



JUDICIARY OF
ENGLAND AND WALES

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-v-

Aaron Miller, Jacob Morgan, Ramon Djauna and Caleb Brown

**St.Albans Crown Court
Sentencing Remarks of Mr Justice Bryan
21 May 2019**

1. Aaron Miller, Jacob Morgan, Ramon Djauna and Caleb Brown you have each been found guilty of the murder of Cemeran Yilmaz who was stabbed with a knife to the back, and soon thereafter, hit to the head with a hammer (each of which was a fatal injury), on the night of 16 September 2018. I must now sentence you for your respective parts in that murder. It arises out of a sadly all too common back drop of gang rivalry, and associated carrying and use of weapons, with tragic consequences, and the loss of a young life.
2. At the time of the murder, you Aaron Miller were 19, and each of you Jacob Morgan, Ramon Djauna and Caleb Brown were 15. Prior to, and during, your trial there were in place reporting restrictions under section 45 of the Youth Justice and Criminal Evidence Act 1999. Following your convictions I have ruled that the reporting restrictions that were in place during your trial should be lifted as I was satisfied on the particular facts of this case, and at this stage of the trial, that the direction in placed under section 45(3) imposed a substantial and unreasonable restriction on the reporting of proceedings, and that it was in the public interest to remove that restriction. However a number of the witnesses in the trial were themselves juveniles and I have accordingly anonymised those witnesses that it is necessary for me to refer to in the course of my sentencing remarks.
3. On the evening of 16 September 2018 Cemeran Yilmaz was in the Ashmead Road area of Bedford which is a quiet residential area. At the junction of Ashmead Road and Westrope Road there is a barrier, and just beyond that barrier there is a grassy area that was to feature in the events of that evening.
4. There had been two incidents earlier that evening which form the backdrop to the events that followed. At around 21.06hrs there had been an incident in the

Ashmead Road area in which Cemeran Yilmaz and another juvenile, who I shall refer to as RA, had run up to three individuals including Jacob Morgan, and during the course of that incident Cemeran Yilmaz had taken a bag belonging to one of those individuals. Jacob Morgan was subsequently to assert that he had a belief that Cemeran Yilmaz had a weapon. Whether that was so or not, it certainly did not result in you, Jacob Morgan, fleeing the area or going into hiding. On the contrary you and the other two individuals are seen soon thereafter (around 21.12hrs) on Ashmead Road, and again at 22.16hrs walking on Ashmead Road very shortly before you were to fatally stab Cemeran Yilmaz with a kitchen knife with a 7 inch blade. It is also clear that at some point following your earlier encounter with Cemeran Yilmaz, you called your cousin (Aaron Miller) for assistance and he too made his way (by car) to Ashmead Road.

5. The other incident, also some time after 9pm, involved a 13 year old boy (who I will refer to as JA) and two other boys who were coming out of the Fenlake area of Bedford near London Road and a car pulled up with a person called BD inside together with another person, and one of those persons said loudly “*you're fam*” and this was understood as a threatening insult, and JA and the other boys ran away. JA’s evidence was “*we’re enemies with them, we don’t like them and they don’t like us*”. This was a reference to BD and others being part of a gang known as the London Road gang, and the other gang being the Black Tom gang. I am satisfied, based on the evidence before me, that each of you Jacob Morgan, Ramon Djauna and Caleb Brown are either members of, or are at least associated with, the Black Tom gang.
6. Soon thereafter JA met up with you Ramon Djauna and Caleb Brown. You received a telephone call from a 14 year old, who I shall call D, in which (per Ramon Djauna who was the only defendant to give evidence in his defence at trial) D told him that Cemeran Yilmaz had jumped out on Jacob Morgan and tried to stab him and Jacob Morgan had run away. Ramon Djauna, Caleb Brown and JA then went to a shop, the One Stop Shop in Bedford, to meet D. En-route Ramon Djauna and Caleb Brown equipped themselves with a hammer which you, Ramon Djauna, removed from a white plastic bag hidden in a hedge in the park. When Ramon Djauna and Caleb Brown met up with D I am satisfied that there was an attempt to acquire another weapon, namely a knife, but D said his mother would not allow him to provide one. The clear inference to be drawn is that you Ramon Djauna, and you Caleb Brown, were equipping yourselves in anticipation of serious violence. At that meeting JA was also told to stay back – the implication again being that serious violence was anticipated and JA, due to his age,

should stay out of it. However JA followed as you both made your way to the Ashmead Road armed with the hammer, which I am satisfied you took to the scene to have available to use as a weapon as part of the serious violence you anticipated as part of a revenge attack. There was, as Ramon Djauna's counsel rightly acknowledges in their Note for Sentence, premeditation in what you were doing namely searching out Cemeran Yilmaz for a group revenge attack upon an individual who had offended those associated with a gang known as the Black Tom gang.

7. That then is the immediate back drop to the events that were soon to unfold on Ashmead Road that evening, but what followed is also to be seen in the context of the history of Cemeran Yilmaz's relationship with the Black Tom gang itself. Based on the evidence before the jury I am satisfied that Cemeran Yilmaz was previously either associated with, or friends with, members of the Black Tom gang but had broken off that relationship and become associated with the London Road gang and/or another gang, and that in consequence there was bad blood between Cemeran Yilmaz and members of the Black Tom gang.
8. The evidence of Cemeran's brother, based on Cemeran's own words to him in the months before his death, was that Cemeran told him that if he was to get caught by these people (those associated with the Black Tom gang) it would end very badly for him, that "*People like this have no mercy*" and that the sort of attack he expected from them was "*a knife attack*", sadly prophetic words that were to come to pass.
9. That there was bad-blood between the Black Tom gang and members of the London Road gang is also shown by the content of a "drill video" featuring persons associated with the Black Tom gang (including Jacob Morgan, Ramon Djauna and Caleb Brown), which was uploaded to You Tube, and remained on You Tube at the time of your trial, and which features depressingly familiar glorification of gang violence. During the course of that video, which I excluded from evidence at trial due to its potential prejudicial effect, words spoken show hostility towards members of the London Road Gang or those associated with it.
10. So it was that soon after 10 pm on 16 September 2018, Jacob Morgan was already at Ashmead Road, and he was to be joined by his cousin Aaron Miller, whilst Ramon Djauna and Caleb Brown were en-route to Ashmead Road where Cemeran Yilmaz was known to be. This was, I am satisfied, no coincidence or fortuitous coming-together but a pre-planned and pre-

meditated revenge attack. By a combination of existing bad-blood between the Black Tom gang (with whom Jacob Morgan, Ramon Djauna and Caleb Brown were associated) and Cemerén Yilmaz, and the two incidents earlier in the evening which were either regarded as shaming the Black Tom gang or those associated with it, or as necessitating a retaliatory attack following a perceived attack on Jacob Morgan, I am sure that all four defendants were converging upon Ashmead Road and Cemerén Yilmaz as part of a joint enterprise or common purpose intent on inflicting at least really serious harm, if not worse, upon Cemerén Yilmaz, which is also reflected in the jury's verdicts.

11. It matters not whether you, Aaron Miller, were part of the Black Tom gang (there is no evidence that you were) – your reason for encouraging and assisting in what was to follow is clear enough, namely the incident earlier in the evening involving your cousin Jacob Morgan – you were prepared to, and did, join in the revenge attack – indeed you were to strike the first blow, and inflict further blows following that.
12. Matters came to a head just after 22.15hrs, with Cemerén Yilmaz and another (TC) walking up Ashmead Road, whilst Jacob Morgan and two others, and shortly behind them Aaron Miller, RA and another, were walking down Ashmead Road. The individuals came together.
13. Without, I am satisfied, any provocation from Cemerén Yilmaz which would justify what followed, you Aaron Miller, attacked him by punching and kicking him and he, and you, ended up on the floor. You then got up and were turning around when Cemerén Yilmaz stabbed you with a lock-knife to your neck, that knife being recovered nearby with your blood on the hilt and his DNA on the handle. Whilst his carrying of a knife cannot be justified, Cemerén Yilmaz might well have been defending himself from your unlawful attack, fearful of further violence upon himself. On any view, and as the jury has found, he was about to have inflicted upon him unlawful fatal violence with another knife.
14. You, Jacob Morgan then joined in the attack on Cemerén Yilmaz. You thrust the 7 inch blade of a brown handled kitchen knife into the back of Cemerén Yilmaz which passed through his left kidney (almost severing it), lacerated his liver, and penetrated his body to a significant depth, with the knife almost emerging from the front of his abdomen (which bore a bruise due to the close proximity of the tip of the blade). As the forensic pathologist Virginia Fitzpatrick-Swallow confirmed in evidence, the force that you used was at

least moderate, and she could not rule out the use of severe force. I am satisfied, as were the jury, that when you inflicted that wound you were not, as was submitted on your behalf, acting in lawful self-defence but with an intent to cause at least really serious injury to Cemeran Yilmaz.

15. I am also sure that you, Jacob Morgan, brought that knife to the scene to have available to use as a weapon as part of the serious violence you anticipated. Aaron Miller, immediately after the stabbing, directed you to “*pick up your shank*” (knife), acknowledging your ownership of the knife, his recognition that it was your knife and, I am satisfied, his knowledge that you had taken your knife to the scene. I am fortified in that finding by the inherent implausibility that Cemeran Yilmaz equipped, as he was, with a substantial lock-knife, would also have needed to have, or would also have had, a large kitchen knife concealed in his jogging bottoms. Yet more, you yourself have a previous conviction for possession of a kitchen knife in a public place (at school), consistent with you having a propensity to carry knives. You were, I have no doubt, out for revenge for what had been done to you earlier in the evening, and I am sure on the evidence that you equipped yourself with that knife in anticipation of its use in the violence that was contemplated, and then carried out, by Aaron Miller and yourself.
16. As the jury have found, you Aaron Miller are guilty of murder in encouraging and assisting Jacob Morgan as a secondary party. As someone who was older, you should have been the person diffusing the situation, but far from that, the evidence is not only that you yourself initiated the unlawful violence, throwing the first punch and blows that followed, but also, that after Jacob Morgan had dropped the knife, you took control telling him, as I have already noted, to “*pick up your shank*”. There was evidence before the jury from another witness (TC) that the violence inflicted on Cemeran Yilmaz by both you and Jacob Morgan continued with repeated punching, kicking and stamping to his body and head even after you both knew he had been stabbed. Whether there were as many further blows as suggested by TC I cannot be sure of, but I am sure, on the evidence, that you both inflicted further serious violence on Cemeran Yilmaz after the stabbing despite him already having suffered a murderous injury at your joint hands.
17. But matters do not stop there. Cemeran Yilmaz already fatally wounded, bleeding heavily into his abdomen, as well as from his head, managed to stagger a short distance to a grassy area just past the barrier between Ashmead Road and Westrope Way. As he lay on the grass dying, and his friend RA was phoning the ambulance, you Ramon Djauna and you Caleb Brown arrive at the scene equipped with the hammer. As can be heard on the

999 call, RA told you that “*your guys just did him up fam*” (a clear reference to the first attackers being associated with you), and after you realised that the person on the ground was, indeed, Cemerén Yilmaz (who could be heard groaning and saying, “*I think I’m going to die*” and so was in no state to represent a threat to either of you), you Caleb Brown, and you Ramon Djauna, between you proceeded to hit him with the hammer to his body and to his head. How anyone could do that to someone who was already grievously injured is almost beyond comprehension. Cemerén Yilmaz was lying on the floor obviously seriously injured and I reject the suggestion that either of you were not aware of that.

18. Neither of you would admit to being the one who hit him to the head with the hammer causing a fatal head injury – a compressed fracture of the skull that went into his brain causing laceration to the brain, swelling, and damage to the wiring of the brain, although one of you undoubtedly did so. You Ramon Djauna admit kicking Cemerén Yilmaz to the face (which itself was capable of having contributed to his death though it matters not whether it did so). This admission was not an act of contrition – you yourself filmed that part of the attack.

19. The jury rightly rejected the truly ridiculous suggestion, that you advanced, that you were acting in lawful self-defence in hitting Cemerén with the hammer on the basis that he grabbed your trouser leg whilst he was dying on the ground and that you feared imminent violence against you or Caleb Brown. No such allegation was made or supported by Caleb Brown. It matters not whether it was you Ramon Djauna, or you Caleb Brown, who inflicted the fatal blow. On the jury’s verdicts you are both guilty of his murder on a joint enterprise basis.

20. Despite your protests to the contrary, I am also sure that your intention was not merely to inflict at least really serious harm but to kill Cemerén Yilmaz – to finish him off. He was, as I am satisfied must have been apparent to each of you, already gravely injured, and to hit someone with a hammer to the head who was already so injured demonstrates an intent to kill not least in circumstances where the force used was sufficient to cause a horrendous compressed fracture to the skull, driving bone fragments into his brain, which tells the lie to your attempts to downplay the amount of force used. The expert evidence of the forensic pathologist Virginia Fitzpatrick-Swallow was that injury caused was the result of the use of severe force.

21. The reason for you acting as you did is clear from what you Ramon Djauna said to you Jacob Morgan when you were both covertly recorded in a prison van whilst en-route from a hearing to extend your detention for questioning when you said *“he done wrong to like our people innit”* and *“just defending my people innit, it’s not like I end him off for no reason.”* You intended to kill him, and to do so in retaliation for what you had understood he had done. Your callous attitude towards him, and the fact that you actually found what you were doing funny, is also illustrated by what you said in that same van conversation with Jacob Morgan when you said (giggling and laughing) *“He goes, he was like save me, I was like f... you”*.
22. Matters did not even stop with the horrific hammer attack and associated kicking to Cemerén’s head and body– you Ramon Djauna actually filmed part of this attack on Snapchat and published that Snapchat video on the internet. I have no difficulty in rejecting your equally ludicrous version of events that you videoed what you were both doing accidentally whilst trying to turn your mobile phone flashlight on and then accidentally published it when you were climbing over a fence as you made good your escape. I am sure that you made that video deliberately, and did so as a trophy, and as a warning to any others who might shame the gang with which you were associated, that they would be met with extreme violence if they crossed you.
23. None of you tried to assist Cemerén Yilmaz either after he was stabbed or after he was hit with the hammer despite the seriousness of injuries which would have been obvious to you, nor did you await the arrival of medical assistance. Rather you each fled the scene and denied responsibility for your part in his death. Sadly and despite the best possible medical intervention at the scene, and in emergency surgery that night and the following morning, the injuries for which you were all responsible were not survivable.
24. This was a pre-meditated and pre-planned attack upon Cemerén Yilmaz, with you Jacob Morgan going armed with a knife, and you Ramon Djauna and Caleb Brown going armed with a hammer, intending to inflict serious violence upon Cemerén Yilmaz. It was a pre-meditated revenge attack for perceived slights earlier in the evening set against an underlying backdrop of gang rivalry and hostility, and it was a revenge attack that you Aaron Miller were prepared to join in with as a result of events involving your cousin Jacob Morgan earlier that evening.
25. The attacks, in a quiet residential area, were shocking both for your victims, and for the members of the public who witnessed the attack. Yet again, the

facts of this case illustrate the tragedy of the loss of a young life as a result of gang related crime involving weapons carried by young juveniles which is sadly all too common, and all too often ends in the loss of life.

26. In this regard I have had full regard to the victim personal statement of Volkan Aslan on behalf of Cemerem Yilmaz's family. The devastating loss suffered by all family members is all too clear. A young life, full of promise, was tragically cut short by your murderous acts.
27. There is only one sentence that the law allows to be passed for the offence of murder: that is a mandatory life sentence. For an adult over 21 it is called a sentence of life imprisonment. For someone aged 18-21 it is called custody for life. For someone under 18 at the time of the commission of the offence it is called detention during Her Majesty's Pleasure.
28. I am required to specify the minimum term, pursuant to Section 269 and Schedule 21 of the Criminal Justice Act 2003, which must elapse before each of you can be released on licence.
29. Turning first to you Aaron Miller. You were 19 at the time of the offence. The first step, in determining the minimum term, is for me to assess the seriousness of your offending. Under paragraph 5A(2) of Schedule 21, where a knife or other weapon is taken to the scene the offence will normally be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years. In this regard I bear well in mind that every case is subject to its own specific individual features of mitigation and aggravation, that Schedule 21 did not create a stepped sentencing regime with fixed dividing lines between specific categories (see *R v Kelly* [2011] EWCA Crim 1462), and that ultimately what are to be assessed are the particular facts of the case before the court.
30. I bear well in mind, and have given careful consideration, to all the submissions made on your behalf by your counsel to the effect that paragraph 5A(2) of Schedule 21 is inapplicable, and that accordingly the appropriate starting point is 15 years (paragraph 6 of Schedule 21). However, and for the reasons that I have identified above, I am satisfied that Jacob Morgan took the kitchen knife to the scene intending to use it as a weapon and used that knife in committing the murder, that you knew he had taken his knife to the scene for use as a weapon, and that you participated in the joint enterprise with Jacob Morgan encouraging and assisting him in the commission of the

offence. That suffices for paragraph 5A(2) of Schedule 21 to be engaged. It matters not that there is no evidence that you, Aaron Miller personally carried a weapon to the scene.

31. However, I would add that I am also satisfied, so that I am sure, that the revenge attack in fact involved all four of the defendants, and what was contemplated was to take weapons to the scene to have them available for use as weapons, those weapons including not only Jacob Morgan's knife but the hammer that Ramon Djauna and Caleb Brown indisputably took to the scene, and which was used in committing murder. It was a fortuity that Ramon Djauna and Caleb Brown were slightly late onto the very same scene, as part of the same joint enterprise.

32. I am satisfied, having regard to all the circumstances of the case, and the seriousness of your offending, Aaron Miller, that the starting point I should adopt is 25 years in your case. I would only add that had I adopted a 15 rather than a 25 year starting point, the use of weapons in a joint enterprise revenge gang attack would have been a very serious aggravating feature that would have required a very substantial uplift from the lower starting point, and in my view would have led to the same finishing point.

33. Having chosen the starting point I am required then to take into account the aggravating and mitigating factors in your case.

34. I consider first the statutory aggravating factors in paragraph 10 of Schedule 21. In your case paragraph 10(a) is engaged because there was a significant degree of planning and premeditation in relation to what was a revenge attack by a group upon Cemeran Yilmaz that you chose to participate in. As already noted it involved members of the group arming themselves with weapons and proceeding to where they (rightly) anticipated Cemeran Yilmaz would be found. The backdrop to this was that this was gang associated violence (that you chose to associate yourself with due to the slight on Jacob Morgan) even though you were not yourself associated with Black Tom gang. That this was gang related violence in public is a further aggravating factor.

35. There are, however, mitigating factors in your case:-

(1) I am satisfied that your intention, and that of Jacob Morgan, was to cause serious bodily harm rather than to kill. I do not consider, however that

there is any significant scope for the submission that you were provoked. This was a revenge attack in which you threw the first punch.

- (2) You have limited previous offending as a juvenile, and no previous involvement in serious violence or the use of weapons. You have expressed remorse to the author of the Pre-Sentence Report.
- (3) Thirdly, and in my view most importantly, is your age. In one sense, at 19, you would be expected to be of greater maturity than your co-defendants and to have sought to diffuse the situation rather than commencing the violence. However, on balance, I consider that your age is a substantial mitigating factor. At the age of 19 you were only just over 18 when you committed the offence, and the passage of that threshold does not mean that you have completed your cognitive development. The youth and maturity of a defendant are factors informing my sentencing decision (see *R v Clarke* [2018] EWCA Crim 185 at [5]), and having regard to such matters in your case, the mitigation I have heard and your previous good character, allows me to reduce the sentence that would otherwise have been imposed.

Stand up Aaron Miller

36. I sentence you to custody for life. Having regard to the aggravating and mitigating features in your case, the mitigation offered on your behalf, the content of the Pre-Sentence Report, and bearing well in mind the sentence to be passed in respect of other defendants, I am satisfied that the appropriate minimum term is one of 21 years. From this must be deducted 243 days that you have spent on remand in custody for this offence. The minimum term is accordingly 20 years and 122 days.
37. The remaining three defendants were each 15 years old at the time the murder was committed. In sentencing each of you I confirm that I have had regard to section 37 of the Crime and Disorder Act 1988 and the aim of the youth justice to prevent offending by children and young persons as well as section 44 of the Children and Young Persons Act 1993 and your welfare, including the factors identified on your behalf. I have also considered and had full regard to the Sentencing Council's Sentencing Children and Young People: Definitive Guideline (including, in particular, paragraphs 1.5, 1.8 and 1.18 thereof), and to the guidance given in *R v Hobbs* [2018] EWCA Crim 1003. I acknowledge the need for, and have undertaken, a nuanced and

individualistic approach to the sentencing of each of you. In this regard I have had the benefit of Pre-Sentence Reports for each of you, which I have found helpful and borne well in mind, together with the personal mitigation offered for each of you.

38.I have also given careful consideration to the principles identified in Brown and Carey [2007] EWCA Crim 1245 and ensured that there is no disparity between the sentences passed between each of the juveniles and Aaron Miller in the context of their respective culpability, and that the differences in length of minimum term are a fair reflection of the substantial difference in age (over 4 years) in circumstances where a juvenile's culpability may be reduced by the fact of their youth, subject to their individual maturity and characteristics.

39.Turning first to you, Jacob Morgan. You were 15 years and 2 months old when you fatally stabbed Cemeran Yilmaz. I note from the Pre-Sentence Report that you were assessed as having an emotional maturity and cognitive development in line with that expected for your chronological age, although I also bear in mind that whilst in custody you have been diagnosed as having Attention Deficit Hyperactivity Disorder (ADHD) which can lead to impulsivity and can impair a person's decision making skills.

40.Pursuant to paragraph 7 of Schedule 21, Parliament has decided that the starting point for the minimum term for anyone under 18 convicted of murder is 12 years. This is lower than the figure for adults. Had you been an adult at the time you committed this murder the statutory starting point would have been 25 years, pursuant to paragraph 5A of Schedule 21 as I am satisfied that you took a knife to the scene intending to commit an offence, as I have already found, and that you then stabbed Cemeran Yilmaz with that knife. However, even had you not taken to knife to the scene, then this would itself have been a seriously aggravating factor. You were also party to a joint enterprise revenge attack which included others who took a weapon (the hammer) to the scene. I adopt a statutory starting point of 12 years as I am required to do.

41.Having chosen that starting point I am required then to take into account aggravating and mitigating factors in your case.

42.As to the aggravating features:-

- (1) There is the specified aggravating feature that there was a significant degree of planning and pre-meditation in relation to what was a revenge attack by a group upon Cemeran Yilmaz that you participated in. As already noted it included you arming yourself with a knife, and Djauna and Brown arming themselves with a hammer. The backdrop to this was that this was gang related violence in public, which is a further aggravating feature.
- (2) This was a fatal stabbing by you with a knife, and the revenge attack, and the joint enterprise, also involved a further attack by Djauna and Brown with a hammer. The use of a knife brought to the scene by you is a serious aggravating feature. It is a feature that would have resulted in a starting point of 25 years for someone over 18 under paragraph 5A and is a highly relevant aggravating feature for a defendant under 18 – see R v Odegbune and others [2013] EWCA Crim 711. The use of a knife brought to the scene has always been a serious aggravating feature – see R v M, AM & Kika (2010) 2 Crim App R (S) at [7] and R v Kelly (2012) 1 Cr App R (S) 56. As I have already noted, the use of a knife as a weapon to commit murder is in any event a seriously aggravating feature.

43. Turning to mitigating features:-

- (1) I am satisfied that your intention was to cause serious bodily harm rather than to kill.
- (2) In your case you were chased earlier in the evening and also witnessed Aaron Miller being stabbed so there is some evidence of you being in fear of violence and of provocation, which I have had regard to, but the jury rejected the suggestion you were acting in lawful self-defence.
- (3) You have only one previous conviction, albeit that it is for possession of a knife, though it was not associated with violence and you have no history of violence.
- (4) Whilst the fact that you were under 18 is already taken into account in terms of the starting point, you were only 15 years and 2 months old at the time of the offence, and your young age is a substantial mitigating factor. I also have had regard to the entirety of the mitigation identified on your behalf, the contents of your Pre-Sentence Report, and the diagnosis of ADHD and its potential impact when assessing your culpability.

Stand up Jacob Morgan

44.I sentence you to detention during Her Majesty's pleasure. Having regard to the aggravating and mitigating features in your case, and bearing well in mind the sentence to be passed in respect of other defendants, I am satisfied that the appropriate minimum term is one of 16 years. From this must be deducted 243 days that you have spent on remand in custody for this offence. The minimum term is accordingly 15 years and 122 days.

45.Turning next to you, Ramon Djauna. You were 15 years and 4 months old when you took part in the fatal hammer attack upon Cemeran Yilmaz. I note that in a psychological report dated 21st January 2019, Dr Kevin Wright states that you have mild autism, that you suffer from ADHD, that you have an IQ rated as being at the low average level for his composite IQ, and that he states that you are functioning at the level of about 10 year 8 months in your non-verbal cognitive abilities and a 14 year 4 month old in his verbal cognitive abilities. I also note that Dr.Church, who is a specialist Forensic Child and Adolescent Psychiatrist, concludes in his report dated 4 March 2019 that you suffer from Post Traumatic Stress Disorder, and have autistic traits.

46. As already identified, pursuant to paragraph 7 of Schedule 21, the starting point for the minimum term for anyone under 18 convicted of murder is 12 years, which I adopt as I am required to do. Turning to the aggravating and mitigating factors in your case.

47.As to the aggravating features:-

(1)There is the specified aggravating feature that there was a significant degree of planning and pre-meditation in relation to what was a revenge attack by a group upon Cemeran Yilmaz that you participated in, and in which you and Caleb Brown armed yourself with a hammer. The backdrop to this was that this was gang related violence in public, which is a further aggravating feature.

(2)In your case, and as already noted, together with Caleb Brown you brought to the scene and used a hammer which is a terrifying weapon and one, by its very nature, which is likely to lead to very serious injury or death if used to the head, as it was by one or other of you. The bringing

of the hammer to the scene and its use is a feature that would have resulted in a 25 year starting point for someone over 18 years, and is a serious aggravating factor in your case. You also used your foot as a weapon striking Cemeran Yilmaz to the head which is a further aggravating feature.

(3) Not only are you not of previous good character, but for someone of your young age you also have a depressing number of previous convictions for violence and possessing weapons including for robbery involving a knife together with Caleb Brown (when you were 13), three convictions for robbery together with Caleb Brown (when you were 14), and more recently possession of an imitation firearm and of a bladed article, and most recently making a threat to kill. Whilst some of these convictions were when you were very young, the pattern is of a continued use of violence and possession of weapons as you have been growing up.

(4) It is not an aggravating factor (as intention to kill is assumed in the starting point), but I am satisfied that you and Caleb Brown did intend to kill Cemeran Yilmaz or at the very least did not care whether he lived or died in the circumstances that I have already identified, including that between you, you attacked him with a hammer to the head and body when he was lying defenceless and already fatally injured on the ground. The ferocity of the attack, as demonstrated by the compressed skull fracture, is, however, an aggravating factor.

48. Turning to mitigating features:-

(1) You were only 15 years and 4 months old at the time of the offence, and your young age is again a substantial mitigating factor.

(2) I bear well in mind the contents of the psychology report of Dr. Wright and the report of Dr. Church, and the matters I have already identified above, as well as the content of the Pre-Sentence Report and the mitigation offered on your behalf, in particular in terms of your vulnerability and exposure, at an impressionable age to gangs and their ideology. I also bear in mind the letters that have been provided to me.

49. It is disappointing to note, as recorded in the Pre-Sentence Report, that in your interview you expressed limited remorse or empathy towards the victim

and that you continued to minimise your role. I do not accept that the Pre-Sentence Report is inaccurate in that regard. However I acknowledge that you are young, and also that in a letter to the court today, which I have had regard to, you have expressed an apology to the family and friends of the deceased which I believe to be genuine. I hope that with greater age and maturity, and removal from a world of gang culture, you will gain further insight into the true gravity of your offending and the harm that you caused.

Stand up Ramon Djauna

50. I sentence you to detention during Her Majesty's pleasure. In the circumstances I have identified including, in particular, your numerous previous convictions as well as the ferocity of the attack, and even taking account of the personal mitigating features I have identified, I consider that your offending justifies a minimum term greater than that of Jacob Morgan.

51. Having regard to the aggravating and mitigating features in your case, and bearing well in mind the sentence to be passed in respect of other defendants, I am satisfied that the appropriate minimum term is one of 17 years. From this must be deducted 243 days that you have spent on remand in custody for this offence. The minimum term is accordingly 16 years and 122 days.

52. Turning finally to you, Caleb Brown. You were 15 years and 5 months old when you took part in the fatal hammer attack upon Cemeran Yilmaz. I have had careful regard to your Pre-Sentence Report and what you told Ms Edwards who prepared the report.

53. Again pursuant to paragraph 7 of Schedule 21, the starting point for the minimum term for you is 12 years, which I adopt.

54. I reject the submissions made in your counsels' Note on Sentence as to the circumstances and nature of your involvement and the suggestion that this was not a planned or premeditated attack in a gang context for the reasons that I have already given and further identify below. In terms of aggravating features:-

- (1) There is the specified aggravating feature that there was a significant degree of planning and pre-meditation in relation to what was a revenge attack by a group upon Cemeran Yilmaz that you participated in, and in relation to which you and Ramon Djauna armed yourself with a hammer.

The backdrop to this was that this was gang related violence (you being associated with the Black Tom gang) in public, which is a further aggravating feature. I am satisfied that you, together with Ramon Djauna, having equipped yourself with a hammer, were seeking out whoever had attacked Jacob Morgan (as is apparent from the entirety of the evidence), and you have admitted that the context in which you hit Cemeran Yilmaz included his perceived association with the London Road gang (paragraph 8 of the PSR).

- (2) In your case, and as already noted, together with Ramon Djauna you brought to the scene and used a hammer which is a terrifying weapon and one, by its very nature, which is likely to lead to very serious injury or death if used to the head, as it was by one or other of you. The bringing of the hammer to the scene and its use is a feature that would have resulted in a 25 year starting point for someone over 18 years, and is a serious aggravating factor in your case.
- (3) You are also not of previous good character and your previous convictions for robbery with Ramon Djauna are an aggravating feature, although I accept the points made on your behalf as to the circumstances of such offending, the fact that you did not inflict violence in relation to such offending, and your age at a time.
- (4) Whilst again it is not an aggravating factor (as intention to kill is assumed in the starting point), I am satisfied that you and Ramon Djauna did intend to kill Cemeran Yilmaz or at the very least did not care whether he lived or died, given that between you, you attacked him with a hammer to the head and body in the circumstances I have already identified with him lying defenceless and already fatally injured on the ground. The ferocity of the attack, as demonstrated by the compressed skull fracture is an aggravating factor.

55. Turning to mitigating features. The fact that you were only 15 years and 5 months old at the time of the offence, is again a substantial mitigating factor. In this regard I have also had regard to what is said in your Pre-Sentence Report and the mitigation offered on your behalf. I accept that you did not consider the consequences of your actions and that you often act impulsively, but it is disappointing that you are described in the Pre-Sentence Report as expressing very little empathy and remorse for events though you do

recognise that what you did was wrong. I recognise, however, that your age is relevant in that regard, and once again I hope that with greater age and maturity, and removal from a world of gang culture, you will come to appreciate the true gravity of your offending and the harm that you caused.

Stand up Caleb Brown

56. I sentence you to detention during Her Majesty's pleasure. In the circumstances I have identified, in particular your previous convictions as well as the ferocity of the attack, and even taking account of the personal mitigating features I have identified, I consider that your offending justifies a minimum term greater than that of Jacob Morgan. So far as Ramon Djauna is concerned, and though you have fewer, and fewer relevant, convictions than him, I consider his greater offender history is counter-balanced by his ADHD and mild autism which reduce his overall culpability. Ultimately I consider that the factors balance themselves out, and that you should each serve the same minimum term.

57. Having regard to the aggravating and mitigating features in your case, and bearing well in mind the sentence to be passed in respect of other defendants, I am satisfied that the appropriate minimum term is one of 17 years. From this must be deducted 188 days that you have spent on remand in custody for this offence, when you were not serving 56 days for another sentence. The minimum term is accordingly 16 years and 177 days.

58. In relation to each of the defendants, it is important to emphasise, so that each of you and the public can understand the position, that the minimum term is just that - a minimum period which cannot be reduced in any way. After it is served, there is no guarantee that you will be released at that time, or at any particular time thereafter. It is then only if the Parole Board decides you are fit to be released that you will be released. Moreover if, and when, you are released you will remain subject to licence for the rest of your life, and may therefore be recalled to continue your sentence if you re-offend. It is in these ways that a life sentence protects the public for the future.

59. Finally, in each case, the victim surcharge must be paid.