# **R v Daniel WHYBROW**

**Sentencing remarks**

1. **Daniel Whybrow, I must now sentence you for the murder of Raish Ahmed and the wounding with intent of his 16 year old son (who I shall refer to as A) on Saturday 5 October 2024, following your conviction by a jury of those offences on 22 August 2025 at the end of a two week trial. The jury acquitted you on two other charges arising out of the same incident relating to another man who was a close friend of Mr Ahmed, Muhammed Hasan. I remind myself that in passing sentence I must respect all the verdicts of the jury and, in so far as they are unfavourable to you, rely only on facts of which I am sure. I have been assisted greatly by the written and oral submissions today of Mr Ratliffe and your counsel, Mr Femi Ola KC.**

**Raish Ahmed**

1. **Before I deal with the relevant events let me say a few words about Mr Ahmed. He was 50 when he died. He lived with his wife Jannatul, and A and his younger brother (who is now 9) in a small block of flats on Hartington Rd E16 in the Canning Town area of London. He had married Jannatul in Bangladesh in 2007. The family moved to the UK in 2015. They moved to Hartington Rd in 2020. They were very happy at the address and made friends with neighbours in the block and the surrounding streets. They found the community quiet and friendly and the area a safe environment for them and the boys.**
2. **In her extremely moving impact statement Jannatul says of Mr Ahmed that “he was kind, he was devoted, he was rare”. After she had suffered an injury at work in 2024 he became the sole breadwinner for the family, holding down two jobs, one as a security guard at the V & A and the other as an Uber driver. He was his wife’s sole carer; he cooked and cleaned and managed the household. He was the centre of his family’s lives. He was clearly an exemplary father to his two sons who looked up to him.**
3. **It is clear from the statements I have heard this morning that both mother and sons have been devastated by what happened on 5 October 2024. She is left without a life partner and the boys are left without a father. The emotional, physiological and financial toll is as she says “impossible to put into words”. The family have had to move out of their home because of the trauma associated with it. Jannatul has to take medication to sleep; A is plagued by feelings of guilt (entirely unjustified but nevertheless understandable) about how he behaved on the day and is struggling deeply; and his younger brother is still pleading with his mother asking when his papa will come back.**

**Events of 5 October 2024**

1. **You moved into the block in which Mr Ahmed and his family lived earlier in 2024 following a fire in the building where you had been living in Beckton. You had to escape the fire by jumping from a second floor window and spent a few days in hospital and a girl was killed in the fire. I accept that you suffered PTSD as a consequence of this event which may have affected your behaviour thereafter. It is plain that on moving to Hartington Rd you were anything but a good neighbour; you complained about the behaviour of others and you were extremely territorial and aggressive towards your neighbours. In particular, there was evidence about an incident on 17 July 2024 involving the family living across the road at no 43 where you were abusive and aggressive and you called the police; the body worn footage of your interaction with the police that night was shown in the course of the trial; your ranting and insults and threats to kill them made chilling viewing.**
2. **On the day in question you were working on a bike on a small grassy area near the bins outside the block of flats. You had wedged open the main door with a child’s toy so you could easily come and go to your ground floor flat. Mr Ahmed left his flat which was also on the ground floor to go to the gym at about 4 pm. It seems Mr Ahmed spoke to you about the fact the door had been left open because he was quite reasonably concerned about his family’s safety. It is clear that you took violent exception to this and made threats towards him that caused him to leave in a state of fear: that is plain from the calls he made to his wife, to Mr Hasan and to 999. He got no real assistance from the 999 call but was obviously anxious to return to the block to make sure his family was safe from you.**
3. **He arranged to meet Mr Hasan outside the block and returned at about 4.30 pm by which time Mr Hasan was outside wearing a dressing gown. There was a heated argument between you and the two of them which developed into a violent struggle. At some point A came out of the flats to join his father. It seems likely that Mr Hasan moved to the front door and removed the child’s toy so the door would close and shortly afterwards a fight broke out between you. It may be that Mr Hasan threw the first punch, which provides a satisfactory explanation for the jury’s acquittal on count 3 (racially aggravated assault). It may also be that Mr Ahmed had a wheel lock at this stage which he attempted to use in the course of this struggle (though there is no evidence as to when he got hold of it). I am quite sure that your evidence about being hit over the head with it was totally exaggerated and that the only substantial injuries you suffered (ie an injury to your chin and the loss of two teeth) came later when you were stabbing Mr Ahmed while he was on the floor.**
4. **I am quite sure that you displayed racial hostility towards the men immediately before the struggle started, in particular calling them “bloody Asians”. That was the clear evidence of A who gave careful, cogent and credible evidence. It was also the evidence of Mr Hasan and entirely consistent with your conduct in the aftermath of the incident which I describe in a moment. I should say at this point that I cannot say that the attack on Mr Ahmed was racially motivated; rather, it was consistent with your behaviour towards your neighbours in general and the racial element was in my view somewhat incidental. And it is right to say there was no evidence other than your behaviour on the day of any kind of entrenched racism.**
5. **After a few seconds the struggle moved towards the window to the kitchen of your ground floor flat which was also close to the bins. I am sure that you quite deliberately lent through the open window and grabbed a knife which was kept on a block by the window. Once you were armed with this the three men immediately retreated but Mr Ahmed unfortunately fell on his back near the bins, either because you hit him across the nose or because he simply slipped in his anxiety to get away.**
6. **As shown vividly on CCTV from a camera in a first floor flat and on footage taken by an on-looker on his phone, you then proceeded to stab Mr Ahmed repeatedly and violently while he was prone on the ground trying to defend himself in vain by kicking and waving the wheel lock. In the course of that attack, you succeeded in stabbing him in the chest and to the right upper thigh. The chest wound went to a depth of 7 cm and required “severe force” but did not cause damage to any internal organ and would not have been fatal. The thigh wound would only have involved “moderate force” but severed the right superficial femoral artery. The effect of such an injury is that there is severe bleeding and that unless appropriate medical care is obtained very quickly indeed it is fatal. Mr Ahmed managed to walk a few paces to the garden of no 43 where he collapsed. Although the emergency services did all that could be done he never regained consciousness and he died in hospital two days later.**
7. **At one point while you were attacking Mr Ahmed in this way, A tried to intervene with his bare hands. You attempted to stab him to the face and head but he was able to defend himself by holding up his arms and suffered two cuts to his arm. He is left with scars to the arm and far more importantly scars to his spirit about which his victim statement speaks eloquently. That was the basis for your conviction on count 2 under section 18 OAPA.**
8. **After Mr Ahmed had gone into the garden of no 43 you continued to walk up and down the road still armed with a knife shouting “Who’s next?” and “Where’s the other one?” (clearly a reference to Mr Hasan). You were later arrested in your flat and taken to hospital where you were guarded by two Asian officers. As shown by body worn footage taken by one of those officers and evidence of your behaviour at the police station when being booked in, you continued to behave in an aggressive way and made a number of clearly racist comments towards them and other officers.**

**Murder**

1. **There is only one sentence for murder, which is life imprisonment. It is my job to fix the “minimum term” which you must serve before you can be considered for release on licence by the Parole Board. If and when you are released you remain subject to licence for the rest of your life and can be recalled to prison at any time.**
2. **I must approach the assessment of the minimum term in accordance with the provisions of the Sentencing Act 2020 and in particular section 322 and Schedule 21 which sets out a number of “starting points” for the appropriate minimum term. The prosecution have submitted that the appropriate starting point is one of 30 years because this murder was aggravated by racial hostility; the defence say I should adopt the default starting point of 15 years. I have wavered between these two positions, noting the startling gap between them. Although a murder aggravated by racial hostility will “normally” fall within the 30 year starting point, I have come to the view that this is a case where it is more appropriate to take the lower starting point and to regard the racial element as a substantial aggravation rather than somewhat artificially working down from the 30 year starting point. In taking this approach I repeat my finding that the murder was not “motivated” by racial hatred and that the racial element was in a sense incidental. I must therefore start from the figure of 15 years and consider aggravating and mitigating factors.**
3. **The aggravating factors are as follows:**
4. **the racial aggravation based on the demonstration of racial hostility;**
5. **the fact that you deliberately armed yourself with a knife, albeit at the scene;**
6. **this was a sustained and very violent attack;**
7. **the murder took place in broad daylight in front of family, friends and neighbours, leaving A in particular traumatized;**
8. **A was himself the victim of the wounding with intent; and he was at the time coming to his father’s aid;**
9. **your behaviour and attitude in the aftermath of the incident; only today and through Mr Femi Ola is there even a hint of regret about Mr Ahmed’s death;**
10. **previous convictions: you have convictions from 2016 for threatening words and behaviour with intent and criminal damage and from 2019 for possession of a prohibited weapon, for which you received suspended sentences: this provides only modest aggravation having regard to age and relative lack of seriousness of the offences.**
11. **In mitigation there are the following points:**
12. **I cannot be sure you intended to kill Mr Ahmed and must work on the basis you only intended to cause him really serious harm; but given the sustained nature of attack with a knife it is certainly possible that you did so intend and any mitigation on this basis is modest;**
13. **I accept that the murder was not premeditated and that the first punch may have been thrown by Mr Hasan and that at one stage before he was on the ground Mr Ahmed may have been using the wheel lock during the melee. But any mitigation on the basis of these factors is very substantially reduced by the fact that your behaviour was provocative and aggressive from the start of the incident when Mr Ahmed first left the block of flats and that you must bear overwhelming responsibility for the whole incident;**
14. **Background and upbringing: you were the victim of physical abuse from your father and your grandfather suffered depression and killed himself; these factors are of some relevance but cannot affect the outcome greatly;**
15. **I accept that you suffered PTSD as a consequence of the fire and that it may have affected your behaviour thereafter (though this was not relied on at the trial and the psychiatric evidence was only uploaded yesterday). During a therapy session on 28 August 2024 you described your mental state: you said that your patience had gone out of the window; you said that you were not sleeping well, had headaches and believed everyone was out to get you; you said you had no patience for people anymore. You reported flashbacks and being on edge to prevent things burning. You said you avoided going out and that you were worried you would hurt someone. You said you had lost interest in socialising or activities you had enjoyed. You said you smoked cannabis to help yourself calm down. After a session on 4 September 2024 the decision was taken to terminate the therapy because of concerns about the risk of violence given comments you had made during a session that you were concerned about the risk of harming others and your appearance as angry and easily irritated; you had referred specifically to the incident with the neighbours in July 2024 to which I have referred above. It is troubling that you appeared to be attempting to address the issues but that treatment was withdrawn. It seems to me that this is a substantial mitigating factor.**
16. **Taking these factors into account it seems to me that the right minimum term is 24 years. If there had been no racial aggravation the minimum term would likely have been 21 years. From the 24 years must be deducted time already served on remand, 332 days. The minimum term will therefore be expressed as 23 years and 33 days.**

**Section 18 OAPA**

1. **I can deal with this briefly since I have already factored it in to the sentence for murder when considering the minimum term. The right category in my judgment is 3B, but given in particular the aggravating features present relating to A, the right sentence is at the top of that category, ie six years imprisonment. That sentence is inevitably concurrent to the life sentence and will have no effect on the time you actually spend in prison.**

**The sentence**

1. **The sentence of the court for the murder of Mr Ahmed is therefore life imprisonment with a minimum term of 23 years and 33 days.**
2. **The sentence of the court for the section 18 offence against A is six years imprisonment which will run concurrently.**
3. **The normal surcharge will apply.**

**HH Judge Shanks**

**3/9/25**