

R v Emmanuel Avogo and Child B

There is an order under section 45 of the Children and Young Person's Act 1999 in place with respect of the defendant called "Child B" in this document. That order was varied so as to remove its effect in the case of Emmanuel Avogo, so his name can be used in any reporting of these proceedings.

Sentencing Remarks

20 July 2026

1. Adam Khan probably met you, Child B a few months before he died. On your account he came across you when he was parked up outside the children's home you were living in. For obvious reasons we will never know whether Mr Khan accepts that was how you met. He tried get to know you, but he did so with the aim of have sex with you, a girl some ten years his junior. By 31 August last year he had offered to get you some cannabis in exchange for some sort of sexual favours. Most people would agree this was very wrong of him and not just because supplying cannabis is illegal. It would have served him right if you two had taken the drugs and run off, but he had done nothing to deserve the terrible violence inflicted upon him that day.
2. There was another side to Adam Khan. His Mother and his Sister have written how when, as a teenager, he lost his Father, Adam became the protector and provider for the family. They wrote of the man they knew as being hard working, clever, and the first in the family to go to University and get a degree. His family have been left tortured and haunted by his death and by seeing, in this court room, the film of the last moments of his life. As Mr Khan's mother writes, "*A parent should never have to bury their child*": Those are heartbreaking words to hear. No sentence I can pass will heal that wound, no punishment I impose will seem harsh enough.
3. On 31 August of last year the two of you formed a plan. Mr Khan would be invited to meet you, Child B, you would take the drugs off him and walk away. Then he would be assaulted by your boyfriend, Emmanuel Avogo. That is what began to happen but you, Emmanuel Avogo, are a violent young man who often carries a

knife or a machete. Less than 6 months before you killed Mr Khan, to take just one example, you were sentenced for offences of attempted robbery and unlawful wounding: When committing those offences you were armed with a machete. On 31 August you ran after Adam Khan. He was not prepared to be chased away by a teenager so he pulled over and, seeing you approach, got a tyre wrench out of his car, either because you had already drawn your machete or because he assumed, correctly, that you would be armed.

4. I reject your account that the violence started after Adam Khan landed a hard blow to your head or anywhere else: You never told the police you had been injured when being booked in to the Police Station. None of the police dealing with you saw any injuries. If you had told your legal representative you had been hurt, they would have been bound to mention it. You simply saw he had stopped and got the metal bar, and you attacked him with your machete. I cannot be sure you intended to kill him, but the five wounds you inflicted show a determined and sustained attack that must have been aimed at causing at least the most serious harm you possibly could.
5. I need to deal with some technical matters. The only sentence I can impose for murder in your case, Emmanuel Avogo, is detention for life at His Majesty's pleasure, but I have to set a minimum term. You must serve that term before you are allowed to apply to be released on licence, which would only happen if the Parole Board were satisfied it was safe to do so. In deciding on the proper sentences in this case I have had regard to Schedule 21 of the Sentencing Act 2020, and to the Sentencing Council guidance on manslaughter, on possession of a bladed article, on sentencing offenders with mental disorders, developmental disorders or neurological impairments, and on sentencing children and young people. The statutory surcharge applies in a sum to be notified. I revoke the Youth Rehabilitation Order previously imposed on you, Emmanuel Avogo. I must deduct the days you have served, Emmanuel Avogo, from the period I set as the minimum term before you apply to the Parole Board to be released on licence. I am told that is 319 days. In your case, Child B, the days you have served on remand will be

deducted from your sentence and in addition 81 days should be allowed so as to reflect the period you have spent on a qualifying curfew (if it turns out that period has been incorrectly recorded that can be corrected administratively without the need for a further hearing). I need to pass a sentence for the offence to which you, Emmanuel Avogo, pleaded guilty, the possession of a bladed article. That will be concurrent to the sentence for murder, so even though it is based on the same facts, no issue of totality arises. In reaching my conclusions about what happened that day I apply the criminal standard of proof, in other words I have to be sure.

6. For the offence of having a bladed article in a public place the starting point under the guidelines, in category A1, is one of 18 months custody. To allow for your youth then your guilty plea, I impose a term of 9 months detention training order, concurrent.
7. For the offence of murder the starting point for the minimum term for a child of 16 at the time of the offence is 17 years, because you took a knife to the scene intending to use it as a weapon or have it available to use. I am sure you fall into that category.
8. Both the prosecution and the defence have focused on an incident in October 2023 when you were hit over the head with a hammer, causing a traumatic brain injury, requiring surgery and a prolonged stay in hospital. The prosecution invite me to accept the conclusion the police reached at the time, that you were holding a knife in your hand during the confrontation. That suggestion is supported by an entry in your medical notes, according to the reports of the psychiatrist that have been supplied to me.
9. The psychologist who has prepared two reports on you, and Mia Hopkins, a Senior Youth Justice Officer at Luton Youth Partnership, both attribute great significance to the aftermath of that brain injury. They suggest the death of Adam Khan came about as a sudden reaction by you to him hitting you, and you then used the machete you had begun to carry after the attack in 2023, to defend yourself from

further attacks. I am afraid I cannot rely on the views expressed in either of these reports, because:

- (1) Both the reports' authors discuss the events on the basis of your account, of merely wanting to talk to Adam Khan. The jury rejected that by their verdict on your co-defendant, and I reject that having seen and heard the evidence in the case.
- (2) Neither author even considers the possibility that you were already carrying a knife when you were injured in October 2023, despite the fact it is apparently in your medical records. If you were, then the repeated suggestion that you only began to carry a knife *after* that injury would be proved wrong.
- (3) Neither author addresses your convictions earlier last year for attempted robbery, unlawful wounding and the possession of an offensive weapon. You went to try to rob a young man and produced a machete when doing so: That hardly suggests your habit of carrying a knife is simply a hyper-vigilant defensive mechanism.
- (4) You lied to the psychologist about your previous offending, telling her that before your brain injury you had only been in trouble for "*petty things, like shoplifting*". In her analysis she commented that "*There was no evidence of violence in Emmanuel's offending pattern, so far as I am aware, before the traumatic brain injury*". Both your assertion and her observation were simply wrong: Before October 2023 there were four events that led to cautions or community resolutions, where you variously punched people, kicked them, stamped on someone, abused them, and sent an image of a knife by way of a threat. Therefore her conclusions, through no fault of her own, are founded on false information.

10. I have read all the references provided by your family, friends and your priest. They make clear you are capable of acting like a decent young man but they simply do not engage with the other side of you. I have read the letter you have written to me, in which you still deny your guilt of this offence. The five reports I have read suggest traits of PTSD and ADHD, though the psychologist doubts the latter from meeting you. You were also in care for some months, but by the time of the murder you

were back at home, and I have read how your Mother has been your support when in custody. I do not think any of the aspects of your life and character in those reports are significant mitigating features.

11. The prosecution have suggested a number of aggravating factors, namely a high degree of planning, an attack in broad daylight with members of the public put in fear, and getting rid of the clothing and the weapon. I need to be cautious about using planning as an aggravating factor as I am already using a starting point that includes taking a knife to the scene to use, so an element of planning is already built in. With that reservation, I accept those matters add some aggravation.
12. You have a bad previous record and you committed this offence when still serving a Youth Rehabilitation Order for the offences of attempted robbery, unlawful wounding and possession of an offensive weapon. Committing this offence during a sentence for another knife offence is a serious aggravating factor.
13. Your youth at the time of the murder is already built into the statutory starting point. The only mitigation in your case is that I cannot be sure you actually intended to kill Adam Khan, rather than injure him very seriously.
14. Balancing the substantial aggravation against the one piece of mitigation, for the offence of murder I order that you are detained at his Majesty's Pleasure with a minimum term of 20 years less the 319 days you have spent on remand, so the minimum term is 19 years and 46 days.
15. Turning to you, Child B. There is no mandatory sentence for manslaughter.
The Sentencing Council guidance on sentencing children and young people states (at 6.45 and 6.46) that it is only if I am satisfied that the offence crosses the custody threshold, and that no other sentence is appropriate, I may, as a preliminary consideration, consult the equivalent adult guideline in order to decide upon the appropriate length of the sentence. It then **may** (emphasis in the original) be right to apply a sentence about half to two thirds of the adult sentence

for those aged 15 to 17, but this is only a rough guide and must not be applied mechanistically.

16. You set Adam Khan up to be attacked. You had been dating Emmanuel Avogo for months, you must have known he was a violent young man. The consequence of the plan you and he hatched was Mr Khan being stabbed to death in broad daylight. For all those reasons this is a case in which no sentence other than custody is appropriate. I have to choose the correct category in the guidelines. In your case I am not sure there was a high risk of death or really serious injury which was or ought to have been obvious to you, because:

- (1) I am not sure you knew Emmanuel Avogo was carrying a machete when he waited for, and chased after, Adam Khan. The CCTV shows him going towards his house, and possibly into his house, between being with you and attacking Mr Khan. He may have collected it then. He denied that in his evidence at trial but he may have been lying to pretend he had not armed himself specially to attack.
- (2) You most usually met at his house. As for times you met elsewhere, I am not sure Mr Avogo told the truth about always carrying a knife, so you may not have seen him carrying one before. He may, as he said, have lied to you about his previous conviction, claiming (as he said in evidence) the ankle tag he wore was because he was on bail.
- (3) As the Court of Appeal has said, *“It is not the case that something which ought to have been obvious to an adult offender can simply be read over as something that ought to have been obvious to a child offender”* (Attorney General’s Reference v VGT and others [2026] EWCA 919 at 37).

17. I am sure that you either wanted Adam Khan caused more than just minor harm or were reckless about whether that happened. That leads to a sentence under the guidelines, for an adult offender, of 6 years imprisonment. A reduction of the sort described in the guidelines about children and young people might lead me to reduce that to between three and four years because you were 16.

18. There is further significant mitigation:

- (1) I am sure you would not have got mixed up in this sort of crime but for the actions of two men. Adam Khan should not have been pestering you for sex and, above all, I am sure this plan was all Emmanuel Avogo's idea both because he said so in evidence and because he is a violent young man.
- (2) You had no previous convictions.
- (3) A careful and detailed pre-sentence report by Mr Curran, a Senior Youth Justice Service Officer, describes your deeply troubled childhood, your genuine remorse for the death of Adam Khan, and your excellent engagement with staff and teachers at the secure children's home.
- (4) When you saw your boyfriend stabbing Mr Khan with a large knife you screamed at him to stop. It was much too little too late but at least you tried to prevent him causing dreadfully serious harm to Adam Khan.

19. The result of all this is that I am able to follow the recommendation in Mr Curran's pre-sentence report. The sentence I impose for the manslaughter of Adam Khan is a 24 months' Detention Training Order. The custodial element of that will be reduced by the 156 days you have spent on remand and by a further 81 days to reflect the 162 days when you were subject to a qualifying curfew.

Joel Bennathan

20 July 2026