



Judiciary of England and Wales

IN THE CROWN COURT AT MANCHESTER, MINSHULL STREET

THE KING

— v —

(1) ALKHADER QASEM

(2) ISHAAQ MIA

(3) SAIMA HABIB

SENTENCING REMARKS OF THE HONOURABLE MRS JUSTICE ELLENBOGEN DBE

[On 19 December 2024, I gave an excepting direction in relation to the first and second defendants, subject to a stay. On 15 January 2025, I confirmed, in open court, that that stay had been lifted, enabling the sentencing remarks below, also made on 19 December 2024, to be published.]

Alkhader Qasem, Ishaq Mia, and Saima Habib, you may remain seated for now.

1. On 6 November 2024, the jury convicted you Alkhader, and you, Ishaq of the murder of Prince Walker-Ayeni, then 17 years old. You, Ishaq, were also convicted of doing an act intended and which had a tendency to pervert the course of public justice, as were you, Ms Habib. It is now my duty to sentence each of you for those serious crimes.

The facts

2. In the afternoon of 4 April 2024, at the junction of Raby Street and Crosscliffe Street, in the Moss Side area of Manchester, you, Alkhader, stabbed Prince three times. Notwithstanding the efforts of a number of clinicians, two of those wounds – one to Prince’s heart and the other to his femoral artery — were to prove fatal. Whilst you, Ishaaq, did not yourself inflict any injury, you lent support to Alkhader by your presence and actions, which I shall come on to describe. The events which preceded and followed Prince’s murder were captured on various CCTV cameras in the area and were also witnessed by Mr Rogers, but the fatal wounding was not witnessed and was inflicted at a location which was outside the sightline of any camera.
3. That afternoon, the two of you, together with a third person of the same age, had gone to Raby Street to visit a friend at his family home. Shortly after your arrival, you had encountered Prince and his friend, Ricardo Sewell. Prince challenged you, Alkhader, before forcefully punching you, two or three times. That attack was unprovoked, but both of you could have sought refuge in your friend’s house — indeed, your evidence, Alkhader, was that your friend’s mother had come out of that house and had been trying to de-escalate the situation. Instead, and as can be seen in the CCTV footage, you and Ishaaq moved from the pavement to the street, squared up to Prince and Ricardo and then gave chase when they ran away. That decision was to change the course of all your lives.
4. Mr Rogers was a compelling witness, with an impressive eye for detail. He was unshakeable in his recollection that Prince and Ricardo had started to back away after you, Alkhader had produced a silver object, extending four inches from your hand, from your waistband. Whilst the CCTV footage is unclear, I accept Mr Rogers’ evidence and am satisfied (to the criminal standard, being the standard to which I make all my findings of fact) that the object which he saw in your hand was a knife which you had brought with you to Raby Street, intending to have it available to use as a weapon. It is, I find, for that reason that Prince, who had instigated the confrontation on that day and was known to Police himself to have been involved in earlier violent criminal activity, had backed off and run away, together with Ricardo. Acknowledging that you had not anticipated the initial confrontation, I reject Mr Ford KC’s submission to the effect that you had had no reason

to be carrying a knife; on your own evidence you and Ishaq had been victims of earlier robberies in the area, in which a knife had been used.

5. The Crown invites me to conclude that you, Ishaq, had also produced a knife which you had brought with you, at that time. It invites that conclusion from your movements, said to be apparent from the CCTV footage, acknowledging that Mr Rogers did not see you produce any object. Both the absence of any such observation by Mr Rogers, and the lack of clarity of the footage (even in enhanced form), mean that I cannot be sure that you did so. By reason of your proximity to Alkhader at the time, and your inclination to give — indeed, initially to lead the — chase, after someone whom you knew to have a history of violence, I am sure, however, that you were aware that Alkhader had produced a knife. By its verdict, the jury has found that you encouraged or assisted his acts, with the necessary intent.
6. It was your case, Alkhader, rejected by the jury, that you had acted in self-defence. Your evidence was that you had run after Prince thinking that you would have a fist fight and that, in the course of that chase, you had seen him drop one knife from his waistband, which you had then picked up, when he had come at you with a second knife, apparently retrieved from a nearby bush and with which you had thought that he would stab you. It had been for that reason, so you told the jury, that you had lashed out with the knife which Prince had dropped. By its verdict, the jury has rejected your contention that you had acted in lawful self-defence. I reject your contention that you had stabbed Prince with his own knife, being sure that that account is innately implausible. Had Prince been armed, he would have been likely to have stood his ground rather than back off from the earlier confrontation. Furthermore, the prospect that, having run away, he would both have dropped a knife which he had been carrying and, immediately thereafter, been in a position to retrieve a second knife which just happened to have been concealed, to his knowledge, in a nearby bush, I regard as fanciful. Accepting that some physical altercation took place, in the course of which you received an injury to your eye, and, possibly, to your abdomen, I am sure that you, Alkhader, inflicted the three stab wounds which Prince received, using your own knife.

7. On your evidence, you had had two previous encounters with Prince, the first at a time when you had been 13 years old and the second when you had been aged 15. On the first such occasion, so you told the jury, you had seen Prince steal a bicycle from one of your friends and he had chased you and shown you that he was carrying a knife. On the second, about a year before the events giving rise to your trial, your evidence was that Prince had been one of a group of 15 to 20 people who had surrounded you and Ishaq and had stolen your telephone and a designer bag belonging to Ishaq. One of that group had had a knife. You also told the jury that you had been aware that Prince carried a knife, and that, by 4 April 2024, the last thing that you had wanted to do was to have got involved with him.
8. I am satisfied that, in fact, having been the victim of an unprovoked attack on 4 April, you saw this as your opportunity to retaliate, for that and for the earlier incidents, at a time when Prince lacked the support of a large group and you were armed and had the support of Ishaq. As you acknowledged in cross-examination, you had considered it to be a fairer fight than in the past and had felt a bit braver. Whilst I cannot be sure that you intended that Prince should die, and the Crown does not suggest otherwise, in inflicting the deep stab wounds to the relevant parts of Prince's body, you did intend that he should suffer serious bodily harm. Dr Lumb, forensic pathologist, described the force used to inflict the injury to Prince's heart, which penetrated a number of structures, as having been severe, and the force used to cause each leg injury as having been at least moderate. I am satisfied that your own injuries were sustained in the course of that altercation, which you had initiated.
9. Knowing that Alkhader was armed with a knife, you, Ishaq first led and then remained part of the chase. The Crown's case against you, as ultimately left to the jury, was that you acted as an accessory. Whether or not you had independently appreciated, at the time of the 2023 robbery during which your designer bag had been stolen, that Prince had been one of those responsible for it, your evidence was that, after that robbery, Alkhader had mentioned Prince's involvement and that you had been fearful of identifying Prince to the Police, in case of reprisal. On 4 April, so you told the jury, following the initial punches thrown at him by Prince, Alkhader had moved towards Prince and you had moved to stand next to Alkhader, who had then kicked out at Prince, before you led the chase. I am

satisfied that you, too, had seen this as an opportunity for retaliation for Prince's actions, of June 2023 and of that afternoon, emboldened by your knowledge that Alkhader had a knife and that Prince lacked the support of a large group. On your own evidence, you were present at the time of the stabbing, though I am satisfied that you sought unduly to minimise your proximity to and encouragement of the fight between Prince and Alkhader in the course of which Prince received his fatal injuries.

10. The events which gave rise to Count 3 (to which I shall refer, in convenient shorthand, as perverting the course of justice) took place on 14 April 2024, by which time you had been charged with Prince's murder and remanded in custody. In the course of a telephone call, the recording and transcript of which were provided to the jury, you asked your mother to locate a SIM card which you had concealed in the channel of your bedroom window, telling her, when she said that she had found it, *'Alright, you know what to do with that, don't you?'* That had followed your enquiry as to whether the iPhone SE which you had used had been seized by the Police. It is unsurprising that the jury rejected your contention that the SIM card to which you had referred had contained your gaming passwords, which you had hidden from your father because he was very strict, and that the intended meaning of your instruction to your mother had been that she should keep it for you so that, when you came home, you could continue to play your computer games. Whilst that SIM card has not been found, I am satisfied that, in all the circumstances, the clear inference is that it contained material related to the events of 4 April, likely to have implicated you and/or one or more others in criminal offending.

11. Having first told your son that you had found the SIM card, you, Ms Habib, responded to his instruction with the words, *'OK, let's not say it, OK that's fine....there's nothing there anyway, but if I find it then yeah'*, before proceeding rapidly to change the subject, no doubt appreciating the significance of the discussion which you had just had, and, on your evidence, knowing that the call was being recorded. Understandably, the jury rejected your, equally implausible, account to the effect that: you had understood Ishaq's questions about the items which the Police had seized to have reflected simple curiosity about what had been taken and Police procedure; whilst talking to Ishaq, you had initially believed that you had found the SIM card, but, having removed some grit from the window channel, had then realised that you had simply found a raised piece of metal; and you had

understood your son simply to have been asking that you keep the SIM card, which you had assumed to contain his gaming passwords, for him, in light of a discussion which you had had with him regarding a SIM card which you had found in a sock, some two months earlier. By its verdict, the jury has found that, at his request, you assisted Ishaq, by disposing of or concealing a SIM card which might have been of relevance to the Police investigation, thereby making that investigation more difficult, and so having a tendency to pervert the course of public justice, with the intention of perverting the course of public justice.

Victim impact

12. Prince's mother has spoken movingly of the devastating loss of her only son, to whom she referred as her heartbeat; her soulmate; the love of her life; her protector; and her confidant. She described the pain of his loss as excruciating and unbearable, and how it has affected his family — in particular the siblings to whom he had been so close — and his friends. She recounted her disbelief that her son had gone, stating that her heart had been shattered and that she did not know whether it could ever be mended. Prince's mother loved her son just as much as your mothers love you. As a consequence of your actions on 4 April, she will never see him again. It is clear that, in his short life, Prince had not always made the right choices, but, whatever his flaws, he did not deserve to die. Like you, Alkhader and Ishaq, he deserved the opportunity to better himself and to make a positive contribution to Society. Unlike you, and by reason of your acts, he will never now be able to do so.

Sentence

13. I have given very careful consideration to the pre-sentence reports which have been prepared for each of you; to your father's letter to the Court, Alkhader; and to the helpful and detailed written notes on sentence and oral submissions received from the Crown and the Defence.
14. 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. It is the function of the Parole Board to decide whether a person in custody is safe to be released.

15. It is important that you and the public understand that a minimum 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 re-offend, 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.
16. 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. 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’s 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.
17. 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, and, if and as appropriate, adjusted, that starting point by reference to your chronological age, and, if different, your developmental age, 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 in a number of recent cases, most recently distilled in *R v BGI and CMB* [2024] EWCA Crim 1591, handed down by the Court of Appeal Criminal Division today, and I shall now explain how they apply to each of you, on the facts of this case.

Alkhader

18. Alkhader, I have found that you took a knife to Raby Street, intending to have it available to use as a weapon, and that you then used that knife to commit Prince's 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. You were born on 22 December 2007. For an offender aged 16 at the date of the offence, the appropriate starting point in determining the minimum term, set out in paragraph 5A, is 17 years, subject to any appropriate adjustment having regard to the matters to which I have previously referred. Given the narrow age bracket to which that band refers, your chronological position approximately in the middle of it, and the matters relating to your maturity which I shall shortly describe, I do not consider it necessary to make any adjustment to the starting point before considering aggravating and mitigating factors.
19. As to those factors, to the extent that I have not taken them into account when selecting the appropriate starting point, a non-exhaustive list 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, which I consider having regard to your developmental age and maturity.

20. In your case, Alkhader, I consider there to be no aggravating factors and none is advanced by the Crown.

21. Turning to mitigation, I bear in mind your young age at the time of your offence. I must also take account of everything which is known about your mental and emotional development which might have lowered your culpability. In December 2021, you were placed on the Special Educational Needs Register, having been assessed to have social, emotional and mental health needs, which the author of the pre-sentence report considers to reflect your emotional struggle, in light of your family history. You were suspended from school in that month, and again in April 2022, moving to a pupil referral unit following a third suspension, whilst remaining on the roll of a mainstream high school. Thereafter, your attendance began to deteriorate and you began smoking Cannabis, having acquired a new group of friends whom your parents considered to be a bad influence on you. In the assessment of the Youth Justice Officer, your status as an unrecognised young carer for your disabled sister; living with a family member who has mental health difficulties; and the educational disruptions and potentially missed opportunities for more rapid provision of additional support have had an adverse impact upon you, your social interactions, and your ability to form appropriate friendships. The pre-sentence report records your recognition, in hindsight, that you could have gone inside your friend's house, rather than go after Prince, said to demonstrate your poor decision-making skills. Your assessed lack of consequential thinking skills and extremely poor ability to problem solve are said to be attributable to your young age at the time of your offence. Whilst on remand, you have shown yourself capable of academic achievement and are described as having engaged in education to an excellent standard. The pre-sentence report also notes that you have demonstrated your ability to behave in a respectful way, focusing on your education and regime without instigating any difficulties with your peers or authority. No concerns have been raised regarding your speech and language capabilities.

22. In assessing your culpability, I take account of all of such matters and of the way in which you came across at trial. I acknowledge the inherent vulnerability of a person of your age. I acknowledge the effect of peer pressure, and the negative influences which that can exert. I acknowledge that adverse childhood experiences and educational difficulties or disruption can affect, negatively, the development of adult thought processes. As for the

offence itself, the fight appears to have been short-lived and, prior to the chase, was unplanned. Nevertheless, you stabbed Prince three times. You are an intelligent boy — indeed, in his letter to the Court, your father notes that you were way ahead of your peers when in primary school and had been offered assistance in obtaining a bursary to enable you to attend a grammar school, but that you had wanted to remain with your friends. I am satisfied that you were aware of your actions, and of their possible consequences. Taking full account of everything which I have observed and read, I am satisfied that your emotional maturity and development at the time of your offence were consistent with your chronological age.

23. In addition to that age, mitigating your offence were: your intention to cause serious bodily harm, rather than to kill; your lack of pre-meditation; the fact that Prince had been the initiator of unprovoked physical violence towards you; the absence of any prior convictions; the informal role as a carer which you have undertaken in relation to your disabled sister, in the context of your mother's poor mental health; and a degree of remorse. I also bear in mind the mature and positive approach which you have adopted, whilst on remand. I do not accept that you acted to any extent in self-defence, or in fear of violence — I have rejected your contention that Prince had been carrying, or had retrieved, a knife and am satisfied that, by the time at which you came to stab him, you were the aggressor. Even on your own account, you could have run away at the point at which you chose, instead, to pick up the knife which you assert Prince to have dropped.

24. Taking account of all of the mitigating factors to which I have referred, 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 one of 15 years, from which the time which you have spent on remand will be deducted.

Parenting order

25. For an offender who is 16 at the time of his conviction, section 366 of the 2020 Act enables 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. 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, Alkhader.

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

27. For the murder of Prince Walker-Ayeni, 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 15 years, less the number of days which you have spent on remand. I have been told that that period is 252 days. Therefore, the minimum term in your case will be 14 years and 113 days.

28. 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 re-offend or fail to comply in any other way with the conditions of your licence.

29. 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 offence, and is used to fund organisations which support victims and witnesses.

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

Ishaaq

Murder

31. I now come to the appropriate sentence for you, Ishaaq, beginning with your offence of murder. I sentence you on the basis that you did not bring a knife to Raby Street. There is no suggestion that you were party to Alkhader's decision to bring a knife to that location. Nevertheless, I have found that, by the time at which you led and then maintained your

participation in the chase, you were aware that he had done so, and your actions, in the context which I have summarised, indicated your encouragement of and support for his 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.

32. Had you been over the age of 18 when your offence was committed, it 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 10 years, but your knowledge of Alkhader's possession of a knife, acquired before you gave chase, will be taken into account as an aggravating factor — I reject Mr Karu KC's submission that it formed part and parcel of your encouragement or assistance of Alkhader inherent in the offence. Mr Karu does not invite any primary adjustment to the starting point before consideration of aggravating and mitigating factors and I am satisfied that, given your position within the applicable narrow age bracket, the appropriate way forward is to address the relevance of your chronological age and developmental maturity when considering mitigation, having first considered the applicable aggravating factors. The fact that you were on bail for another offence at the time of Prince's murder is an aggravating factor additional to that which I have already mentioned, though one carrying minimal additional weight in all the circumstances.

33. Turning to mitigation, I have approached your sentence on the basis that your intention was that Prince should be caused serious bodily harm, rather than that he should be killed. I bear in mind your lack of pre-meditation; the fact that Prince had initiated unprovoked physical violence towards your friend; and the absence of any prior convictions. I also take into account the corner which you appear to have turned whilst on remand and the traumatic assault of which you were the victim whilst in custody, to which I shall shortly refer in a little more detail. For reasons which I have explained, I have rejected the submission made on behalf of Alkhader that he acted to any extent in self-defence, and so no such mitigating factor can assist you. I take account of a degree of remorse.

34. I have had regard both to your chronological age and to your level of maturity. You were born on 17 March 2008. Your pre-sentence report records that you are the fifth of 12 siblings and spent a short period in foster care in 2021, which had some negative impact on your relationship with your older siblings. Nevertheless, in the assessment of the Youth Justice Officer, your parents provided you with a loving and stable home and you were well provided for materially. You were referred to the Complex Safeguarding Team and made subject to a Child in Need plan, struggling to adhere to the boundaries set by your parents and at times responding with verbal and physical aggression. The author of the pre-sentence report notes that you were mixing with other young people who were engaged in criminal or anti-social behaviour, including older individuals who had themselves had adverse experiences in childhood and were considered to be at risk of criminal exploitation. In May 2023, you were the victim of a serious assault at school, by a group of students, which your mother considers to have led to a decline in your behaviour. That same year, you were, reportedly, the victim of several offences, including the robbery in which Prince participated. In the assessment of the Youth Justice Officer, the circumstances of one such offence indicate impulsivity, and a lack of consequential thinking which has a clear impact on your decision-making. She considers that the fear which you must have experienced in connection with the robbery in which Prince had been involved must have been immeasurable at the time and that it would have had a lasting impact, including upon some of your future behaviours. In her assessment, the trauma which you have experienced will have resulted in further difficulties with emotional and cognitive development and had an impact upon your decision-making skills.

35. During September and October 2023, you went missing from home several times and later received a reasonable grounds decision following referral to the National Referral Mechanism. You have moved schools on several occasions, struggling to adjust and receiving several exclusions from secondary school, for disruptive behaviour and fighting. Your mother reported that one such school had raised concerns regarding possible needs arising from undiagnosed Autistic Spectrum Disorder and Attention Deficit Hyperactivity Disorder. She stated that an initial assessment had highlighted processing difficulties and your struggle to recognise inferences and consequences. Contrary to your parents' wishes, it is said, you refused to comply with a referral for further assessment to Child and

Adolescent Mental Health Services. In the view of the Youth Justice Officer, that is likely to have created a negative sense of self. In Year 11, having been excluded from school, you continued to display disruptive behaviour at your alternative education provider, leading to your mother's decision to home-school you, at which point she considered your behaviour to have improved.

36. Following your remand in custody for the first offence for which I now sentence you, it is said that you have struggled to engage and to build relationships with professionals, thought to be a way of exerting some control in an environment in which you felt that to be lacking. Your behaviour is reported to have been inconsistent. You have been involved in several fights and found with improvised weapons. In May 2024, you were the victim of a very serious group assault, amongst other injuries receiving six stab wounds to your head. Having decided to distance yourself from a particular individual, your behaviour improved, most notably in the area of education, where you now appear focused and are said to have received excellent comments from staff. You have begun to engage better with professionals and appear willing to accept some support.

37. In assessing your culpability, I have taken account of all matters which had affected or influenced your development at the time of the offence. Here again, I 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. Having observed you throughout your trial, I am satisfied that you are obviously intelligent and, whilst making some allowance for the matters to which I have referred, I am satisfied that, on 4 April 2024, you were aware of your actions, and of their likely consequences.

38. 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 8 years 6 months, less the time which you have spent on remand.

Parenting order

39. Having regard to the length of the minimum term which I shall be imposing for murder, I am not satisfied that a parenting order is desirable in the interests of preventing your commission of any further offence.

Perverting the course of justice

40. I turn to consider your offence of perverting the course of justice. I have had regard to the Sentencing Council guideline for that offence, recognising that it applies to offenders aged 18 and over and will need to be adjusted having regard to your chronological and developmental age. I have also had regard to the Sentencing Council guideline on sentencing children and young people and, in particular, to the sentencing principles to which it refers and the key elements of which I must take account when determining the appropriate sentence.
41. Under the offence-specific guideline I assess the category of your offending to be A3. That is because your culpability was high, the underlying offence of murder being of the utmost gravity — I reject Mr Karu's submission that those factors which would fall within lower culpability (namely the unsophisticated nature of your conduct and its limited scope) balance that out. I accept, however, that the level of harm which you caused falls within the lowest category. For an offender aged 18 or above, the starting point for your offence would have been one year's custody, with a category range of nine months' to two years' imprisonment.
42. Aggravating your offence is the fact that you were on bail for another offence at the time and that you involved your mother in your offending. Mitigating it are your lack of previous convictions; your age and lack of maturity; the difficult personal circumstances which I have previously summarised and your apparent more recent efforts to engage with professionals and your education, which I urge you to continue.
43. Having regard to all of the above and to totality, the sentence which I determine to be appropriate for your offence of perverting the course of justice is six months' detention,

to be served concurrently with your sentence for murder, meaning that it will not extend the sentence which I shall impose for that latter offence.

Stand up, please, Ishaq.

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

45. For the murder of Prince Walker-Ayeni, 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 eight years and six months, less the number of days which you have spent on remand (being, I am told, 252). Therefore, the minimum term in your case is 7 years and 295 days (rounded down, in your favour).

46. 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.

47. For your offence of perverting the course of justice, I sentence you to six months' detention, to be served concurrently with your sentence on Count 1. In light of the sentence which I have imposed on Count 1, the release provisions which would otherwise apply to the concurrent determinate sentence which I have imposed on Count 3 will not entitle you to be released on licence at any earlier stage.

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

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

Saima Habib

50. I turn to consider your sentence, Ms Habib, having had regard to the evidence which you gave at trial; everything said in your pre-sentence report; the numerous character references with which I have been provided; and all that counsel has said on your behalf.
51. You are 44 years old, a qualified secondary school teacher, and have recently obtained a First Class BSC (Hons) degree in Midwifery, following which you received an offer of part-time employment, which had been due to commence in January 2025. Whilst the position is unclear from the material with which I have been provided, there must now be a significant risk that, irrespective of the sentence which I impose, your conviction will preclude you from working as a teacher or a midwife in the future.
52. You have been married to your husband for 22 years and are described as being a devoted mother of 12 children, ranging in age from seven to 20, all of whom live at home and three of whom are aged 18 or above. You home-school four of your children, one of whom has Attention Deficit Hyperactivity Disorder and is said to be extremely anxious about the consequences of your actions. All of your children would be adversely affected by your imprisonment. Your older children's university education is likely to be disrupted. In his character reference, your husband states that your imprisonment would mean that he would need to stop working as a GP and to claim State benefits in order to raise your children. He speaks of the significant extent to which he and all family members rely upon you. You have assisted in founding and leading two Scout groups; are involved in community integration days at your local mosque; have worked with charitable organisations; and have set up community initiatives to assist those who are vulnerable. You are regarded as a role model within your community, by the members of which you are loved and respected. You are assessed as presenting a low risk of further offending.
53. Under the applicable sentencing guideline, I categorise your offending as A3, for the reasons which I gave when categorising Ishaq's offence. Thus, the starting point is one year's custody, with a category range of nine months' to two years' custody. There are no aggravating factors. There is significant mitigation: you have no previous convictions and are of positive character, as outlined above. You are the primary carer for many dependent children, a number of whom are young and one of whom is vulnerable by reason of her

mental health. Albeit now likely to be slim, you have some prospect of continuing in part-time employment as a teacher, or a midwife. Having regard to all such matters, I consider it appropriate to impose a custodial sentence at the bottom of the category range, being nine months.

54. I then have regard to the Sentencing Council's guideline on the imposition of community and custodial sentences; and to the principles set out in *R v Petherick* [2012] EWCA Crim 2214 and related caselaw, and in *R v Feve* [2024] EWCA Crim 286.

55. In *Feve*, the Court of Appeal made clear that a custodial sentence will be inevitable in the great majority of cases involving your offence, and that, where the sentence to be imposed is of a duration capable of suspension, in the great majority of cases the most important factor will be that appropriate punishment can only be achieved by immediate custody. It explained that that is so because, consistent with long-established principles, and giving substantial weight to the need to deter others, the inherent seriousness of an offence of perverting the course of justice usually requires immediate custody, and that that factor will, therefore, outweigh all others, even when — as will not infrequently be the case — the offender has a realistic prospect of rehabilitation; has strong personal mitigation; and immediate custody will result in a significant harmful impact upon others. The Court of Appeal emphasised that there will be few cases in which the normal consequence of immediate custody can properly be avoided, and that very compelling reasons will be needed if it is to be avoided.

56. In *Petherick* and related caselaw, the Court of Appeal emphasised that the more serious the offence the less weight the impact on dependants will have. Nevertheless, the Court has a responsibility to consider the interests of an offender's children and whether the sentence is a proportionate way of balancing its impact with the aims which sentencing serves, including just punishment and the deterrence of others.

57. I have given very careful and anxious consideration to the appropriate sentence in your case, having regard to all of the above principles. You should be under no illusion as to the gravity of your offence. As a loving mother, you were placed in the most difficult position by your son, but that afforded no justification for your concealment or disposal of an item of potential relevance to a Police investigation and to criminal proceedings, in which, to

your knowledge at that time, Ishaq and others had been charged with the murder of a boy of the same age. In the end, however, I have concluded that the significant harmful impact on so many others of an immediate custodial sentence, coupled with the exceptional mitigation present in your case, provide very compelling reasons for suspending the custodial sentence which I consider to be appropriate, and that a suspended sentence proportionately balances the impact on your family with the aims to be served by sentencing. In your case, I am satisfied that just punishment and deterrence can be achieved through the imposition of a substantial unpaid work requirement.

Please stand, Ms Habib.

58. For your offence of perverting the course of justice, I sentence you to nine months' imprisonment, suspended for two years, known as the operational period. I impose an unpaid work requirement of 200 hours, to be completed within 12 months (which I consider to be achievable having regard to your caring responsibilities and any surviving part-time work commitment). If, within the next two years, you commit any offence, you will be brought back to court and will be liable to serve the custodial sentence which I have imposed, as well as any sentence applicable to that offence.

59. The statutory surcharge will be imposed and a collection order made.

60. That is all. You may leave the dock.

19 December 2024

15 January 2025