flippant comment, as Mr Temkin KC invites me to do. It was with that knowledge that you followed Kyle into the alleyway. Once there, you tried to take the knife from his pocket. You also tried to prevent [*name redacted*] from filming the fight which was to come. I am satisfied that your reason for doing so was your wish to avoid evidence of Kyle using the knife. Kyle passed the screwdriver to you. Albeit rapidly disarmed by Nathaniel, I accept [*name redacted*]'s evidence that you first pointed that screwdriver at him (Nathaniel) and, I am sure, verbally taunted him in an aggressive manner, moving towards him as you did so. When Kyle produced his knife, you encouraged him to use it, instructing him, I accept, to '*do it!*' and '*stab him!*'

14. At trial, you were keen to emphasise the fact that you were physically smaller than everyone else who had been present, but I am satisfied that you were not in fact scared of Nathaniel, or of his group. Your evidence was that he had made empty threats to Kyle before. Having taken cannabis from [*Boy X*] and then discovered [*Boy X*]'s connection with Nathaniel, you, nevertheless, continued to hang around Tavistock Square, casually smoking a cigarette rolled from that cannabis, emboldened, no doubt, by your awareness that, to Nathaniel's knowledge, you had the protection of older boys. I reject any suggestion that your own behaviour on that day resulted from your fear of Nathaniel or his group. Whilst I cannot be sure that you intended that Nathaniel should die, you did intend that he should suffer serious bodily harm.

Victim impact

15. Actions have consequences and it is important that you both hear what those were. In his moving statement on behalf of his family, Nathaniel's father eloquently expressed the consequences of your acts, describing the day of Nathaniel's death as the day on which their lives had changed forever. He spoke of the indescribable pain of losing a child and of the love which Nathaniel's — Natie's — wider family had had for him; of his family's inability to adjust to their new normal, in the aftermath of such shocking and incomprehensible events; and of the lifelong scars and impact on their mental health for which both of you are responsible. He spoke proudly of Nathaniel's achievements as an air cadet, and of his performance of comedy routines to make everyone laugh. He expressed his hope that children learn the danger of, and devastation caused by, carrying knives, stating, *'No knife is too small. When you think of picking up a knife, think of Nathaniel and how he lost his life.'* You will both have many years in which to reflect on that yourselves. Whatever his flaws, Nathaniel did not deserve to die, and in such a violent way. Like you, he deserved the opportunity to better himself and to focus on making a positive contribution to Society, and on the things of which his family were justly proud. Unlike you, and by reason of your senseless behaviour, he will never now be able to do so.

16. As is apparent from the heart-rending letters written by members of your own families, detailing the pain and devastation which they are experiencing, they, too, are amongst the victims of your offending.

Sentence

17. In sentencing you both, I have given very careful consideration to the pre-sentence reports which have been prepared for each of you, and to the psychiatric report relating to you, Trey; to the helpful and detailed written notes on sentence and oral submissions received from all barristers in this case; to the letter which each of you has written to me; and to everything which has been written about you by others.

18. The sentence for murder is fixed by law. The Law treats children and young people differently from adults. Each of you was under the age of 18 at the time of your offence. Under section 259 of the Sentencing Act 2020 (to which I shall refer as 'the 2020 Act'), I must sentence you to what is known as 'detention during His Majesty's pleasure'. That means a mandatory life sentence, in a secure place, imposed on a person who commits the offence of murder when himself a child. I am also obliged, under section 322 of the 2020 Act, to decide the minimum term which each of you must serve before you can be considered by the Parole Board for release on licence. The Parole Board is a group of people whose job it is to decide whether a person in custody is safe to be released.

19. It is important that you and the public understand that a <u>minimum</u> term means just that. It is the shortest period which each of you must spend in custody before you can be considered for release. There is no guarantee that either of you will in fact be released at the end of that period, or at any later time. It is only if and when the Parole Board decides that you are fit to be released, that you will be released and you will then remain subject to licence for the rest of your lives. A licence requires you to comply with certain conditions, or rules. If you reoffend, or fail to comply in any other way with the conditions of your licence, you may be recalled to continue your life sentence. In that way, a life sentence protects the public for the future.

20. In setting the minimum term for each of you, I must take into account the seriousness of your offence and the period which you have spent on remand in custody, or on qualifying curfew. When considering the seriousness of your offence, I must have regard to the general principles set out in Schedule 21 to the 2020 Act and to any Sentencing Council guidelines which are relevant to the case and are not incompatible with those principles. In this case, I must have regard to the Sentencing Council Guideline on Sentencing Children and Young People, and, in particular, to sections 1 and 4 of that guideline. I must also bear in mind the factors to be considered when assessing the culpability of a young offender (that is the responsibility which he bears for his offence), as set out in paragraph 17 of section 15 of the 'Youth Bench Book', published by the Judicial College in October 2023.

21. For a person convicted of murder who was under the age of 18 when he committed that offence, paragraph 5A of Schedule 21 to the 2020 Act sets out the appropriate starting points for the minimum term, depending upon the seriousness of the murder and the age of the offender. Deciding on the appropriate starting point is the beginning of the process. The starting points in paragraph 5A are not to be applied mechanistically, without thought, but in a flexible way, in order to achieve a just result. Having identified that starting point by reference to your actual ages, I must then take account of all relevant aggravating and mitigating factors (meaning all those things which make your offending worse, and all those which count in your favour) in order to reach a sentence, for each of you, which is appropriate in all the circumstances of the case, being the shortest possible minimum term which reflects the seriousness of your offence. When assessing your culpability, I must reflect on, and make allowances, as appropriate — upwards or downwards — for, the level of your maturity. These principles have been summarised most recently by the Lady Chief Justice in a case called *R v Kamarra-Jarra* [2024] EWCA Crim 198 and I shall now explain how they apply to each of you, on the facts of this case.

Kyle

Murder

22. Kyle, you took a knife and a screwdriver to Tavistock Square, intending to have them available to use as weapons and you then used your knife to commit the murder. In law, you are treated as having brought to the scene only the knife or other weapon which you later used in committing the murder. For an offender over the age of 18, that offence would have fallen within paragraph 4(1) of Schedule 21 to the 2020 Act, as Mr Littler agrees. You were born on 17 June 2009. For an offender aged 14 or under at the date of the offence, the appropriate starting point in determining the minimum term set out in paragraph 5A is 13 years.

23. I next consider the aggravating and mitigating factors, to the extent that I have not taken them into account when selecting the appropriate starting point. A non-exhaustive list of those factors is set out at paragraphs 9 and 10 of Schedule 21 to the 2020 Act. Age is amongst the mitigating factors identified in paragraph 10. As all Counsel agree, as paragraph 5A has already taken account of your actual age, the reference to age as a mitigating factor, in paragraph 10, is to be taken as a reference to your developmental age and maturity.

24. In your case, Kyle, I consider the aggravating factors to be as follows:

    a. the fact that you had brought a second weapon (the screwdriver) with you, which you later passed to Trey. I make clear that, having taken account of the fact that you had brought a knife to the scene when considering the appropriate starting point for the minimum term, I do not double-count that as an aggravating factor;

    b. the fact that your offence took place in the late afternoon, in the presence of children and other members of the public. It was an agreed fact at your trial that, at one stage during the incident, 23 children had been present in the alleyway; and

c. the mental and physical suffering which you caused Nathaniel to suffer in the short period which elapsed between your stabbing him and his death.

Recognising that Nathaniel was some 10 days away from his fifteenth birthday, and, inevitably, therefore, at a vulnerable age, in all the circumstances which I have summarised, I do not consider him to have been *particularly* vulnerable by reason of his age and I do not treat that as an additional aggravating factor in this case. The degree of planning in which you engaged is sufficiently encompassed by the selected starting point in column 3 of paragraph 5A and I do not double-count it.

25. Turning to mitigation, I bear in mind your young age at the time of your offence. Having observed you throughout your trial and taken account of everything said in your pre-sentence report, I am satisfied that you were a mature 14-year-old, but I must take account of everything which is known about your mental and emotional development which might have lowered your culpability. Whilst at primary school, your academic performance had been above average. Your transition to secondary education was smooth, but, from Year 7 onwards, you struggled to learn and displayed concerning behaviour of increasing seriousness. Prior to the offence for which I now sentence you, you had been referred to Children's Social Care on two occasions — the first following your parents' arrest, in 2017, for drug-related activity, and the second, in February 2023, following concerns that you were associating with peers who were known to carry knives and identify with a particular postcode or name. In the opinion of the youth justice officer who prepared your pre-sentence report, that might suggest exploitation and reflected your perception of masculinity and identity within a certain peer group. You were a regular user of cannabis. Such matters are said to have affected your self-esteem, confidence and thinking skills. In addition, it is said that fear and adrenaline at the time of your offence would have precluded rational consequential thinking and that impulsive emotional risk-taking would have taken over. Albeit that, whilst on remand, you have attended weekly sessions with a clinical psychologist, no concerns have been raised regarding your mental and emotional health, or regarding your speech and language capabilities.

26. In assessing your culpability, I take account of all of those matters. I acknowledge the inherent vulnerability of a person of your age. I acknowledge the effect of peer pressure, and the negative influences which that may have exerted. I acknowledge that adverse childhood experiences and educational difficulties or disruption can affect, in a negative way, the development of adult thought processes, as can exposure to criminal behaviour by family members. As for the offence itself, the fight was short-lived, though it had followed some planning, as I have described. You stabbed Nathaniel once, but using an overarm, downward force. You are an intelligent boy, and, I am satisfied, were aware of your actions, and of their possible consequences.

27. Further mitigating factors were your intention to cause serious bodily harm, rather than to kill; the absence of any prior convictions; and your apparent remorse. I also bear in mind the mature and positive steps which you have taken, and the progress which you have made, whilst on remand, with the support of your parents.

28. Taking account of all of the aggravating and mitigating factors which I have mentioned, and the need to impose the shortest minimum term which is consistent with your welfare and necessary rehabilitation, I consider that the appropriate minimum term in your case is 13 years, from which the time which you have spent on remand will be deducted.

Having a bladed article in a public place

29. Your offence of murder was committed with the knife to the possession of which, in a public place, you pleaded guilty. That lesser offence formed part of the same sequence of events. In those circumstances, and having regard to the sentence which I have passed for murder and to your offending as a whole, I consider that it would not be just or proportionate to impose any separate penalty for the lesser offence and I do not do so. That means that your conviction for that offence will not extend the minimum term which I shall be imposing for murder.

Parenting order

30. For an offender who was under the age of 16 at the date of conviction, section 366 of the 2020 Act requires the court to make a parenting order in respect of a parent or guardian of that offender, if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender, or to state in open court that it is not so satisfied, and why that is. Having regard to the fact that the Youth Offending Service does not consider such an order to be required in your case, and to the length of the minimum term which I have imposed for murder, I am not satisfied that such an order is desirable in the interests of preventing your commission of any further offence.

Stand up, please, Kyle.

31. I shall now summarise the sentence which you will receive and what it means for you.

32. For the murder of Nathaniel Shani, I pass the only sentence which the Law allows me to pass for someone of your age — detention during His Majesty's pleasure. You will remain in secure custody until the Parole Board decides that you are suitable to be considered for release. The shortest period of time during which you must remain in custody is 13 years, less the number of days which you have spent on remand. I have been told that that period is 274 days. Therefore, the minimum term in your case will be 12 years and 91 days.

33. I remind you that there is no guarantee that you will in fact be released at the end of that period, or at any later time and that, if and when you are released, you will remain subject to licence for the rest of your life, and may be recalled to continue your life sentence if you reoffend or fail to comply in any other way with the conditions of your licence.

34. There will be no separate penalty for the offence to which you pleaded guilty.

35. A victim surcharge of £41.00 will be imposed and a collection order made. That surcharge is fixed by law, takes account of your age at the time of your offences, and is used to fund organisations which support victims and witnesses.

Your legal team will come to see you before you begin your sentence. Go with the dock officer, please.

Trey

36. I now come to the appropriate sentence for you, Trey. There is no suggestion that you were party to Kyle's decision to bring weapons to Tavistock Square. Nevertheless, by no later than two hours before they were used — well before you entered the alleyway with Kyle — you were aware that he had done so and your comments to [*name redacted*] clearly indicated your knowledge of, and support for, their intended purpose. The provisions of Schedule 21 to the 2020 Act apply to secondary participants in a murder as well as to the principal offender. It is important to assess that participant's culpability, bearing in mind that a person who encourages, or assists, another person to commit a murder is himself to be dealt with as a murderer.

37. After very careful thought, I have concluded that, had you been over the age of 18 when your offence was committed, that offence would have fallen within paragraph 5 of Schedule 21 to the 2020 Act. Given your age at the time, the appropriate starting point in determining the minimum term is eight years, but your knowledge of Kyle's possession of weapons and intention, acquired long before you entered the alleyway, will be taken into account as a significant aggravating factor.

38. Turning to the additional aggravating factors in your case, I am satisfied that, even allowing for a degree of bravado, your remarks to [*name redacted*] indicate a significant degree of premeditation, consistent with your later words of encouragement to Kyle to stab Nathaniel. It is clear that, in the alleyway, you attempted to obtain a weapon from Kyle and, albeit that Nathaniel had grabbed it from you shortly after that, you had demonstrated your willingness to use the screwdriver

when it was passed to you (though I make clear that I do not accept [*name redacted*]'s account that you stabbed Nathaniel in his chest with it). As they were for Kyle, the timing and location of the incident are additional aggravating factors in your case.

39. I now consider your mitigation, which is considerable. I have approached your sentence on the basis that your intention was that Nathaniel should be caused serious bodily harm, rather than that he should be killed. For reasons which I have explained, I have rejected Kyle's submission that he acted to any extent in self-defence and so no such mitigating factor can assist you. I have also explained my reasons for rejecting your assertion that you personally had been scared when in the alleyway.

40. I have had regard both to your actual age and to your level of maturity. You were born on 13 March 2010. Your pre-sentence report records that you have been exposed to trauma from a young age and have been the subject of five separate referrals to Children's Services, the result of domestic violence; homelessness; police raids; and criminality by your father and step-father. At the age of 10, you were reported by others to have been carrying knives, and to have been exploited as a drug carrier. You disclosed that you were being sexually exploited. There were concerns over neglect and your mother was offered support for her mental health. At the age of 12, you went missing for four days, in the belief of professionals owing to criminal exploitation. During that time, your mother was evicted from your family home and moved to a different area. From the age of four, you have displayed challenging behaviour which she has struggled to manage. At eight years old, you had aggressive outbursts. You continue to struggle with your mental health. Suitable interventions and psychological education were either not taken up or were found difficult to tolerate, by you and your mother. The psychiatric report which I have read records that you lack a stable relationship with your father. It observes that you are not on any medication and that there have been no concerns regarding your speech and language. The psychiatrist notes that you have symptoms consistent with ADHD, but that you have yet to be formally assessed for that condition, and that you report symptoms consistent with PTSD (the latter relating to Nathaniel's death). You also report low mood, feelings of anxiety and darker thoughts. In her opinion, you have been exposed to multiple

adverse childhood experiences during your life and are at an associated increased risk of developing a mental health disorder. It is said that a prolonged time in custody could lead to a deterioration in your mental health.

41. In the youth officer's assessment, traumatic events have formed a major part of your entire childhood, owing to your chaotic and unstable upbringing, all of which have influenced your self-esteem; confidence; thinking skills; and overall view of the world. You told her that you have been using cannabis from the age of 11, in order to calm yourself down, smoking three spliffs a day. Your education has been disrupted. It is reported that you would seek validation from peers and become too easily attached, at times leading to physical altercations and feelings of abandonment. Your behaviour has been volatile and there have been times when you have hurt yourself, or others, leading to the need for you to be restrained on multiple occasions and placed on a reduced timetable, following aggressive and confrontational behaviour towards staff and your peers. In 2021, and again in May and November 2023, you were given an Education, Health and Care Plan, having been assessed as having social, emotional and mental health needs. The author of the pre-sentence report concludes that the root causes of your offending are the social, economic, cultural and societal systems which have led to inequities, and the disadvantages which you have faced, and that you have significant mental health issues, albeit that your mental wellbeing can fluctuate.

42. In assessing your culpability, I have taken account of all of those matters. I also acknowledge the inherent vulnerability of a person of your age. I take into account that adverse childhood experiences, trauma, educational difficulties, disruption to education or accommodation, and poor mental health can all negatively affect the development of adult thought processes, as can a lack of parental support, and exposure to criminal behaviour, or abuse, by family members.

43. [*Name redacted*], your Deputy Designated Safeguarding Lead and Learning Mentor at primary school, has known you for 11 years. I have borne in mind everything which she has written, amongst which her description of the conflicting aspects of your personality; your ability to be easily manipulated by older children; and your exposure

to crime, gang culture and poor mental health, from an early age. She says that you have always been intelligent, both emotionally and academically, and that you are ambitious and have so much potential. You are an obviously bright boy and I am satisfied that, on 15 September 2023, you were aware of your actions, and of their likely consequences.

44. I take into account your lack of previous convictions (whilst bearing in mind that you had taken drugs from [*Boy X*]) and your remorse. I also take into account the progress which you have been making whilst on remand, your aspirations for a better future, and the many positive aspects of your personality which others have been keen to emphasise. In the view of the author of your pre-sentence report, you have many strengths which, following meaningful intervention, could result in your future positive contribution to Society.

45. Having regard to all of the aggravating and mitigating factors in your case, and the need to impose the shortest minimum term which is consistent with your welfare and necessary rehabilitation, I have concluded that the appropriate minimum term in your case is one of 10 years (less the time which you have spent on remand and half of the time which, prior to that, you spent on qualifying curfew).

Parenting order

46. In your case, too, the Youth Offending Service does not consider a parenting order to be required. Having regard to that; to the length of the minimum term which I have imposed for murder; and to your mother's circumstances, as related in the pre-sentence report, I am not satisfied that such an order is desirable in the interests of preventing your commission of any further offence.

Stand up, please, Trey.

47. I shall now summarise the sentence which you will receive and what it means for you.

48. For the murder of Nathaniel Shani, I pass the only sentence which the Law allows me to pass for someone of your age — detention during His Majesty's pleasure. You will remain in secure custody until the Parole Board decides that you are suitable to be considered for release. The shortest period of time during which you must remain in custody is 10 years, less the number of days which you have spent on remand (being, I am told, 132 days) and half the number of days which you have spent on qualifying curfew (the full period being, I am told, 66 days). Therefore, the minimum term in your case is 9 years and 200 days.

49. I remind you that there is no guarantee that you will in fact be released at the end of that period, or at any later time, and that, if and when you are released, you will remain subject to licence for the rest of your life and may be recalled to continue your life sentence if you reoffend, or fail to comply in any other way with the conditions of your licence.

50. A victim surcharge of £41.00 will be imposed and a collection order made.

Your legal team will come to see you before you begin your sentence. Please go with the dock officer.

19 June 2024