

## **R-v- HAYBE CABDIRAXMAAN NUR**

### **SENTENCE**

Haybe Cabdiraxmaan Nur, On 21 August 2025 you pleaded guilty before me to the murder of Gurvinder Johal (Danny) a man who was doing nothing more than visiting his bank in order to withdraw money to pay his staff at the Hen & Chicken, the Indian Restaurant he owned – he was just 37 years old – a family man with a wife and children, with loving parents and parents in law, a loving sister and many, many friends, colleagues and staff who admired him

You murdered him at just after 2.30pm in the afternoon of the 6<sup>th</sup> of May, in broad daylight, in Lloyds Bank in this city centre – in front of members of the public who themselves were just going about their everyday business, only to be visited with the horror of what you did

What you did, armed with a knife, which you had brought with you and which you had secreted on your person, was randomly select Mr Johal and plunge it in to his chest – a man you didn't know and had never met - it was a brutal and callous act

You left that knife sticking out of his chest and calmly walked out

You had no business whatsoever in that bank

We know this, not simply because of what the witness say they saw, but because we can see it for ourselves from the CCTV footage – in real time – a real life horror film for everyone connected to Mr Johal and for everyone who had the misfortune of witnessing your wicked act

In the aftermath members of staff, members of the public and eventually the emergency services desperately fought, for 45 minutes, to save Mr Johal's life – sadly they were not successful and he was pronounced dead at the scene at 3.16pm

You are 47 years old and you sought refuge here in 2024, having originally left Somalia in 2016 when your fiance was killed in an honour killing by close family members, because she was from a different tribe – your journey here was via Libya, France, Luxemburg, Germany and Italy

The asylum you sought was refused in January 2025 and following your appeal against that decision you were served a notice of immigration bail, subject to conditions not to work – your appeal at the time you murdered Mr Johal in May remained outstanding - you had no right to remain, were subject to control and were liable to be deported or removed under the Immigration act of 1971

### **BACKGROUND**

So what was happening before and during that fateful day on the 6<sup>th</sup> of May

You were living at Immigration Accommodation at 17 Western Road, Normanton, Derby, and had been since 30 January 2025, having previously lived in immigration accommodation at Peet Street, Derby – on 28<sup>th</sup> April you were issued with a warning letter regarding your behaviour

Mohamed Abdiromen, some-one who would visit and stay in your room, speaks of you drinking regularly and when he was translating for you at the GP surgery, someone who shouted and swore in multiple languages about the fact that you considered you were not being given appropriate medical treatment

Turning to the morning of the fateful day, you were in communication with a number of people

According to Mr Abdirohman who attended your address at around 11.15, it seemed like you were you were having a party, with the music and alcohol, and he considered that you were drinking too much, although he did remark that didn't result in you acting any differently than normal as he has seen you drink multiple bottles of vodka in one go before and be ok.

Earlier you had called Migrant Help, on a number of occasions with the help of an interpreter – those calls were at 5.06am and 5.37am. A further call took place at 8.26am following which you were sent text messages explaining how they could assist you with contacting the Home Office and how you could access support for your mental health through charities, in addition to help from your GP.

The fourth call took place at 12.43pm during which you told them that you were locked out of your room and could not get in – you appeared distressed and you were crying

You said you were frustrated about being on your own in the accommodation and about no appointments being available with your GP – you were also concerned about being told that you would have to pay for treatment and that you only had £49

You continued, saying that you were unable to cook or clean for yourself, that you had been subjected to violence and suffered with your mental health and that effectively, no one was helping you – you also pointed out that whilst you were a skilled mechanic you were not being permitted to work

Throughout the call you could be heard wailing and as your language became more strained and forceful you had to be warned

At one stage, you said in English “*Why, I let you die, I hate your life*” and told the operator that you were going to end your life that day by walking into the traffic.

You then said that you were going to go to 500 people and kill them before killing yourself, because you were not getting any of your rights in the UK, you had not been granted right to remain and were not permitted to work – you were, according to you, being kept in an open door prison

You complained of losing your sight and not getting assistance to either help or pay for it.

You said that you were going to get a knife, stab as many people as you could can see in front of you and the police could come and do whatever they wanted to do with you but you were going to do it. You were then going to stab yourself. At that point the call disconnected by accident.

When the call was reconnected, you remained distressed and unco-operative, you were not prepared to listen to the interpreter and you demanded they listen to you

You then proceeded to say that you were going to go live on social media and talk about how rubbish the UK was, before butchering yourself as a livestream

You said that you were going to give peace to all citizens and not harm them but that people who said they were doctors, police or working at the home office had better watch out because you were coming for them – your call was then disconnected

A further call took place at 1.29pm and you were told that because of your threats to harm yourself and others, the emergency services had been informed – you said that you didn't need them and went on to explain how you had come to the UK for a better life and repeated your frustrations about being unable to work for a whole year, your health issues and your disillusion with the medical and mental health services – death you said was better and easier

As a result of the call to Emergency services at 1.29pm EMAS did eventually attend your address at 2.56pm sadly as we now know, for Mr Johal, that was too late

Little did they know that, instead of taking your own life, you would, at 2.07pm leave your home and armed with a knife, set off in a journey which would end up with you murdering Mr Johal

You arrived at St Peter's Churchyard in the City Centre at 2.28pm – you were seen sat on a bench, where it meets the corner of St Peter's Street – en route you made further calls to Migrant Help, whether you got through is uncertain.

Sat on the bench you were seen to be holding a half-bottle of vodka between your legs, you were mumbling and it sounded like you were slurring your words.

Around 2.32pm, you walked into Lloyds Bank – the footage speaks for itself - Mr Johal was last in a queue of persons waiting to speak to the cashiers. You approached him, produced the knife you had taken with you and stabbed him, forcefully in the chest

Clearly confused about what had just happened, he then collapsed to the floor.

Up until that point Mr Johal, waiting patiently, was doing what many of us do in that situation - he was on Facetime to a friend Ms Rai – he was talking normally and laughing, telling her how the bank had been very busy, at which point she then heard him say “*yo, what the fuck*”.

Ms Rai had not seen anyone else on the screen and assumed that someone had barged into him, but then immediately saw blood seeping from his chest on the right side before the phone fell and Mr Johal collapsed to the floor.

A customer in the bank, Zaffar Mughal was facing away from Mr Johal at the time of the stabbing and having heard noises turned to see blood on the floor and the black handle of the knife protruding from the middle of Mr Johal's chest, following which Mr Johal fell to the floor, landing on his front, causing the handle of the knife to break off and the knife blade to be pushed further into Mr Johal's chest.

Others in the bank including Pamela Davis, a customer and members of staff Margareta Vasilgeva, Rachel Atwood and Lorraine Mulhaffey also witnessed events unfold – Louise Box witnessed the aftermath

Customers and staff called 999 and tried to offer assistance to Mr Johal - PC's Askam and PC Davies who had been dealing with another incident outside of the bank also tried to help

Within minutes Paramedics attended and began treatment, but by then Mr Johal was already in cardiac arrest. A thoracostomy was performed on each side of the chest to attempt to identify the source of the blood loss together with a resuscitative thoracotomy from the left side.

The blade of the knife was removed from Mr Johal but such was the state of his injury they were not able to stem the bleeding or control blood pressure and despite the efforts of all of the treating medical professionals, resuscitation was not successful and death was pronounced at 3.16pm.

### **Post-mortem examination**

Mr Johal died from a stab wound to the chest. The knife had passed in the region of 13cms into the right chest cavity through the costochondral junction of the right 2<sup>nd</sup> rib before entering the pericardial sac passing across the top of the heart, where it resulted in a full-thickness incision to the wall of the ascending aorta and through-and-through injury to the left atrium. The track continued through the posterior aspect of the pericardial sac, through the oesophagus and into the descending aorta where it ended.

Whilst the injury could have been caused by the use of moderate force, the use of severe force cannot be discounted and having seen the footage, I am satisfied that you what you did, whilst not amounting to severe force, was clearly more than moderate force

What did you do after you had stabbed Mr Johal?

22 seconds after entering the bank and stabbing him, you left – you again attempted to contact Migrant Help – you are seen en-route back to your address, to turn your jacket inside out such that it resembled a plain black jacket – you arrived back at your address at 2.52pm.

Four minutes later the ambulance service arrived in response to the contact made earlier by Migrant Help – when you answered the door you were noted to have bloodshot eyes and to be unsteady on his feet. You were drunk and the half full bottle of vodka was in your trouser pocket.

You were said to be remarkably calm and not overly anxious and told the paramedics, you had been drinking and were drunk – you told them about your general frustrations and problems and said that whilst you had earlier threatened suicide that was only an expression of frustration and that you had now sobered up quite a bit since the morning and had no current intention to harm yourself.

Satisfied as to the situation and completely unaware as to what had happened just over an hour earlier they discharged you at the scene at 3.51pm

Having considered the CCTV footage from the bank and surrounding areas the police arrived at your address just before 6.00pm – you were asleep under a duvet and when awoken, you were arrested and cautioned

There were a number of rambling exchanges and officers described you as unpredictable

Once arrested you were taken to the custody suite in a police vehicle with officers who were wearing Body Worn Cameras – en-route you said in Somali:

*“What can they take from me...what can you change about me...you cannot change anything about me...you can kill me as normal (laughs) I did this intentionally”*

You also appeared to be talking to yourself in Somali.

At the custody suite you were abusive in both English and Italian

You told PC Scott *“fuck you, I hate your life, I let you die”* and *“your wife, tomorrow, you are dead”*.

You continued your abuse, some of it homophobic, you spat at officers and continued with your ramblings and generalised threats, describing the officers as animals who would cut you to pieces

You were, unsurprisingly, seen by a doctor and medically examined

You described mental health concerns, stating that you had auditory hallucinations, that you heard male and female voices and did not know if they were spirits of djinns. The voices normally told you to move on when you stayed somewhere too long, or that you were doing a good job. You also said that you had visual hallucinations.

Although you were clearly drunk (your blood alcohol level was over twice the legal limit for driving) you appeared calm and showed no clinical signs of delusion or hallucinations until you were asked about mental health issues. At that point you began to talk to yourself but didn't appear to be responding to any other outside stimulus throughout the assessment – you were alert and focussed on the questions asked.

You had no physical injuries, nor were any drugs detected

You were deemed fit to be detained and once you had sobered up, fit to be interviewed

In interview you said you did not remember stabbing Mr Johal who you did not know and that you never intended to kill or harm anybody.

You spoke of mental health problems since you were 8 years old and said that when you drink you do not remember anything.

On the day you killed Mr Johal, you starting drinking at 8.30am and had drunk too much – you claimed to have drunk 3 bottles of 37% proof Vodka and 10 beers at 4% - you said you remembered nothing until the police woke you up – you claimed to have been alcohol dependent since 2017 and that it has affected your memory

You said that you did not normally take a knife out with you when you left home and had never taken one out into Derby City Centre before.

You spoke of your mental health and periods spent in a psychiatric ward and you explained your movements around Europe and attempts to claim asylum, before arriving in the UK in October 2024

Whilst in the UK you explained, that lack of any help from the GP and hospital had made you just despair

You spoke of witnessing your then fiancé, in 2016 being murdered in front of you by her father in an honour killing, where she was shot 3 times – you were also assaulted and beaten up, with injuries including a broken collar bone and injuries to the head after being hit with the butt of a shotgun.

Interviewed about the general CCTV footage you agreed that the person on the footage looked like you but said that it was not you because you didn't remember anything and didn't recognise the photo.

Asked about CCTV inside Lloyds bank, you agreed that the person looked like you but again said that it was not you because you didn't remember anything. You said that you didn't attack anybody and everybody was safe from you

You also claimed not to remember any calls with Migrant help which might have led them to call the Emergency Services

## **Antecedents**

Turning to your antecedents

Whilst you have no conviction, cautions or reprimands in the UK, you were, on the 13<sup>th</sup> December 2024, involved in an incident, where it appeared that you may have been attempting to take your own life, by running in to traffic. Those who intervened witnessed you having an argument with a man in a van and shouting “fuck the English” and calling members of the public “white racist bastards”. You headbutted a construction worker, who took matters into his own hands by punching you to the floor and kicking you. It later became apparent that you were intoxicated

That incident seems to have been precipitated by a conversation moments earlier, with a local dentist, during which you became very distressed and were hitting your head on the wall, before then walking out in to the traffic

On the 14 April 2025, there was an aggressive incident at CVS Planet Limit on Peartree Road, regarding your phone and you smashed one of the shop windows

There is further evidence of you being abusive and aggressive at your GP surgery during February and April 2025 as a result of which you were warned that you would be removed from the patient list if no apology was received – you were in fact removed from the patient list on 23 April 2025

Elsewhere on your journey through Europe you have been involve in a number of matters of violence:

In Italy you were convicted of robbery, assault occasioning actual bodily harm and resisting a public official and you were made the subject of a suspended sentence of 1 year 5 months and 10 days suspended for 5 years together with a fine of EUR 800.

Previously, you were reported for resisting a public officer and procuring alarm when you were drunk and creating a disturbance at Assisi railway station and verbally abusive to intervening police officers.

You were also reported for resisting a public officer and damaging a military vehicle, after you had been caught damaging and overturning waste bins on the street.

There was also an oral warning for damaging electricity meters with a knife and setting fire to a mattress

You have no convictions in Germany, however, you were known to the police in respect of matters of dishonesty, including robbery and theft, in respect of which you were remanded in custody for 7 weeks and following your release you threatened to take your own life by jumping from a second floor window at a refugee shelter, before being talked down by a police officer – following that you were admitted to St Joseph Hospital in Berlin

There were then two allegations of dangerous bodily harm.

You have no convictions in the Netherlands, although you were arrested there for minor matters of what might best be described as public nuisance

You have no convictions in Luxembourg, but in the early months of 2024 you were arrested on 8 occasions for shop theft , but were too drunk to be questioned by the police.

### **I turn now to the VPS from Sandeep Josal – Mr Johal's sister**

Mr Johal's parents are broken and grieving and suffer unbearable pain and emptiness which has consumed their lives since you brutally took their son's life

He was, to many people a devoted husband, a loving father, a cherished brother, and a loyal friend. To them he was simply a good man – their light.

The day he was murdered, their lives were shattered. Their home, once filled with laughter, warmth, and his joyful presence, now suffocated by a silence so loud it hurts.

Every morning, they wake with a flicker of hope, expecting to hear his footsteps on the stairs, ready for work, ready for breakfast and a chat. But there is only silence. A silence that screams his absence.

The future now feels like a life sentence of grief. They struggle to sleep, and when they do, they are haunted by nightmares of the violence that stole him from them

They ask themselves endlessly - was he scared? Was he in pain? Did he feel alone in his final moments?

His mother cannot get out of bed most days. She is too broken, too consumed by sorrow to carry out even the simplest tasks. She whispers through tears, "My son, come back to me. If only I could hear your voice one more time. I would tell you how much I love you. I wish God had taken me instead."

They are tormented by the 'what ifs.' What if he hadn't gone to work that day? What if he had taken a different route? Would he still be here? Would he have avoided crossing paths with the person who took him from us - a person we see as nothing more than a coward, a demon.

His wife has lost her soulmate, her partner, her protector. She is now left to raise their children alone, her life shattered, her heart hollow.

Their family is broken. Birthdays, family gatherings - once filled with joy - are now painful reminders of his absence.

The deepest wound of all is the impact on his children. Their innocence has been stolen. Once carefree and joyful, they are now withdrawn, fearful, and confused. They ask, 'When is Daddy coming back?' They say, 'A monster took Daddy away.'

Everyone is left with the impossible task of explaining that he is never coming back. How do you tell a child that their father has been taken from them forever?

Ms Josal replays the horror in her mind, imagining what her brother went through. It terrifies her. She sees her parents cry constantly and doesn't know how to comfort them. She tries to be strong, but she is just as broken inside.

Without him, they are lost. He was kind, loving, and generous. He brought joy to everyone around him - his family, his friends, his community.

She says that you will never understand the depth of the destruction you have caused.

They will seek counselling, but no therapy can ever bring Gurvinder back. With time and God's grace, they hope to find a way to carry on.

### **What then is the sentence that I am to impose**

Sentences for offences of Murder are governed by the Sentencing Act 2020 and Schedule 20

The only available sentence for murder is life imprisonment

However the Court is also required to fix the minimum period of custody you must serve as part of that life sentence

Schedule 21, at Section 322 Sentencing Code outlines what the Court's approach should be having taken into account the seriousness of the offence, or of the combination of the offence and any one or more offences associated with it

It is not suggested that this is a case that falls within the provisions of paragraph 2(1) (whole life sentence), however the Crown submit that it is open to the Court to consider this to be a case of exceptionally high or particularly high seriousness, when taking into account the nature and circumstances of this particular murder, pursuant to paragraph 3, where the starting point is one of 30 years imprisonment

Mr Horne KC submits that this is not a case which falls within paragraph 3 - on the factual matrix of your case he submits it falls squarely under Paragraph 4

Should the Court determine that the murder does not fall within paragraph 3 then it is agreed that it falls within paragraph 4 (2) – commonly referred to as taking a knife to the scene – where the starting point is one of 25 years, before considering any aggravating and mitigating factors.

Despite the submissions of Mr Horne KC I do consider this to be a case which falls within Paragraph 3 – it is in my view of a case of particularly high seriousness.

You, armed with a knife, secreted on your person, came into a busy city centre in the middle of the afternoon in broad daylight – having indicated you intended to kill someone you calmly walked into a bank where customers and staff were going about their everyday business, a bank where you had no legitimate reason to be visiting and you randomly selected Mr Johal and plunged a knife into his chest which eventually penetrated 13cms and led to his bleeding to death in front of staff and customers, leaving that knife in there, before then making your escape. It was a very public killing.

This was not, in my view an atypical killing by use of a knife taken to the scene, it was for the reasons I have just outlined, considerably outside that bracket

Accordingly I take the view that the Starting Point is one of 30 years

I should add, that even had I taken a starting point of 25 years, as a result of the features of the case that I have highlighted, that would have increased to 30 years in any event, particularly given the Courts ability to take in to account the aggravating feature of the killing being in public (see *Pile and Rossiter* [2005] EWCA Crim 2936; [2006] 1 Cr. App. R. (S.) 131 endorsing Judge LJ in *R. v Peters (Benjamin)*, [2005] EWCA Crim 605 [2005] WL 513439)

### **S322 Aggravating Factors**

Section 322 (9) sets out a series of aggravating factors, the following of which the Crown invite me to consider, whilst having regard to double counting

- i) The fact that the Murder was committed with a knife – I say immediately that whatever starting point I choose that would clearly amount to double counting and I disregard it as an aggravating feature
- ii) The fact that the Murder involved a significant degree of pre-mediation.
- iii) Both your previous convictions and your involvement in violence and disorderly conduct in other jurisdictions

The Crown also ask me to consider the following non-statutory aggravating features

- i) The fact that you attempted to conceal your identity by turning your jacket inside out, as admitted by you in interview
- ii) The fact that you were intoxicated

On your behalf Mr Horne KC submits that

- i) The fact that a knife was used to commit the killing would be double counting – something with which I have already agreed
- ii) In respect of a significant degree of planning or pre-mediation he submits that
  - a) The specific wording of §9(a) is “a significant degree of planning or premeditation”;
  - b) Adopting a starting point of 25-years, or as I have done in this case 30 years, inherently reflects a degree of planning or premeditation by virtue of an offender taking a knife to the scene either to commit an offence or to have it available to use as a weapon; and
  - c) The random and exposed nature of the attack, set against a chaotic background involving the consumption of a significant volume of alcohol, combined with multiple contemporaneous “cry for help” calls to a charitable organisation contracted by the Home Office, is perhaps inconsistent with any significant degree of planning or premeditation.

Having considered those observations and in light of the reasons I have given for arriving at the Starting Point of 30 years, I agree that it would not be appropriate to further increase that starting point to reflect any significant planning or pre-mediation

- iii) In so far as your antecedent history is concerned Mr Horne KC submits that
  - a. They are consistent with a man in a constant state of flux and crisis post-2016 (having fled Somalia); and
  - b. None are of a severity suggestive that you would go on to commit an act of criminal violence as grave as his instant offending.

Whilst I take on board those observations I nonetheless consider them of sufficient gravity to aggravate the Starting Point

Mr Horne KC makes no real submissions regarding your attempt to conceal your identity and your clear intoxication and I intend to take those factors in to account

### **Turning to S322 Mitigating Factors**

Section 322 (10) sets out a series of mitigating factors that can be relevant to the offence of murder and which may be relevant to this case.

The prosecution submit that this is a case where there is a clear intention to kill – such was the sudden nature of your attack, Mr Johal was in no position to respond to it and you also aimed the blow at his heart, a particularly vulnerable area of his body. They also point to your admission to the police that you intended to kill him

Mr Horne KC on your behalf submits this is not an intention to kill case – he argues that:

- a) You were equivocal in your assertions made to Migrant Help during the course of the many calls in the lead up to the killing – you did not, he submits, express with any clarity a determined plan to kill a random person
- b) Your words to the police were uttered at a time when you were in a state of intoxication such that you were not fit to be interviewed, and did not amount to any clear confession relating to either your actions or the nature of any relevant intent underlying them;
- c) You delivered a single blow, immediately after which you withdrew, at a time when you were unlikely to have known the irreversibly fatal consequences of what you had done
- d) Your behaviour in the hours surrounding what you did was suggestive more of acts of disordered chaos than clinical or focussed murderous intent;

He does however concede that even if the court cannot be sure of an intent to kill, the mitigation to be found in that conclusion is likely to be minimal and/or insignificant.

I do not agree with Mr Horne KC— for the reasons set out by the Prosecution - and having assessed the severity of the blow as more than moderate, both by watching the CCTV and considering the evidence of the pathologist, I conclude there was indeed an intention to kill – even if I had not, as Mr Horne KC concedes, it seems to me that where a knife is used to inflict the fatal injury, the risk of death resulting is sufficiently high, that any mitigation afforded for an intention to cause really serious injury, rather than death affords you limited mitigation at best

Turning to premeditation. The Prosecution submit that against the background of all that happened this is clearly a case where your actions were premeditated

Mr Horne does not submit that there is a lack of pre-meditation and he is right not to do so

Your actions in taking the knife, secreting it on your person, walking into the city centre, selecting the bank, where you had no reason to be visiting and then a customer in the shape of Mr Johal, plunging the knife into his chest and leaving it there and then making good your escape, before, as I have just mentioned, telling the police that you intended to kill, clearly demonstrate a premeditation, which, whilst of course cannot be said to be specifically in respect of Mr Johal, was in respect of an intended victim, which sadly happened to be him

Finally, in respect of the statutory mitigating features Mr Horne KC addressed me about the contents of the Psychiatric report prepared on your behalf by Dr McSweeney, drawing my attention to the following on your behalf and submitting that they are capable of reducing your culpability

- (i) You have been diagnosed with three co-existing conditions, namely: Complex Post-Traumatic Stress Disorder (Complex PTSD) (at §§19.7 to 19.8); Harmful Pattern Use of Alcohol (at §19.9); and Alcohol Dependence (at §19.10).
- (ii) You experienced a very difficult upbringing and early adult life in Somalia, by virtue of belonging to the Gabooye tribe (known in more derogative terms as a “Midgan”), characterised by discrimination, abuse, and poverty (at §§5.3 to 5.5);
- (iii) You left Somalia in 2016 as a direct result of your romantic partner being executed in front of you in pursuance of an ‘honour killing’, after which you were also brutally assaulted (at §§7.4 and 7.5);
- (iv) Having left Somalia, you spent relatively short periods of time in a variety of European countries, unsuccessfully seeking asylum, before arriving in the UK in late 2024 (at §§8.1 to 8.9);
- (v) Your only previous psychiatric episode related to your problematic use of Khat prior to leaving Somalia (§10.1 and §11.2);

- (vi) Having fled Somalia, your alcohol usage swiftly became problematic, rapidly increasing in both frequency and quantity, ultimately becoming the key focus of your day-to-day life, relied upon as an unhealthy coping strategy (§10.3 to 10.6);
- (vii) You had an acrimonious and (subjectively) dissatisfactory relationship with the NHS whilst resident in Derbyshire (§§14.1 to 14.8), and was prescribed anti-depressant medication at the time of this offence
- (viii) You have made positive progress whilst remanded in custody as a consequence of tackling your alcohol dependency (§§15.2 and 15.3, 17.9);
- (ix) You have consistently denied having any recollection of the murder, albeit accepting the weight of the evidence and (therefore) full responsibility during your most recent psychiatric assessment. You have shown insight into those matters later diagnosed to be mental health disorders, accepting your oscillating emotional instability whilst in drink (§§16.1 to 17.10); and
- (x) Your long-standing history of poor coping, alcohol misuse and low threshold for resorting to anger and aggression may suggest some maladaptive personality traits (§19.11).

Having considered those factors, whilst I agree with Mr Horne KC that they are clearly matters which I should take into account, the extent to which they affect your culpability, given your voluntary intake of alcohol and your clear reluctance to accept any kind of assistance from Migrant Help, is, in my view somewhat limited. They are however matters which I consider I can take into account as part of your personal mitigation

## SENTENCE

Before I pass sentence I want to make it clear that there is no price on a human life, there never can be and I am not putting a price on Mr Johal's

Neither can sentence be measured by revenge

I must do the best I can to reflect those matters properly brought to my attention by Mr Mably KC and Mr Horne KC and whatever I choose to do, it sadly can never bring Mr Johal back for those who loved him and

I wish it could

Sympathy however, for their desperate sadness, cannot displace a proper, dispassionate approach to sentencing in a court of law.

That being said, this was an unnecessary callous and inexplicable killing, by you, in the middle of the afternoon, in broad daylight in a bank, in this City centre, where members of the public, including your victim expected and had a right to expect, that they could go about their everyday business, peacefully and safely

As I have already indicated, I take the starting point of 30 years.

That is aggravated by your antecedent history, the fact that you were intoxicated and the fact that you had the wherewithal to turn your coat inside out to potentially prevent or at least delay your identification

It is mitigated to the extent that I have outlined by the contents of the psychiatric report

Bearing in mind all those matters to which I have referred, the tariff which in my view is appropriate following a trial, is one of 30 years imprisonment

You pleaded guilty to this offence at the first opportunity, once all proper enquiries as to your mental state were carried out and you were able to have a conference with your KC. You are therefore entitled to full credit for that plea

In cases of Murder that credit is one sixth of the sentence determined to be appropriate after a trial, but limited to 5 years – that results in a reduction of 5 years

The tariff is therefore 25 years

There must also be a reduction to reflect the period you have spent in Custody pending this hearing – time spent in custody not being automatically deductible from a life sentence - that is 174 days

I therefore reduce the tariff to one of 24 years and 191 days

The sentence I pass therefore is one of Life Imprisonment with a minimum period of imprisonment of 24 years and 191 days

That 24 years and 191 days is from today's date

Should you serve your sentence in this Country that means that you will not be released for at least 24 years and 191 days

When the 24 years and 191 day period comes to an end you will not be eligible for automatic release

You will only be released if the parole board, having heard representations from you and any interested parties, determine that it is safe to do so

Whether you are deported is entirely a matter for the Home Office

The usual surcharge applies