

**R -v- Brightly- Donaldson, Gyimah, Pateco-Te, Henry-Richards and
Thomas**

Sentencing Remarks

1. I have to deal with you all for a number of offences which I shall set out in detail in due course. Four of you were convicted of murder. The person who died was a 25 year old man called Kacey Boothe who, seems to have been targeted because of an association with London's gang culture. However, he was first and foremost a young man with his life ahead of him who leaves behind a mother, a partner and children. He is described by his mother as a loving and caring son, who was smart, funny and a joy to be around. She says he had a bubbly personality. His partner, Shanice Thomas-Brown described him as a good father to their children and someone who brought so much love and life to their home and everywhere else he went. I will come on to the impact of his loss on his family later.

I shall now identify each of you and the offences for which I have to sentence you.

2. Kadeem Brightly-Donaldson you were born on the 10.11.99 and were aged 22 at the time of the offences and you are now aged 25. You have previous convictions.

3. Jeffrey Gyimah you were born on 12.12.01 and were aged 20 at the time of the offences and you are now aged 23. You have previous convictions.

4. Joao Pateco-Te you were born on 06.10.96 and were aged 25 at the time of the offences and you are now aged 28. You have previous convictions.

5. Kammar Henry-Richards you were born on 13.05.98 and were aged 24 at the time of the offences and you are now aged 26 You have previous convictions.

6. Roody Thomas you were born on 16.12.97 and were aged 24 at the time of the offence to which you pleaded guilty and you are now aged 27. You have previous convictions.

7. Ka'mani Brightly-Donaldson you were convicted by the jury of offences as numbered on the original Indictment

i. Count 1 - Conspiracy to Murder Khalid Samanter on or before 13 August 2022

ii. Count 3 - Murder of Kacey Boothe on 13 August 2022

iii. Count 4 - Conspiracy to Possess a Firearm / Firearms with Intent to Endanger Life on or before 13 August 2022

iv. Count 5 - Possessing a Prohibited Firearm on 28 September 2022

In addition, there are 2 matters on the original Indictment to which you pleaded guilty on the 27th of July 2023

v. Count 6 - Possessing a Controlled Drug of Class A with Intent (Crack Cocaine) on 28 September 2022

vi. Count 7 - Possessing a Controlled Drug of Class A with Intent (Heroin) on 28 September 2022

8. Jeffery Gyimah you were convicted by the jury of

- i. Count 1 - Conspiracy to Murder Khalid Samanter on or before 13 August 2022
- ii. Count 3 - Murder of Kacey Boothe on 13 August 2022
- iii. Count 4 - Conspiracy to Possess a Firearm / Firearms with Intent to Endanger Life on or before 13 August 2022

9. Joao Pateco Te you were convicted by the jury of

- i. Count 1 - Conspiracy to Murder Khalid Samanter on or before 13 August 2022
- ii. Count 3 - Murder of Kacey Boothe on 13 August 2022
- iii. Count 4 - Conspiracy to Possess a Firearm / Firearms with Intent to Endanger Life on or before 13 August 2022
- iv. In addition I have to deal with you for Possessing a Controlled Drug of Class B (Cannabis) on 24 March 2023 to which you pleaded guilty on the 8th of January 2024

10. Kammar Henry Richards you were convicted by the jury of

- i. Count 1 - Conspiracy to Murder Khalid Samanter on or before 13 August 2022
- ii. Count 3 - Murder of Kacey Boothe on 13 August 2022
- iii. Count 4 - Conspiracy to Possess a Firearm / Firearms with Intent to Endanger Life on or before 13 August 2022

11. Roody Thomas you pleaded guilty to

Count 5 - Possessing a Prohibited Firearm on 28 September 2022. You pleaded guilty on the 18/9/23 although you had accepted possession of the firearm in your defence statement and indicated a guilty plea to this offence approximately 4 weeks before the trial date.

The Facts

12. On the 13th of August 2022 Kacey Boothe was shot seven times at almost point-blank range in a killing which was part of an ongoing feud between London gangs, the Holly Street and E9 gangs and their antagonists, the London Fields gang. This was not a random attack by one person but was the result of a plan which required a number of people to carry it out in a co-ordinated way – people to obtain a firearm, people to steal suitable getaway cars and obtain false number plates, people to reconnoitre the area around the scene of the shooting beforehand, a driver to take the shooter to and from where his target was expected to be, a person to carry out the shooting, people to man a getaway car to get the shooter and his driver away from the immediate area of the attack and people to help conceal and dispose of the shooter's car and the weapon used by him.

13. The jury decided that there was an agreement between the first four defendants and others to kill a man called Khalid Samanter, a member of the London Fields gang. Evidence of that plan was an unsuccessful attempt to shoot him on the 2/8/22 when his neighbour, Mr Jeylaani, who looks somewhat like him, was shot by mistake and suffered serious injuries. Having failed to kill

Mr Samanter the first four defendants and others decided to try again and a plan was hatched to kill Mr Samanter when it was known that he would be attending his child's first birthday party at the Peterhouse Community Centre in Forest Hill or, if he was not located there, any other member or associate of the London Fields gang who happened to be in the vicinity.

14. In the meantime, an attack by what appeared to be members of the London Fields gang on Mr Gyimah and Mr Pateco-Te in the early hours of the 13/8/22 provided an additional motive for carrying out the plan and doing it quickly. The plan was therefore put into effect that day and when Mr Samanter was not found Kacey Boothe was shot and killed instead. I will outline the facts in more detail chronologically.

Conspiracy to Murder – Count 1

15. Between 2020 and 2022 there were a series of tit for tat violent incidents between the E9 / Holly Street Gang and London Fields Gang. By 13 August 2022, you Ka'mani Brightly-Donaldson, Jeffrey Gyimah, Joao Pateco-Te and Kammar Henry Richards, had agreed together and with others unknown to kill Khalid Samanter, an associate of the London Fields gang. He lived on Shrubland Road, Hackney, E8 and his next-door neighbours were the Jeylaani family.

16. On 27 June 2022 Joao Pateco Te stole a grey Jaguar E-PACE. The evidence shows that Kammar Henry Richards was in contact with Jake Chapman around this time and it would seem obtained 2 sets of false registrations plates for the vehicle.

17. On 2 August 2022, all four of you were part of the group who agreed to kill Khalid Samanter and each of you played a part in attempting to put that plan into effect. The stolen grey Jaguar E-

PACE was used by at least two men who drove onto Shrubland Road, in the middle of the day, when members of the public including at least one child were going about their normal day. One of the men in the Jaguar shot at Mr Jeylaani as he sat in his car with his brother outside his home address. I accept that none of you were the shooter or the driver. The Jaguar was then driven to an area known as the Gascoyne Estate, the number plates were changed, and it was then taken a short distance to Silkmills Square by Jeffery Gyimah and another who were collected by you Ka'mani Brightly Donaldson in your own Audi A3 car.

18. Arrangements were then made for the Jaguar to be collected and driven away by Darren Miller and John Hart on 3 August 2022. The Jaguar was broken down at Mr Miller's garage premises to be sold for parts.

19. As a result of the shooting Mr Jeylaani suffered a gunshot wound to the right side of the chest puncturing the lung and resulting in its collapse and the left lung was also partially collapsed. As a result of his injuries Mr Jeylaani suffered a life-threatening compression of the heart, windpipe and major blood vessels within the chest cavity. An ultrasound scan of the abdomen showed blood within the right side of the chest cavity and blood in the abdominal cavity. A computerised tomography scan showed a bullet to the right side of the chest cavity near the diaphragm. Mr Jeylaani initially received eight blood transfusions and various medications including antibiotics. Two chest drains were inserted into the right side of the chest cavity to release the air and blood. A general anaesthetic was administered, he was put on a ventilator and admitted to the critical care unit where it appears, from his Victim Personal Statement, that he remained, in an induced coma, for approximately a month while

he was treated and that treatment included 2 major surgeries. I do not have a medical statement dealing with the full extent of his injuries and treatment but suffice to say he suffered life-threatening injuries which have had long-term effects as I shall outline when I deal with his Victim Personal Statement.

The murder of Kacey Boothe – Count 3

20. On 11 August 2023 and in furtherance of the agreement to kill Khalid Samanter, a black Jaguar E-PACE was stolen by Jeffrey Gyimah, Joao Pateco Te and Kammar Henry Richards.

21. On 13 August 2022, Jeffrey Gyimah, Joao Pateco Te and others were attacked by associates of the London Fields Gang in the early hours of the morning at Bohemia Place E8. A number of attackers emerged from a black Ford EcoSport and chased Jeffrey Gyimah and Joao Pateco Te. Mr Gyimah was shot at and Mr Pateco Te was stabbed in the leg and had to attend hospital but was discharged during the morning.

22. About 45 minutes after the attack at Bohemia Place an individual on a moped drove onto Corsley Way in Silk Mills square where the family of Joseph Lutula, an associate of the London Field's gang, lived. He fired three gunshots into the property. The gun that was used was later in the day used to kill Kacey Boothe;

23. Although none of you were directly involved in the Corsley Way incident I am satisfied that this was clearly an immediate revenge attack on the London Fields gang by the gangs with which you are all associated and is evidence that those events at Bohemia Place provided a background and impetus for you and your associates to make a further attempt to kill Khalid Samanter on that same day. Plans were made for this to take place when Khalid

Samanter attended the birthday party for his one year old son at a community centre in a residential area of Walthamstow. All of you met up during the course of the day, at the San Marino restaurant and Shore Place in Hackney I have no doubt to finalise arrangements. What I am satisfied was a reconnaissance trip to Forest Rise where the child's party was taking place was carried out during the afternoon by three of you, Joao Pateco Te, Jeffrey Gyimah and Kammar Henry Richards.

24. Later that evening the black jaguar E-PACE was driven to Forest Rise where the party for Khalid Samanter's child was still in progress. The car remained in the area for some time. There were numerous people about in the locale. Some had attended the party including, as one would expect, families with young children, others were people who lived in the area who were in their homes or outside taking advantage of a hot evening.

25. At 21.24 man ran from the parked Jaguar straight over to where Kacey Boothe was sitting in the driver's seat of his car. The running man was a black male wearing a mask and a hooded top. He had his right hand down his trousers. He went straight up to Mr Boothe's car and stopped next to the driver's window. He fired 7 shots at virtually point-blank range at Kacey Boothe then ran off, got back into the Jaguar which was driven off at speed without lights. The identity of the gunman is not known.

26. Kacey Boothe sustained multiple gunshot wounds to the chest, face and right upper arm. He was driven to hospital but could not be saved and was pronounced dead at 21.53. The post-mortem showed he had suffered a number of injuries. A bullet had gone into the front of his chest and passed from his right to his left and through the left ventricle of the heart and left lung. This wound alone

would have been fatal. There was a further gunshot wound, the track of which passed through the upper right arm causing severe damage to the bone of the right humerus and major haemorrhage in the limb. There was a gunshot wound in the right cheek which had passed from his right to left and downwards severely damaging teeth, tongue and floor of the mouth and causing localised haemorrhage in the tissues. There were gunshot wounds to both legs. His death was caused by the wounds to the chest, face and right arm.

27. Immediately after the shooting, the black Jaguar E-PACE was driven to Carlton Road E17. I am satisfied on the evidence that you, Kammar Henry Richards, and another picked up the driver and the gunman from the black Jaguar E-PACE and drove them back to Arbutus Street, E8.

28. Arrangements were then made by you and others Kammar Henry Richards for the black Jaguar E-PACE to be collected, dismantled and disposed of by Darren Miller and John Hart on 14 August 2022.

29. The gun used to shoot Kacey Boothe had also been used to shoot Kacey Boothe's brother, Kyle Boothe, in August 2020.

30. The conspiracy to kill Khalid Samanter was a conspiracy to kill him by shooting and the jury concluded that Ka'mani Brightly-Donaldson, Jeffrey Gyimah, Joao Pateco Te and Kammar Henry Richards must also have conspired to possess a firearm with intent to endanger life on or before the actual killing of Kacey Boothe which is represented by **Count 4**.

31. You, Ka'mani Brightly Donaldson were later found, jointly with Roody Thomas, in possession of another firearm that you carried with you in a concealed in a hide inside your Audi A3 VE66 VYY.

32. On 28 September 2022, the two of you were travelling together in Ka'mani Brightly Donaldson's Audi A3. Roody Thomas was driving. The vehicle was stopped. Recovered from inside the hide in the vehicle were 456 white plastic wraps of crack cocaine (43g at 83 - 87 % purity), 196 brown wraps of Heroin (21.04g at 29 % purity) and a black and silver handgun containing a loaded magazine. The drugs belonged to you Ka'mani Brightly Donaldson and you pleaded guilty to 2 counts of possession of Class A drugs with intent to supply on the 27th of July 2023. Ka'mani Brightly Donaldson and Roody Thomas you were in joint possession of the gun inside the hide represented by **Count 5**. Mr Brightly-Donaldson, you were convicted of that offence by the jury and you Roody Thomas pleaded guilty to that offence on the 27th July 2023 which I am told was the first opportunity you had to plead as that matter was only then put on the Indictment and had not been before the magistrates' court.

33. When you Joao Pateco Te were arrested on 24 March 2023 you two large jars containing 1.33kg of Cannabis were found inside your car. You pleaded guilty to possession of Class B drugs on the 8th of January 2024.

Victim Personal Statements

34. Having now gone into more detail about the case it is right that I should speak about the victims of these offences and the impact that the offences have had on them.

35. Marcia Rowe, Kacey Boothe's mother, said his death has had a severe effect on the whole of her family and has left her feeling as though a part of her is missing. She describes how her whole world fell apart on the 13th of August 2022 when she rushed to the hospital to be told by the doctor that they could not save her son's life. To this day she still has sudden, uncontrollable outbursts of tears. Special days in the year such as Christmas and birthdays are particularly difficult. She has sleepless nights, bad dreams and suffers with anxiety, depression and panic attacks. She feels that her whole personality has changed as a result of losing her son and, although she feels anger hurt and pain at what you have done, she also has the generosity of spirit to feel sorrow for the pain that your families have to endure because you are not with them.

36. Shanice Thomas-Brown, Kacey Boothe's partner said that on the 13th of August 2022 her life changed forever. She lost her life partner; her best friend and her children were left without their dad. She herself has lived with depression and anxiety for some years and Kacey was her support. She struggles to sleep and has to take medication. Even though she has the aid of her family and others the death of her partner has been the most alienating, painful and frightening experience of her life and she has reached some extremely low points. She says that her eldest child, at the age of five, in addition to grief at the loss of her father, exhibits signs of PTSD and has become anxious about her own safety.

37. The other victims in this case are Mr Abdi-Rahman Jeylaani and his brother, Mr Yahya Jeylaani. Mr Abdi-Rahman Jeylaani says that the offence which resulted in the attack on him, because he was mistaken for Khalid Samanter, has affected every aspect of his life. The physical consequences of being shot include a reduction in the capacity of his right lung which causes frequent chest infections. Unfortunately, he is becoming resistant to antibiotics used to treat those infections, so has to shield himself as much as possible. He describes pain as a constant companion and the necessity for him to take codeine on a regular basis. He now suffers haemoptysis which means he coughs up blood which causes pain and he is on medication for this. He wanted to be a dental therapist and had successfully completed two years of training but had to abandon that career because of the physical and mental effects of the offence on him. He has had to settle for other work at a lower rate of pay in order to support himself and his family.

38. As far as mental effects are concerned, he has never felt safe since he was shot. He rarely goes out at night and is loath even to walk to the nearby shop on the road where he lives. He lives with his extended family and they requested that the local authority move them after the offence but the only offer made was for them all to relocate to Birmingham which was not feasible. Mr Jeylaani and his wife are therefore seeking their own accommodation for them and their child. He has had to undergo psychological therapy but still has flashbacks.

39. Mr Jeylaani says that being shot has left an indelible mark on his physical health, emotional well-being, social connections and his working life.

40. His brother, Yahya Jeylaani was present when he was shot and has also been significantly affected by what happened. He describes having a sense of unreality about the fact that something like this could happen to a normal family on their own doorstep. After his brother was injured he became fearful and avoided going out. He felt anxious and unsafe and this affected his ability to work which had financial consequences. Over a period of about 12 months his mental state improved but he is not as carefree and sociable as before. He still feels angry about what happened and believes this will always have an impact on his life.

Antecedents

Ka'mani Brightly-Donaldson

41. You admitted being an associate of the E9 gang. You have six convictions for eight offences between 8 April 2014 and 8 April 2022 including battery, attempted robbery, section 4 public order offences, offences of possession with intent to supply drugs of Class A in 2018 and 2019 for which you were sentenced to a 24 months Detention and Training Order and 3 years in a Young Offender Institution respectively.

Jeffrey Gyimah

42. You admitted being an associate of the linked Holly Street gang. You have three convictions for four offences. Your first was on 10 September 2019 and the last conviction was on 28 April 2023. They include offences of possession of an offensive weapon, possession of cannabis and conspiracy to burgle dwelling houses for which you were on bail at the time of these offences and for which you were sentenced to 42 months imprisonment and because you were serving that sentence while waiting for this case to come on the period of remand to be credited in your case is reduced.

Joao Pateco Te

43. You admitted being an associate of the E9 Gang. You have six convictions for six offences. Your first was on 26 January 2013 and the last on 23 January 2019. Those convictions include robbery and possessing an offensive weapon. You have been sentenced to custody on 2 occasions, the first was a Detention and Training Order of 12 months and the second 6 weeks in a Young Offender Institution when a suspended sentence was partially activated.

Kammar Henry Richards

44. You admitted being an associate of the E9 Gang. You have three convictions for four offences. Your first conviction was on 9 February 2017 and your last was on 28 February 2019. The offences include possession of an offensive weapon and burglary of a dwelling for which you were sentenced to 12 weeks YOI.

Roody Thomas

45. You admitted being an associate of the E9 Gang. You have eleven convictions for twenty-five offences. Your first conviction was on 12 March 2011 and your last was on 23 November 2022 . They include convictions for robbery, possessing an offensive weapon, possession of cannabis, dangerous driving and other driving offences. Your experience of custody appears to have been a sentence of 3 months imprisonment.

Mitigation

Ka'mani Brightly-Donaldson

46. I have read the sentencing note prepared by your counsel and the references from your mother Rosalyn Brightly, your partner- Ms Johnson, Ms Morgan and Ms Ketter.

47. Although I am satisfied that you were involved in the meetings to plan the attacks reflected by Counts 1 and 3, I accept that you were not the person who carried out either of the shootings and that you were not present when they took place. I accept that there was no direct evidence that you were involved in the theft of either car used in the principal offences or the incident at Corsley Way or that you personally were arranging disposal of vehicles with Mr Hart and Mr Miller. However, the disposal of those vehicles as part of the overall plan is an aggravating feature of the case. Further, I am satisfied that the offences at Counts 1, 3 and 4 did occur in the context of a pattern of inter-gang violence and a plan to be revenged on the London Fields gang and, in particular, Khalid Samanter. You were involved in collecting Mr Gyimah and

another after they deposited the car used in the first shooting in a place where it could be picked up for disposal by others. I am satisfied you were also involved in planning meetings on 13th August 2022.

48. In relation to Count 5, I directed the jury that if they were sure that you knew that Roody Thomas had concealed an item within your car and allowed Mr Thomas to drive the car with the gun in it, they would be entitled to conclude that you were jointly in possession of that firearm. It has been submitted to me that in those circumstances it would be wrong to conclude that you intended that the firearm would be used for a criminal purpose or were reckless as to whether that would be the case. Given the circumstances in which the gun was being transported and your own association with firearms as proved by Counts 1, 3 and 4 I am satisfied that you were at the very least reckless as to this.

49. I take into account that you were still under 25 when the offences occurred and that the loss of your father when you were 14 rendered you vulnerable and it was at this point that your offending began. Life became very difficult for your family, despite your mother's best efforts. This led to periods of neglect and abandonment which left you susceptible to exploitation by older criminals. It appears from what your mother says that your personality changed and from being a happy child who worked hard at school you became angry and disengaged and involved with drugs and gangs. Such experiences are likely to have had an adverse effect on your development and ability to fully comprehend the consequences of your actions.

50. Your offences have had a profound impact on your family. You have a 2 year old son who is autistic and has other health

issues and you will not be around to support him and his mother and see him grow up.

51. I have read about another side of you in the letter from Ms Johnson. She says that the two of you have been in a loving committed relationship since 2016. She says you have been a positive influence on your son and have participated in therapy and extracurricular activities to help him. She describes you as kind, hardworking and reliable.

52. Your mother writes that she is devastated seeing you face a long prison sentence although she recognises the tragedy of the loss that Mr Boothe's family has suffered.

Jeffrey Gyimah

53. You were aged 20 at the time of the offences . I have read the defence sentencing note in your case.

54. As with others, I accept that you were not present when either shooting took place, but you were involved in depositing the car used in the first shooting in Silkmills Place and you were in the Volkswagen Passat that carried out a reconnaissance trip on 13th August 2022. When these offences were committed you were on bail for other matters, which is an aggravating feature in your case.

55. I have read references prepared on your behalf from your partner, Ms Bourne, your brother, Nicky, and a letter from you, together with certificates showing courses you have completed while in prison. I am told that you have been accepted as a listener on a programme run by the Samaritans. I also have a psychological report on you prepared by Dr Samatha Baker dated 7th January 2025.

56. Your partner and brother talk about the Jeffrey that they know as quite different from the person described in court. Ms Bourne describes you as kind and respectful and a good father to your small son. She describes the pain of knowing that he will grow up without you and the anger she feels that she is left to be both mother and father to him. She says that she and your son will be serving your sentence with you. Your brother describes his own sadness and that his mother, who worked so hard to support you both, is heartbroken at what your life will be.

57. You are the youngest of the defendants and Dr Baker sets out a background of trauma which started when your father was deported from the UK when you were 3. He was later killed in a road traffic accident when you were 11. Your mother struggled to support you and your brother and working to do that meant you were often left unsupervised. You exhibited significant behavioural difficulties at school and you were permanently excluded in Year 10 and attended a pupil referral unit although you often truanted. You became involved with gangs when you were aged 14. Dr Baker is of the view that it is highly likely that you have Attention Deficit Disorder, a neurodevelopmental disorder present from birth that is characterised by inattentiveness, hyperactivity and impulsivity. The condition makes consequential thinking more difficult for you. She is of the view that your ADHD traits mean that your level of maturity is lower than that of an individual of your age would normally have.

Joao Pateco Te

58. You were 25 at the time of the offences. I have read the sentencing note uploaded on your behalf. In your case I am satisfied that not only were you involved in stealing the cars used in the shootings but you were also involved in planning meetings and the reconnaissance trip on 13th August 2022 and so your role was not limited to providing transport.

59. I have read references from your mother, Ms Sabado Na Bribo and your partner, Atlanta Dorsett-Lyder.

60. Your mother describes you as thoughtful and supportive to her and your siblings. When she was very unwell you took over her household responsibilities so she could rest and recover. She says you are loving father to your own three children and they and their mother are struggling with the consequences of your absence. Ms Dorsett-Lyder says she has seen kindness, resilience and a sense of responsibility in you. She says that you are remorseful for what happened and, while she knows how serious these offences and their consequences are, she wants me to understand that you have good aspects to your character.

61. I am asked by Mr Jeremy KC to consider whether there is about to be a change in the approach to sentencing for offences of murder and to reflect that in what I do today. Whether such a change is going to occur I do not know but I have to sentence according to the law as it is today.

Kammar Henry Richards

62. You were aged 24 at the time of the offences. I have read the sentencing note prepared on your behalf. I am satisfied that you were present at the planning meetings relating to Count 3 and, as I have indicated, that you were in the car that collected the gunman and his driver from Carlton Road on 13th August 2022. You were involved in obtaining false number plates for the cars used in the shootings and in the disposal of those cars.

63. I have read the references from your mother and father and from Mandy Jallow, Kwabena Ayim and Augusto Pitsilides. It appears that you come from a good family and did well at school and college. Until your remand you were pursuing a highly successful music career as set out in the two references from your colleagues in the music industry. I note that one of your referees wonders whether the outcome of this case would have been different if you were not a music artist. It will be clear from my outline of the facts that, although a limited amount of drill music was presented as part of the prosecution case, in my view its relevance was marginal in identifying who was involved in the offences and, having heard Mr Talbot's submissions, I do not take it into account as an aggravating feature when considering sentence. In my view the significant evidence against you related to your actions, as proved by evidence including, but not limited to, CCTV footage, cell site evidence and patterns of telephone calls. It is sad that a young man with such bright prospects should have become involved in such serious offending.

64. Your father echoes that in his letter to the court. He says that he was shocked and does not understand how you came to be in the situation in which you now find yourself. He says you are genuinely so full of potential and this will be wasted in prison. He

grieves that he may not be around when you are released. He also says that he is utterly saddened that the family of Mr Boothe have lost him in the most tragic way and can only offer condolences and prayers to them.

65. Your mother says that she made many sacrifices for all her children and had high aspirations for all of them. She did not want you to become involved in crime and made this clear to you when you were first arrested. She gives me a picture of you in your family context as considerate and loving and putting her first. She says that when her mother and her brother passed away in 2022 this had a massive impact on you as did the death of your grandfather last year. When you were arrested at a time of family bereavement she collapsed and was devastated and could not believe that this was happening as she had always tried to instil good morals and values in you. She understands that you have been convicted of offences in which another young person lost their life and that you must be sentenced for that but, she says, this is out of character for the person she knows.

Roody Thomas

66. I have to sentence you for one offence of possession of a prohibited firearm. You have no relevant previous convictions. Unlike Ka'mani Brightly Donaldson, this offence is not part of a demonstrable pattern of behaviour. However, as I have indicated, this offence requires the imposition of a minimum sentence. I have read the sentencing note prepared by your counsel. It is submitted that there is no evidence that you intended or were reckless as to the gun being used for a criminal purpose. It is submitted that I should assess harm looking at the circumstances at the time the

gun was in your possession. I am asked to give you 15 to 20% credit for your plea of guilty.

67. I have read character references from Ms Reed, Ms Barrow, Mr Collins and Ms Adekoya. While in custody you have successfully completed a number of courses and you are described as self-motivated and that you appear more focussed on making better choices in your life. Before your imprisonment you worked as one of the staff at a football stadium. Your employer and a work colleague describe you as professional, hardworking, consistent and reliable. Your friend, Ms Adekoya says that in your personal life you are a family-oriented individual. She says that you have an excellent drive to be successful and she was aware that you were working two jobs before being remanded. She says you are a caring and polite individual.

Sentence

Roody Thomas.

You are now 27 and were 24 at the time of the offence at Count 5 to which you pleaded guilty.

The firearm involved was of Type I prohibited under s5 1 (aba). Given your admitted association with the E9 gang, the fact that the weapon was found loaded with live ammunition, that you also accepted you were the person who placed it in the hide in the car and, you say, that you transported it intending to pass it on to a drug supplier to whom you owed money in return for a reduction of your debt, I am satisfied that, at the very least, you must have been reckless that it was to be used for a criminal purpose. The offence in your case therefore is

one of high culpability . However, looking at the way that the sentencing guideline outlines the approach to assessing the risk of harm it seems to me that I must look at the circumstances at the time you were found in possession of the gun. It was in a hide and not readily available for use. I am therefore not satisfied that in your case I can say the possession of this carried with it a high risk of death or disorder at the point when it was possessed as it was not easily accessible. Therefore, as far as you are concerned, this is a category 3A offence with a starting point of 6 years and a range of 5 to 7 years custody. You have no relevant previous convictions. You have the mitigation of your age and therefore a certain lack of maturity at the time, you have no previous convictions for firearms offences, you have character references and you have been using your time in custody constructively. A minimum sentence of 5 years applies. In all the circumstances after trial I take the view there would have been a sentence of the order of 6 years imprisonment. I have considered the guideline on reduction for a guilty plea and will afford you credit of about 15%. That more or less brings the sentence down to the minimum I must impose.

The sentence on you will therefore be one of **5 years imprisonment**. You will serve 40% of that sentence and will then be released on licence and provided you keep to the terms of the licence and commit no further offences during the licence period you will not be required to serve the rest of the sentence. If you do not keep to the licence conditions or you commit further offences while on licence you may be recalled to serve all or part of the unexpired sentence. The statutory charge in the appropriate amount applies.

Ka'mani Brightly-Donaldson, Jeffrey Gyimah, Joao Pateco Te and Kammar Henry Richards

The other four defendants are aware that I must impose a mandatory life sentence for the offence of murder. I must also set the minimum term they must serve before they can apply to the Parole Board to be considered for release. In setting that term I will, for all defendants, treat the murder offence as the lead offence aggravated by the other offences for which I have to sentence you. Having considered the mitigation put forward for each of you I will then consider what is called totality, or overall fairness in reaching my decisions on the individual minimums terms to be served by each of you. That is not a mathematical calculation.

I have considered the sentencing notes and submissions made by counsel. I have regard to Schedule 21 of the Sentencing Act 2020. In my view, given the facts I have outlined, I am satisfied that the appropriate starting point is that set out in paragraph 3. A firearm was used in the murder. The starting point therefore is 30 years. It was not a spontaneous use. You have all been convicted of conspiracy to possess a firearm with intent to endanger life and there was considerable planning which involved a group of people not all of whom are before the court. Given the way that the case was put by the prosecution and the verdict on Count 1 it is clear that the jury found that you all had an intention to kill and I am satisfied on the evidence that this was the case.

In considering the minimum term to be imposed for Count 3 the position is substantially aggravated by the offence at count 1 which resulted in the attack against Mr Jeylaani and caused him serious injury. Fortunately, he survived although he suffers permanent long-term physical effects which have caused him to have to abandon his

chosen career and he suffers substantial ongoing problems. He is also suffering from significant psychological effects, which in his case show no sign of abating, as does his brother who was with him. If the offence at Count 1 had been charged as an attempted murder, for which there are Sentencing Guidelines, and it was an attempted murder although the intended victim was someone else, this would have been a category 1A offence with a starting point for sentence of 35 years imprisonment and a range of 30 to 40 years if a determinate sentence were imposed. The attack on Mr Jeylaani took place in the middle of the day endangering his brother who was in the car with him and when there were other members of the public nearby. The car used in the offence was then disposed of. All of those factors make the offence more serious.

I then take into account other aggravating features of the murder of Mr Boothe as follows:

- This was a planned revenge attack arising out of gang rivalry in the context of an ongoing pattern of serious tit for tat violence.
- The offence was committed in a public place where you knew that children and their parents would be coming and going attending a child's birthday party. Discharging a firearm in those circumstances not only put others at risk it must have affected those present and living nearby mentally.

In the circumstance of this case, I do not think appropriate to factor in as aggravating features the previous convictions of Jeffrey Gyimah, Joao Pateco Te or Kammar Henry Richards. Mr Brightly-Donaldson's previous convictions for drug offences are relevant to his sentence on

the offences to which he has pleaded guilty, and those offences and the offence at Count 5, are aggravating features in his case .

As to mitigation the principal matter in your favour is that you are all young men. I have also considered the individual mitigation put forward for each of you.

In looking at your ages and the question of your immaturity, I note that even had you been under 18, the starting point under Schedule 21 would be 27 years. However, I am mindful of the factors to be considered in the Guidelines on the Sentencing of Children and Young People and the caselaw on factoring into the sentencing process not just chronological age but developmental maturity and I will reduce the minimum sentences accordingly. In your case, Jeffrey Gyimah you are younger than your co-defendants as you were only 20 at the time of the offences. In addition, I have the benefit of a psychological report on you, to which I have referred, which provides particular mitigation in your case and differentiates you in terms of maturity from the other defendants.

I do, however, take into account in all your cases is that you became involved with criminality and gang culture when you were young, vulnerable and immature. You all lived in an area where exposure of young people to gang culture and crime was prevalent and that, once involved in that culture, moving away from it would have been extremely difficult. In addition, you have had individual challenges in your lives as I have outlined and the sentences I impose will have an enormous impact not just on you but on your families including your children.

I am very aware that the minimum terms I impose will mean that you will each spend much of your adult life in prison.

Having considered your individual cases I am of the view that there is no sensible basis upon which to differentiate between you in terms of the roles you played in the murder or the conspiracy to murder.

Although none of you actually carried out the shootings you all played significant roles in facilitating those offences and I cannot identify any of you as playing a substantially greater part than others. This is not a case where I take the view that any of you can be identified as playing such a limited part in these offences that this can be reflected in your sentences. As I have said, the most significant mitigating feature in all your cases is your age and lack of maturity.

Although I could have considered a life sentence under s285 of the Sentencing Act 2020 for the conspiracy to murder the question of dangerousness is addressed by the life sentences I must impose. I will therefore impose a concurrent determinate sentence for that offence. Had I been imposing such a discretionary life sentence the minimum sentence for that count, carrying out the necessary calculation as to the length of the alternative determinate sentence, would have been of the order of 20 years.

Count 4 I treat as part and parcel of Counts 1 and 3 as evidence of the nature of the conspiracy and the intent to kill rather than as a separate aggravating factor. In my view this is a category 1A offence as the firearm was discharged and serious physical harm was caused so a starting point of 18 years with a range of 16 to 22 years. In this

case there are aggravating and mitigating feature which tend to balance each other out in the overall circumstances of the case although there is some differentiation in respect of Mr Gyimah.

In your case Ka'mani Brightly Donaldson, as I have said, Count 5, a separate firearms offence and the drugs offences to which you pleaded guilty, which are subject to the minimum sentence provisions under section 313 of the Sentencing Act 2020, are matters that I must additionally take into account as aggravating factors in your case.

If I were to impose life sentences on Counts 1 and 3 and add up the minimum terms for each I would reach figures somewhere between 45 to 50 years. However, I must stand back and consider what is called totality.

Sentence

The sentence on each of you for murder is **life imprisonment** with a minimum term before you can apply for parole in each case as follows:

Ka' mani Brightly Donaldson there will be a minimum term of **38 years with 823 days of remand time to be credited making a minimum term of 13,056 days or 35 years and 281 days (approximately 10 months).**

Jeffrey Gyimah there will be a **minimum term of 35 years with 185 days of remand time to be credited making a minimum term of**

12,599 days or 34 years and 189 days (approximately 6 ½ months).

Joao Pateco Te there will be a minimum term of 37 years with remand time of 660 days to be credited making a minimum term of 12,775 days or 35 years and 79 days (approximately 3 months).

Kammar Henry Richards there will be a minimum term of 37 years with remand time of 818 days to be credited making a minimum term of 12,696 days or 34 years and 286 days (approximately 10 months).

I imposed other concurrent sentences as follows:

Ka'mani Brightly Donaldson

Count 1: 30 years imprisonment.

Count 4: 18 years imprisonment

Count 5: 6 years imprisonment

Counts 6 and 7 2045 days or 5 years 8 months imprisonment

Jeffrey Gyimah:

Count 1: 28 years imprisonment

Count 4: 16 years imprisonment

Joao Pateco Te:

Count 1: **30 years imprisonment**

Count 4: **18 years imprisonment**

Possession class B drugs **4 months imprisonment**

Kammar Henry Richards :

Count 1: **30 years imprisonment**

Count 4: **18 years imprisonment**

I impose the statutory charge in the appropriate amount in each case. Counsel must check the calculations I have set out and if there are any errors then the case will be called back into court for those to be corrected.