



Neutral Citation Number: [2025] EWCA Crim 1611

Case No: 202302678 B5
202302729 B5

IN THE COURT OF APPEAL (CRIMINAL DIVISION)
ON APPEAL FROM THE CROWN COURT AT ST ALBANS
His Honour Richard Foster
T20227033 T20227022

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 11/12/2025

Before :

LORD JUSTICE EDIS
MR JUSTICE SAINI

and

HIS HONOUR JUDGE HIRST
(Honorary Recorder of Lincoln, sitting as a judge of the Court of Appeal Criminal Division)

Between :

SAKEEM GORDON
- and -
THE KING

Appellant

Respondent

Alexandra Felix KC and Christopher Stimpson (assigned by the Registrar) for Leslie Tevin
Allan Compton KC and Natalia Constantine (assigned by the Registrar) for Sakeem
Gordon
Charlotte Newell KC and Simon Wilshire KC (instructed by the CPS) for the Crown

Hearing date : 17 October 2025

JUDGMENT

Mr Justice Saini:

Introduction

1. On 31 July 2025, we allowed Sakeem Gordon's appeal and quashed his conviction for murder: see [2025] EWCA Crim 1045. At a further hearing on 17 October 2025, we declined to quash the conviction of Gordon for conspiracy and substituted a conviction of manslaughter for murder. We will today hear submissions on sentencing. These are our reasons for declining to quash the conspiracy to rob conviction, for substituting the murder conviction with manslaughter. Having handed down this judgment we will move, at the invitation of all parties, to conducting a sentencing hearing and the imposition of sentence.

Conspiracy to rob

2. We quashed the murder conviction on the basis that it was a reasonable interpretation of the jury's verdict that they convicted of murder only those who they were sure were in the bedroom when Vishal Gohel was fatally attacked. The only direct evidence placing the Appellant in the room was that of Tianna Edwards-Hancock and therefore her credibility was fundamental to that issue. Mr Compton KC for the Appellant submitted that the evidence of Tianna Edwards-Hancock (that the Appellant was one of the people who forced Vishal Gohel into the bedroom) must have been integral to the jury's decision that the Appellant was guilty of conspiracy to rob. We do not agree. As we describe below, the evidence in support of the count of conspiracy to rob was in a wholly different category. It was extensive, wide ranging and independent of the evidence of Tianna Edwards-Hancock. We also note that the jury also convicted Brandon Browne and Faith

Hoppie of conspiracy to rob whilst finding them not guilty of murder (and therefore having not been in the bedroom).

3. Mr Compton KC submitted that the evidence of Tianna Edwards-Hancock was the only evidence that the Appellant used violence and suggests that this piece of evidence must be the only reason the Appellant was convicted of conspiracy to rob. We do not accept this. The Crown's case at trial was that the defendants attended Vishal Gohel's address in furtherance of their involvement in a conspiracy to rob Vishal Gohel. In law, there is no requirement for the Crown to have proved that any force was actually used for any defendant to have been properly convicted of this offence. It therefore follows that on the facts of this case the Crown were not required to prove that the Appellant actually used/participated in the use of force as a prerequisite to him being safely convicted of conspiracy to rob. We note the safe conviction of Faith Hoppie in respect of this offence, when there was no evidence (from either the Crown or any co-defendant) that she actually used/participated in the use of force.
4. In our judgment, for the reasons we summarise below, a jury could properly and safely conclude the Appellant was guilty of the offence of conspiracy to rob.
5. First, there can be no doubt that there was a conspiracy to rob: Tevin Leslie and Georgia Bruce Annan both admitted the same by virtue of their guilty pleas. It was also a common-sense inference open to the jury that it was to be a high value robbery of a man in his own home thereby requiring additional "muscle", so as to ensure that at the very least a threat of force was readily capable of being made. It follows that the jury could properly conclude this was the reason for the Appellant being present (indeed it is hard to see any other reason for his presence). When those guilty

pleas are taken in conjunction with the identified phone contact between Leslie and Bruce-Annan during the morning and afternoon of 22 January 2022, the jury were safely able to conclude that an agreement to rob Vishal Gohel existed at the very least between them from the late afternoon of 22 January 2022, at the latest. As their guilty pleas point to each knowing the other prior to forming a conspiratorial agreement, the Crown are entitled to rely on the evidence led at trial that showed the Appellant knew alleged co-conspirator Faith Hoppie prior to the 22 January. The examination of Faith Hoppie's phone showed she had the Appellant's phone number stored in her phone under his nickname and had been in contact with him as far back as 18 and 19 November 2021. The Appellant's account at trial was that they had met on that occasion in November 2021 and had a short-lived sexual relationship.

6. In relation to the events of 22 January 2022, phone communication evidence showed that from 20:31:15 on 22 January the Appellant and Leslie were in a 3 minute 51 second phone call at the same time as Leslie was in a conference call with co-conspirator Bruce-Annan and Brandon Browne. The jury were entitled to conclude that the agreement to rob Vishal Gohel was well advanced by the time of this call and that such a pattern of calls between 4 individuals who were all to attend the property was in furtherance of that conspiracy. We note also that the Appellant and Leslie are cousins and each attested to a close relationship. As a matter of common-sense, it is unlikely that Leslie would have tricked his cousin into attending the scene where he intended to rob an individual without informing his cousin let alone misleading him, particularly in circumstances where the Appellant would, by virtue of his convictions, be vulnerable to the consequences of attending a robbery. Rather, we consider that the Appellant's previous convictions for robbery,

which were before the jury as evidence of a propensity to rob, explain why he was an obvious candidate to be recruited to the conspiracy by Leslie. The phone communication evidence showed further calls consistent with conference calls between the Appellant, Leslie and Bruce-Annan at 23:19:30 (with overlapping calls lasting 2 minutes 16 seconds). Brandon Browne's evidence to the jury was that when he set off from Kent at around 21:54 on 22 January to rendezvous with Leslie in South London, he had by that time agreed to be a party to steal from Vishal Gohel. Whilst the jury ultimately concluded Browne was party to a conspiracy to rob, Browne's admission in evidence, together with Leslie's guilty plea meant that when the Appellant got in Leslie's car to drive to Vishal Gohel's address, one of the occupants was planning (on his own admission) to rob Vishal Gohel and the other occupant plan was planning – at the very least – to steal from Vishal Gohel.

7. It is also notable that it was the Appellant's own account at trial that once in the car and en route to Vishal Gohel's address he became aware that Leslie and Browne were discussing 'licking' the place, which, he explained, meant they were going to steal or burgle. Leslie and Browne picked up the Appellant at 01:58 on 23 January. The car arrived in Bushey shortly after 02:22. At 02:49 Bruce-Annan called Leslie for 6 minutes. During this call the Appellant placed his phone into "airplane" mode. The Appellant turned his phone back on only when all were fleeing the scene. We agree with Ms Newall KC that despite the Appellant's protestations that these actions were for innocent purposes, it was a safe and natural inference that this was done by the Appellant in consequence of him having agreed to be party to a robbery which he understood to be likely to take place imminently. In light of Leslie's evidence that he had brought gloves and a bag and provided balaclavas for those in the car to put on, which were put on and kept on, the jury were entitled to prefer this

evidence and reject the Appellant's account that he had covered part of his face with a snood that he was wearing in order to attend a party with girls that he hoped to have sex with. Regardless of which account the jury preferred it remained the Appellant's evidence that he went into Vishal Gohel's flat with his face covered to the extent that Faith Hoppie, who knew him and was already in the flat, did not appear to recognise him.

8. This evidential position is a sound basis for the jury to be sure that the Appellant was guilty of a conspiracy to rob and to reject the Appellant's account that he was an innocent dupe expecting to attend a party with girls. We note that the Appellant's account of his actions whilst in the flat was that he did nothing. However, the jury were entitled to prefer the evidence of Brandon Browne who stated that the Appellant was searching the living room/kitchen area of the flat or at least to use Browne's evidence as a basis to conclude that it rendered the Appellant's account incredible. The Appellant also maintained that it was simple coincidence that Faith Hoppie was one of the 3 girls already in the flat that he had entered with 2 of his friends. As we have stated above, the reality was that the Appellant and Faith Hoppie were known to each other prior to the 22 January 2022. The jury were also entitled to discount the Appellant's remarkable explanation for his subsequent contact with Faith Hoppie on 1 February 2022 that, having been unrecognisable to anyone in the flat owing to having covered his face, he was called by Faith Hoppie to inform him of her presence at this incident and seek his advice. Following the events in the flat the Appellant left the property at the same time as Leslie (according to the evidence of Leslie and Browne) and thereafter travelled away from the scene with Leslie and Browne. Having turned his phone back on, the Appellant made 3 attempts to call Bruce-Annan during the return journey to

his address and having been dropped back at his address by Leslie and Browne he used his girlfriend Ashante's phone to call and speak to Bruce-Anna for 1 minute 24 seconds.. He was therefore continuing to act in concert with his co-defendants in ways which were inconsistent with being an innocent dupe.

9. The police investigation revealed that in the days after the police began to make arrests of his co-defendants the Appellant took steps to avoid being located by repeatedly keeping his phone on "airplane" mode (having searched the internet in relation to '*how does cell site work*'). On his arrest the Appellant refused to provide the PIN for his mobile phone, which was only successfully accessed by the police during the subsequent trial in May 2023.

10. In light of the evidence, we have summarised there was overwhelming evidence that the Appellant was guilty of conspiracy to rob, irrespective of the evidence given by Tianna Edwards. That conviction is not unsafe.

Substitution of manslaughter

11. At the hearing on 17 October 2025, Counsel were agreed that if we concluded that the conviction for conspiracy to rob remained safe (as we have done) this was an appropriate case for the Court of Appeal to use its powers pursuant to section 3 of the Criminal Appeal Act 1968 and to substitute a verdict of manslaughter. Given that the appeal proceedings were ongoing and no order had been recorded in the Crown Court, we agreed that we retained this power. We had expressly left open following the original judgment the further orders to be made including potential retrial.

12. It is common ground that if we did not quash the conviction for conspiracy to rob, the consequence would be that Mr. Gohal died during the commission of an

unlawful act. It follows that, as with Brandon Browne and Faith Hoppie, a conviction for manslaughter would have been available to the jury.

13. In these circumstances, rather than directing a retrial of the murder count, and at the suggestion of the Appellant and the Crown, we directed the substitution of a verdict of manslaughter. We reserved the issue of sentence to ourselves and will now hear submissions this afternoon and deal with that.

14. There will be no retrial in this case in these circumstances and the reporting restriction imposed by this court on 31 July 2025 now lapses.