JUDICIARY OF ENGLAND AND WALES

IN THE CROWN COURT AT BRISTOL

The Queen

v

Leon EATON, Korie HASSAN, Jordan PARKER & Yonis DIBLAWE

21 DECEMBER 2018

SENTENCING REMARKS OF THE HON MR JUSTICE WARBY

The defendants are to remain seated until told to stand.

INTRODUCTION

1. The illegal drugs trade involves a waste of young lives that is truly dreadful. The cost in misery and social disintegration is huge. Now, a turf war in Bristol has left one man dead at the age of 21, and two seriously wounded. They were drug dealers, but in a civilized society, the penalty for that is not summary execution or wounding by masked men. We have heard today, and I have read in detail, from the father of the murdered man, how there was a different side to Yasin Ahmed, and how terrible the impact on other, innocent, family members can be.

2. These events have also left the four of you facing sentences of life imprisonment. That, as you know, is the sentence fixed by law for murder. You have all been convicted by the jury of taking part in the murder of Yasin Ahmed, and the wounding with intent of Ayoub Dirie, and Ahmed Jama. I have two main things to do now. First, whenever a sentence of life imprisonment is imposed, the judge must set the minimum term. Secondly, I must sentence you for the wounding offences. I must also impose the statutory surcharge, which in each case I do.

3. I have had the benefit of arguments on sentence from Mr Bell QC for Leon EATON, Mr Hughes QC for Korie HASSAN, Mr Smith QC for Jordan PARKER, and Mr Mousley QC for Yonis DIBLAWE. I have had assistance from Mr Langdon QC for the Crown. I take account of everything they have eloquently said.

THE MINIMUM TERM

4. It is important to make clear that a minimum term is not a sentence where the defendant is released after serving some but not all of it. A minimum term is exactly that: it is the shortest period the convicted person must remain in custody before the possibility of release on parole is considered.

5. Let me make this clear to all of you. Whatever the minimum term in your case you will not be released before that term has expired. After that, the Parole Board will consider your case. If the Board concludes that this remains necessary for public

protection, you will continue to be detained. If the Parole Board decides to direct your release you will be under supervision and will remain on licence for the rest of your life, and may be recalled to prison at any time.

THE FACTS

6. The essential facts of the case, on the basis of which I am sentencing you, are these.

7. Just after 1 in the morning of Monday 25 June 2018, a group of men burst into Flat 4 Canynge House, in Prewett Street in the Redcliff area of Bristol. They were wearing dark clothing and balaclavas, and they were armed with at least six weapons. These included not only a taser but also a machete, a zombie knife with a 17-inch blade, two or three sharp kitchen knives, and a padlock on a dog lead. Inside the flat were Yasin AHMED, Ayoub DIRIE & Ahmed JAMA – all of Somali origin. They had been dealing Class A drugs from the flat for many weeks. They were unarmed, and were taken entirely by surprise. The attackers had carefully orchestrated things so that the Somalis would come to the door and unlock it, expecting a customer, and the armed men then could pile in.

8. In the next few minutes, there was a frenzy of violence in which all three Somalis were stabbed or cut with blades. They were screaming for their lives. Yasin AHMED died from stab wounds to his chest. One of those wounds punctured his heart – the left ventricle, the main pumping chamber. Another punctured a lung. A third went into his diaphragm. The person who inflicted those wounds must have intended to kill. Yasin AHMED had no chance of survival, and was pronounced dead just over an hour after the wounds were inflicted. Ayoub DIRIE and Ahmed JAMA were both badly wounded, DIRIE with cuts to the arm and buttocks; JAMA with a slash wound to the side of his face, and across his back.

9. The prosecution case was that this was a joint attack on the three victims, in which all four of you agreed to and did take part, intending to cause all the victims grievous bodily harm, at least. The reason for the attack was that the victims were carrying on their dealing business in the territory of "the JOEY line". That was a drugs line operated from London by one Omar EATON aka JOEY. Jordan PARKER and Yonis DIBLAWE had been running the Bristol end of that operation. Leon EATON, a cousin of JOEY, came down from London at the instigation of JOEY with a view to taking over that role, and "cleaning out" the rival operation being carried on by the Somalis. Korie HASSAN was brought along to help him.

10. You, EATON, HASSAN and PARKER all admitted presence at the scene, and taking part in a joint enterprise aimed at Flat 4 in the knowledge that the premises were being used to deal Class A drugs. But you claimed in your evidence to the jury that the plan was limited to burgling the flat and taking the money and drugs you expected would be there. On your account, you saw no need for violence, and never intended or expected that violence would be or was being used until just before, or during, or after, the attack.

11. After a trial lasting 24 days, the jury has rejected your defences and found all of you guilty on all counts.

12. What I take from the verdicts of the jury and would have decided in any event is this. There was no intention to burgle that flat; each of you joined in a plan or agreement to take weapons to Flat 4, and to use them to attack the occupants, with the intention of causing really serious injury. With that intention, you played a part in the planned attack. There is ample evidence to support these conclusions, but one element worth mentioning is that although drugs and money were indeed in the flat, none of it was stolen.

13. The prosecution did not seek to identify precisely who did what. They did not need to. It was a group attack. As long as what was done was within the scope of the plan in which you joined, and you intentionally played a part in causing or encouraging or helping it, you are all equally guilty. Although I have – and will mention - views on who probably did what, I cannot be certain on those points, and those views play no part in my decisions.

SENTENCING PRINCIPLES

14. For sentencing purposes, the starting point is that you are all responsible for the death and the woundings. There are some other common factors when it comes to culpability. The offending in all your cases is aggravated by the fact that it was (1) a pre-meditated and planned attack, carried out (2) at night, (3) to some extent, in a public place (4) as part of a group (5) using disguise, (6) using weapons, and (7) in a particularly savage way, which must have terrified your victims, and which involved agonising wounds.

15. All those factors must be reflected in the minimum term I set for the life sentence. They must also be reflected in the sentences I impose for the wounding offences.

16. Those offences, against different victims, must receive separate sentences. But those have to be concurrent. Under our system, there can be no sentence consecutive to life. So, the seriousness of the overall offending must be reflected in an increase to the minimum term.

17. The sentences must and will reflect your individual culpability in the offending, and any other aggravating or mitigating factors that apply to you as an individual. I must also take into account the principle of totality, standing back to look at the total and making sure that the total sentence is just and proportionate.

18. In calculating the minimum term, I must have regard to principles laid down in statute: the Criminal Justice Act 2003. This gives guidance on the number of years to take as a starting point. Having arrived at a starting point, I then have to consider matters that should be taken into account in aggravation and mitigation of sentence, and adjust the minimum term to reflect them.

THE PRINCIPLES APPLIED

Eaton

19. Leon EATON, you are now aged 37, as you were when you murdered Yasin AHMED. You have 9 previous convictions for 26 offences. Eight of these stem from the years

you spent in Canada. The most recent, however, was at the Central Criminal Court in London, where you were convicted and sentenced in July 2012 for conspiracy to rob commercial premises and having a firearm with intent to commit an indictable offence. The jury heard details in the course of your evidence. You were part of a group of 6 men who armed themselves with firearms, a machete, sledge hammer, and baseball bats and, wearing balaclavas, entered adjacent commercial cash and carry properties, where they threatened staff and stole money. The sentence, increased on appeal, was 9 years imprisonment.

20. In your case the starting point for the minimum term cannot be lower than **25 years.** That is the statutory starting point for a person who takes a knife or other weapon to the scene of a murder intending to commit any offence or to have it available as a weapon, and uses it to commit the murder. I am sure you had a knife or blade, but this starting point applies equally to a person who does not himself carry a weapon to the scene but takes part in a joint enterprise with others to do so.

21. There is a higher starting point for a murder, the seriousness of which is "particularly high". One example given of a murder that would normally be treated as particularly serious is "*a murder done for gain*", such as in the course of a robbery or burglary, or "*in the expectation of gain as a result of the death*" The starting point for a murder of "particularly high" seriousness is **30 years.**

22. These starting points and categories are not to be applied in a rigid, mechanistic or overly compartmentalised way. Nor do the facts of individual cases always fit neatly into one of the illustrative categories set out in the statute. I have to look at the nature of what you did, and see where it best fits the scale laid down by Parliament.

23. For you, the attack was carried with a motive of financial gain, and in the expectation that you would profit from it. The evidence clearly shows that you hoped and indeed expected to take over control of the Bristol end of the JOEY line. That is what Omar EATON wanted you to do. The "cleaning out" of the Somali dealers in Flat 4 was part of a plan to exercise as much control as possible over Class A dealing in that area, and thus make as much money as possible from this illegal and harmful trade. But I do not in the end conclude that I should place your case in the higher category. This was no burglary. And although it is obvious that whoever killed Yasin AHMED intended to do so, I cannot be sure that you were that person, or shared that intention. The starting point that better fits the facts here is the lower one, of 25 years. But you should take little comfort from that.

24. If I start at 25 years, I must take the illegal commercial motivation for the offending into account as a significant aggravating feature. And not only did your offending have all the other aggravating features I have already mentioned, it had these other characteristics:

    (1) You were a leader in the planning and organisation; the prime mover in that was probably Omar EATON but you were, I have no doubt, a leading figure in those aspects of the crime; you brought at least one other into the plan: Korie HASSAN.

    (2) You were, I am certain, a leading figure in the execution of the crime; you are by far the eldest; you were a cousin of the main organiser; the evidence suggests clearly that you were the first to arrive at Flat 4, the first to enter, and the first to inflict violence.

(3) The offending was committed during the period of the sentence imposed in 2012, at a time when you were on licence from prison. The sentence still has some **2 ½ years** to run, even now. You have been recalled to serve the rest of that sentence, so I must extend the minimum term to take account of the fact that it will be running concurrently. I take the point that has been made, that this should not be done mechanistically, on the basis that there is bound to be a complete overlap.

25. That previous conviction for robbery is itself a matter I am required by law to take into account as aggravating the seriousness of the offending. There is some limited mitigation, in the sense that I am unable to be certain that you intended Mr AHMED to die. But that by no means balances out the aggravation. Taken together, all these matters would increase the minimum term from **25** to **32** years. That would be the sentence if all that you had done was to take part in the murder of Mr AHMED.

26. But it does not end there. I must sentence you for the two wounding offences. These were both Category 1 offences within the guidelines. The minimum appropriate sentence for your role in these two offences would be a determinate custodial sentence of **12 years.** You would have served half that term in custody, that is **6 years**. In the light of that, even allowing for totality, I cannot increase the minimum term for the murder by less than **4 years**. The minimum term is therefore set at **36 years.**

27. Whether you will be released at the end of that term will be for the Parole Board to decide. For my part, I regard you as an extremely dangerous individual who was able to marshal and direct a group attack of great savagery, and has shown not a shred of remorse during this trial.

Hassan

28. You are 26 years old. You have 9 previous convictions for 12 offences. Many of these were relatively minor. There is a GBH offence, but without intent. But most significantly, there is a conviction in Croydon in 2010 for armed robbery using a knife. It was a street robbery or mugging in which a knife was used to reinforce your demands for property, and to threaten the victim. You were sentenced to 3 ½ years custody. You continued to offend, after that, receiving a further 12-month sentence in August 2013.

29. I am sure you took a weapon to the scene of this murder, intending to have it available. You probably used the weapon, and I strongly suspect you used the machete, but again I cannot be sure exactly who did what. However, you must have known others were armed and it follows from the verdict of the jury that you intended at least grievous bodily harm to the occupants of Flat 4. My starting point for the minimum term in your case, for the reasons I have explained, is **25 years.**

30. Your case has all the aggravating features common to the four of you. You are relatively young, but there is really only one mitigating feature: the fact that I cannot be sure that you intended death. But I am not certain that you were in this for financial gain. You were a follower, not a leader, so unlike Leon EATON. Your record is an aggravating feature, but does not include anything close to the scale of his armed robbery, and unlike him you are not already subject to a sentence with years to go. Balancing the aggravating and mitigating features, I increase the starting point in your case to **26** years.

31. It must be increased further, to reflect the woundings. For you, too, these were Category 1 crimes. But your more limited role and less serious convictions mean your culpability is lower than that of Leon EATON. The appropriate sentence is **10 years** concurrent. You would have served 5 in custody. I cannot add less than **3 years 4 months** to the minimum term. In the result the minimum term is **29 years 4 months**.

Parker

32. You are 23, as you were at the time of these offences. You have 23 previous convictions for 32 offences. Your involvement with drugs began at the age of 14 which may explain the convictions for theft, burglary, and assault in 2009. You moved on at the age of 19, to dealing Class A drugs. You have two significant convictions for Class A dealing. In January 2016, you were sentenced in this Court to 15 months imprisonment for supplying cocaine. On your release from custody you started up again and, whilst still on licence, you offered to supply to an undercover officer and were found in possession of 280 deals of crack and heroin. For that you were sentenced in this Court to 3 years 4 months imprisonment on 9 January 2017. All of that was done on behalf of JOEY. You were released early in February 2018, and – without qualms or hesitation - started up dealing again. You started on your own account, but soon went back to working for JOEY, making £1,000 a week on which, of course, you paid no tax.

33. On the verdict of the jury, you knew and intended that there would be an attack that would cause serious injury to the occupants of Flat 4, and took part. There was evidence that you had and used the machete, but it came from a co-defendant and I am not able to rely on that. But I am quite sure you were armed, and knew that others were too, for the purposes of committing offences. My starting point is **25 years.**

34. Your offending has all the common aggravating features that I have already mentioned. In mitigation, again, there is only your youth - in fact and relative to others involved - and the fact that I cannot be sure that you intended death. Particular to your case are these factors: you carried out this crime for motives of financial gain; although you were not the leader you played, in my judgment, a significant role in wiping out your direct competitor. You did all this when on licence from a custodial sentence for Class A drug dealing, which still has some **17 months** to run. To reflect these points, and the aggravating feature of your criminal record, the starting point must increase to **28 years.**

35. Again, the minimum term must be increased further to reflect the appropriate sentences for the two wounding offences. In your case, to reflect your role and culpability, those sentences are **11 years** concurrent. Taking broadly the same approach as before, I increase the minimum term on this account by **3 ½ years**, to **31 years 6 months**.

Diblawe

36. You are 24 now, and were 23 at the time of the offending. You are more lightly convicted than your co-defendants. You have a single previous conviction, from 2013, for a public order offence. You were sentenced to a community order. There is a

caution for battery and an old police reprimand for theft aged 10. This offending was not part of any pattern for you.

37. But your alibi defence lacked all credibility, as did your denial that the 931 phone belonged to you. There was ample evidence that it did. The telephone evidence alone shows an intimate involvement with your co-defendants. I am sure you took a weapon to the scene, intending to use it. I find that you too intended to gain by the attacks, and were closely involved albeit at a lower level than that of Jordan PARKER. He was fronting the dealing operation, and you were a runner. Again, though someone intended Mr AHMED to die, I cannot be sure that you did so. The evidence which your co-defendants gave against you, of stabbing Yasin AHMED, *may* be true, but I do not consider I can rely on it for sentencing purposes.

38. In addition to the aggravating features common to you all, there is in your case financial motivation. In mitigation is the lesser role I find you played, your relative youth, and the fact that you have just that one previous conviction, which in no way resembles what happened here. There is also some evidence of positive good character. Involvement in an event such as this is, on that evidence, completely out of character for you. I take some account, also, of your ill health. There is personal mitigation including the loss of your father when you were 16. A blow to the head some years ago caused long-term difficulties with processing information. This, I would accept, is likely to have had some impact on your understanding of quite what you were getting involved with.

39. In your case, I reduce the starting point from 25 years to **23.** The same factors that apply to the murder lead the sentence for your role in the woundings to be lower than those for your c0-defendants. I impose concurrent sentences of **9** years on each. Adopting the same approach as before, this leads to a **3-year** increase in the minimum term, resulting in a period of **26 years.**

THE SENTENCE OF THE COURT

Each defendant is to stand up when addressed, and to remain standing until dismissed

Eaton

40. For the murder of Yasin AHMED you are sentenced to **life imprisonment**. I set the **minimum term at 36 years**. There is no time on remand in custody to credit. For the wounding of Ayoub DIRIE and Ahmed JAMA you are sentenced to concurrent terms of **12 years** on each count.

Hassan

41. For your part in the murder of Yasin AHMED you are sentenced to **life** imprisonment. I set the **minimum term at 29 years 4 months**, **minus** the time you have spent on remand in custody. That period of time, according to the calculations I have, is **176 days**. For Counts 2 and 3 you are sentenced to concurrent terms of **10 years** on each count.

Parker

42. For your part in the murder of Yasin AHMED you are sentenced to **life** imprisonment. I set the **minimum term at 31 years 6 months**. As you are a serving prisoner, there is no credit for time you have spent on remand in custody. For Counts 2 and 3 you are sentenced to concurrent terms of **11 years**.

Diblawe

43. For your part in the murder of Yasin AHMED you are sentenced to **life imprisonment**. Bearing in mind all the aggravating factors mentioned, I set the **minimum term at 26 years**, **minus** the time you have spent on remand in custody. That period of time, according to the calculations I have, is **168 days**. For Counts 2 and 3 you are sentenced to concurrent terms of **9 years.**

COMMENDATIONS

44. I wish to repeat my praise for the dedicated work of the jury. I have some words to add about others.

45. There are witnesses whose actions and evidence were crucial. They know who they are. I say no more.

46. The police and CPS team deserve fulsome praise. From those involved on the day to those who have analysed the evidence and presented it, in a trial that has started, by my calculations, about 100 working days after the event, I express my thanks and admiration. I would also like to add my heartfelt thanks for the way that both prosecuting and defence legal teams have dealt with the case. Nobody anywhere close to the case could fail to realise that preparing for and presenting a case at a trial of this gravity and complexity, that starts less than 5 months after the event, is a massive challenge. It has been shouldered and carried with exemplary professionalism, for which I would like to pay tribute to all involved.

47. Let me make clear – in case there was any doubt about it - that this includes all Counsel for the defence, without whose highly professional involvement this system simply could not operate.