

IN THE CROWN COURT AT LEEDS

13XC0007425

R

V

ALFIE FRANCO

SENTENCE

1. Sentence Overview

- 1.1. Alfie Franco you have been convicted of the Murder of Ahmad Al-Ibrahim on what I consider to be clear and overwhelming evidence.
- 1.2. As a 20 year old man, the sentence for Murder is Custody for Life and that is the sentence that I impose upon you.
- 1.3. You will not be released unless the parole board conclude that you no longer pose a risk of harm to the public.
- 1.4. If you are released by the Parole Board you will then be subject licence conditions for the rest of your life and at risk of return to prison if you breach any of the terms of your release.
- 1.5. An appropriate surcharge will be collected from you.
- 1.6. The knife that you used to kill Ahmad Al Ibrahim will be forfeit and destroyed pursuant to s.1(2) of the Prevention from Crime Act 1953.
- 1.7. I also make order depriving you of your telephone and the second wooden handled knife which was discovered in your home and featured in videos shown during this trial.
- 1.8. I must the determine minimum period that you will serve before you may be considered for release by the Parole Board.
- 1.9. To assist me I have been provided with written submissions from both Prosecution and Defence counsel, and I have listened to their oral submissions, for which, I am grateful.

2. Fact Overview

- 2.1. Ahmad Al-Ibrahim was a 16 year old boy. He was in the United Kingdom to further his education and as a refugee from the dangers that he had faced in Syria, where he had already suffered physical harm caused by an explosion.
- 2.2. On that sunny market day, he was walking around Huddersfield Town Centre with his friend Waleed Al Nassar.
- 2.3. He died at your hands by an unprovoked and deliberate stab wound to his neck.
3. Ahmad Al Ibrahim and his Family.
 - 3.1. Ahamad grew up in Syria amongst a loving family
 - 3.2. Gazwan Al-Ibrahim, Ahmad's uncle, who lives in the UK and who has treated Ahmad as a son since his arrival in the UK, described Ahmad as a sociable and ambitious personality, he was friendly, loved helping people, and was passionate about life, having fun, playing with friends, traveling, and getting to know places.
 - 3.3. Ahmad loved mingling and coexisting with all segments of society.
 - 3.4. His dream was to become a doctor to take care of his sick mother, who suffered from a chronic illness.
 - 3.5. It was Gazwan Al Ibrahim who had to break the news of Ahmad's death to his family in Syria. On hearing of the death of his son, Ahmad's Father suffered a heart attack and he, Ahmad's Mother, who referred to Ahmad as "beloved one", together with his brother and sisters and other members of his family remain inconsolable.
 - 3.6. The pain of their loss is unimaginable and the sentence that I must pass will not ease that pain. I offer my condolences.
4. Facts
 - 4.1. During this trial, you Alfie Franco tried to portray Ahmad as aggressive and threatening but the CCTV video of your murder of him reveals that you were under no threat whatsoever.
 - 4.2. Ahmad was unarmed as he walked peacefully about Huddersfield town centre that day and yet you justified your actions by claiming to see that he had and was reaching for a large knife in the waistband of his trousers. That was not a mistake or a misperception by you, it was a lie; the film was clear enough to see that there was no basis for such an error.
 - 4.3. You chose to describe the knife that you claimed to have seen as though it was identical to second larger knife that you owned but had left in your bedroom. That was probably a mistake, because it enabled the jury to quickly see that claim for the deliberate lie that it was.
 - 4.4. The film showed that you called to Ahmad causing him to turn to face you and you asked him to come to you.

- 4.5. Almost immediately and certainly before Ahmad made any movement towards you, you prepared your knife for use. You calmly but surreptitiously removed the knife from the inside waistband of your trousers, opened it, then concealed it in your trouser pocket.
- 4.6. As Ahmad approached you, he did so at a normal pace, with no sign of aggression, unarmed and with no reason to think that he was in danger from you.
- 4.7. Your claims to have been in fear are incredible. As Ahmad approached you, you remained in position, calmly eating the ice cream that you held in your right hand, whilst secretly preparing to stab him with the knife that you kept concealed from his view in your left hand.
- 4.8. When he got within range, you ignored Ebony's pleas of "No, No No" and launched yourself forward.
- 4.9. Using a determined stabbing action you drove the blade of your flick knife past Ahmad's instinctive efforts to block your attack and into the right side of his neck in a horizontal motion.
- 4.10. The knife penetrated for approximately 6cm, causing irreparable damage to the jugular vein on the right, his wind pipe and the carotid artery on his left.
- 4.11. It is a testament to the abilities of the medical personnel who tried to save his life and his determination to survive that he lived until he reached the hospital but in truth his injuries were not survivable and during that time when his ability to breathe was compromised and he was bleeding profusely, he must have been terrified and in great pain.
- 4.12. I am satisfied that you intended to kill Ahmad Ibrahim. I have reached that conclusion primarily by a study of the video of this Murder and having heard you give evidence, but that conclusion is supported by;
- 4.12.1. Your deliberate aim at his neck,
- 4.12.2. The force and speed of your unprovoked attack,
- 4.12.3. Your persistent efforts to lure Ahmad within range to deliver that deadly blow, and by
- 4.12.4. The level of practice and preparation for carrying out such an act at a time when your dominant hand was incapacitated. Video evidence was found on your telephone which showed that you had become proficient at using the knife one handed with your non-dominant left hand.

5. Starting Point

- 5.1. In accordance with s.321 of the Sentencing Code I must begin by considering the appropriate starting point within Schedule 21.

5.2. Your case fits the criteria for s.4(1) of the Schedule 21. You killed Ahmad Al Ibrahim with a knife which you were carrying for use as a weapon. The Starting Point for consideration of the minimum term in your case is 25 years

6. Aggravating Features

6.1. There are no statutory aggravating features in this case, but there are features of this case which increase its seriousness

6.1.1. This Murder was committed in a busy street in central Huddersfield in the full sight of passersby including children and in front of Ebony, your girlfriend at the time.

6.1.2. I cannot conclude that that this offence included significant pre meditation but I am satisfied that you identified him as a target, lured him to within your range to strike and deliberately lunged at him to kill him. The events that I have described lasted only a short time but they lasted for too long to allow this be described as a spontaneous act.

6.1.3. The messages exchanged with your associate Jayden only the night before this reveal that

6.1.3.1. You were then prepared to use a knife to stab a person who was a stranger to you and that

6.1.3.2. You persisted to suggest that you would do so despite Jayden's reservations.

6.1.4. I am satisfied that you were enthusiastic to use your knife that night and you were clearly still of that mind on the day that you killed Ahmad.

6.2. I am not sure that the cannabis that you had consumed on the journey into Huddersfield played any significant part in your decision to Murder Ahmad and I have therefore disregarded that admitted drug use in reaching my decision on the appropriate minimum term.

7. Mitigation

7.1. You have no previous convictions and your cautions are for dissimilar offences committed when you were a child.

7.2. You are only 20 years old and I acknowledge that young adults (typically aged 18-25) are still developing neurologically and consequently may be less able to:

7.2.1. evaluate the consequences of their actions

7.2.2. limit impulsivity and

7.2.3. limit risk taking

7.3. An immature offender may find it particularly difficult to cope with custody.

7.4. I had the opportunity to watch you throughout the trial and in particular as you gave evidence. Although a great deal of your evidence was untrue I was left convinced that

you are a young man substantially influenced by the opinions of others and by a wish to impress your peers. I have formed the view that are relatively immature for your age and that your immaturity is a factor reducing your culpability relative to that of a more mature adult.

8. The Minimum Term

8.1. I have balanced the aggravating and mitigating factors fractionally in your favour and I have concluded that the minimum term in your case should be 23 years.

8.2. I understand that you have served 188 days on remand in custody awaiting your trial.

9. Announce Sentence (Stand)

9.1. Alfie Franco – On Count 1, for the Murder of Ahmad Al-Ibrahim I sentence you to custody for life.

9.2. The minimum term before you will be considered for parole will be one of 23 years. You have spent 188 days in custody which will count towards your sentence and so the minimum term is 23 years less 188 days. If the information which I have been provided as to the days on remand in custody proves to be inaccurate then the prosecution or defence must notify the court so that the case can be relisted to correct the calculation as soon as possible and in any event within 56 days.

9.3. On Count 2 – Having an offensive weapon, which you admitted at the first opportunity at the Crown Court, I impose a concurrent sentence of 12 months imprisonment.