



JUDICIARY OF
ENGLAND AND WALES

REGINA

-v-

**KHAYAM ALI KURSHID
KAMRAN MOHAMMED
MOHAMMED IZAARH KHAN
RAHEEM HALL**

Manchester Crown Court

21 May 2021

Sentencing Remarks of Mrs Justice Yip DBE

1. Cole Kershaw was only 18 years' old when he was shot and killed on 12 August 2020. He had a bright future ahead of him. He was enjoying his work as an apprentice scaffolder and he was a talented boxer. He was popular and had many friends. His death has devastated his family and caused shock across the community.
2. Cole was not the intended target of the shooting. As his father said in his dignified statement read to the court today, he became embroiled in a situation because he was a loyal friend to Spencer Woods. Sadly, that loyalty was misguided. Mr Woods was a source of serious trouble. He must now live with the knowledge that his actions were part of the circumstances that ultimately led to the death of his good friend.
3. Cole's father described how the family are struggling to come to terms with the senselessness of his killing. It was senseless. The life of one young man was taken away and three other young men face spending a very significant amount of their lives in custody. Many other lives have been seriously blighted as a consequence.
4. Khayam Kurshid, Kamran Mohammed and Mohammed Izaarh Khan, you have each been found guilty by the jury of Cole's murder. As you know, the law requires that I pass a life sentence upon each of you. In Mr Mohammed's case, as you are under the age of 21, that sentence is termed custody for life. For the others it is life imprisonment.

5. I am required to set the minimum term that each of you must serve in custody before you may be considered for parole. I make it clear at the outset that the sentence I will pass on each of you on Count 2 will be served concurrently and will not add to the overall length.
6. Raheem Hall, you are to be sentenced for the offence of assisting an offender, to which you pleaded guilty before the jury was sworn.

Facts

7. I must first deal with the facts and the findings I make having heard the evidence. The full story may not have emerged at trial but it was clear that there was an ongoing dispute between Mr Mohammed and Mr Woods, apparently relating to a young woman called Laci, who had been involved with both men. There was some evidence that at least initially it was Mr Woods who was the main aggressor although it was not all one-sided.
8. In April 2020, Mr Woods was attacked by a group of men armed with weapons including a machete and baseball bat. He was beaten and sustained a knife wound to the head. Kamran Mohammed, you confessed to Laci that you had taken part in that attack. Your attempt to claim your confession was no more than drunken bravado was utterly unconvincing and I have no doubt that you were involved.
9. As for you Khayam Khurshid, I am sure on the evidence that I heard that a BMW used to box Mr Woods in at the time of the attack was the same car you had been stopped driving the day before. You chose not to give evidence and so offered nothing to counter the inference that the car was also in your possession the following day. Mr Woods gave evidence that he recognised you as one of his attackers. He intended to retaliate. The police held intelligence that he wanted to acquire a firearm and was making threats on social media. Although the jury were not told, you Mr Khurshid have a relevant previous conviction for violent disorder. In 2016, you were involved in pre-planned violence involving men who had come together in vehicles. Having given careful consideration to all the available evidence, I am satisfied to the criminal standard that you were also involved in the April attack.
10. There is no evidence that Mr Khan was involved in this earlier attack and Mr Woods positively confirmed that Mr Hall was not there.
11. Although Mr Woods accepted that he planned to retaliate, nothing happened for some time. The next significant event was on 8 August. You Kamran Mohammed went to

Laci's house. You behaved disgracefully. Although not then in a relationship with her, you were furious that she was spending time with other men. You claimed you had a gun and threatened to shoot people close to Laci although no gun was found when you were arrested. You were bailed on terms that required you to stay away from Laci but you did not comply. Your actions had further enraged Mr Woods. Two days later, he came across you while you were being driven by Mr Hall. He and others launched an attack, causing serious damage to the car and directing violence towards the two of you.

12. That was the background leading to the events of 12 August. In the early hours of the morning, Mr Woods contacted you Mr Mohammed. He later messaged Laci revealing that he had made threats to blow your mother's house and car up if you did not stay away.
13. That evening, I am sure that you Mr Mohammed were preparing for a confrontation, arming yourself with weapons, including the gun. You were captured on CCTV sitting in the car with Mr Hall and Mr Khan. You had the gun out for some time and all of you were laughing and joking. As the jury found, Mr Khan joined in the possession and use of the gun. Mr Hall did not, but his later actions are to be viewed in the context of knowing that Mr Mohammed and Mr Khan were in possession of a firearm that evening.
14. Whether what Mr Mohammed said to the jury about supplying drugs is right or not, I have no doubt that this does not fully explain your movements on the night. The evidence leads to the clear inference that both sides were looking for each other. Text messages between Mr Woods and Laci demonstrate that he was looking for you Mr Mohammed. Meanwhile, you and Mr Khan were driving around Bury in the BMW 5 series and Mr Khushid was driving around in the BMW 1 series. There was frequent contact between the three of you that evening. The jury's verdicts demonstrate that they were sure that you came together with Mr Khurshid joining the BMW 5 series shortly before the car chase.
15. Although it is suggested that the car chase was initiated by Mr Woods, it was no coincidence that the car you were in drove past the house where he and his associates were. I am certain that it was part of the plan that Mr Woods would react in the way that he did. Mr Woods' side clearly anticipated violence. They were armed with weapons including a machete. Cole knew something of what was happening, although apparently did not anticipate the seriousness of what was to develop. As he left the house, he told the girls to lock the door and that he would be back in 10 minutes.

16. While I have no doubt that Mr Woods and his associates did intend harm to you Mr Mohammed, and probably your friends, there was ample opportunity for you to get away. Instead, you drove in such a way as to encourage Mr Woods to stay with you. When you did not take the opportunity to get away, the occupants of Mr Woods' Mondeo realised that something might not be as they expected. I am sure that you intended that the cars should come together as they in fact did, providing the circumstances for violent confrontation. I cannot conceive of any other reason why your car was driven in the way that it was, including driving into collision with the Mondeo once it was blocked. I conclude that the three of you were content for a confrontation to occur, knowing you had a gun which you were prepared to use.
17. After the collision, the occupants of the Mondeo got out and began running. They were pumped up with adrenalin. Two shots were fired before the shot that killed Cole. You, Kamran Mohammed, admitted that you were the person who fired the gun. The jury found that Mr Khurshid and Mr Khan were each party to the shooting with the necessary intent. All three of you are therefore to be sentenced on the basis that you were part of the same joint enterprise.
18. Having been shot, Cole shouted out "He shot me bro" and managed to run a little further before collapsing. It is notable that his friends initially appeared more intent on concealing their weapons and covering their tracks rather than trying to help him.
19. After the shooting, Mr Mohammed and Mr Khan left the area in the BMW 5 series. You wanted to distance yourselves from the car before it was traced. That was when you Mr Hall were called. There is evidence to support your contention you were not standing by primed to help. On the other hand, you undoubtedly knew the others had been armed with a gun and could clearly be trusted to help after the event.
20. I reject your claims that your involvement was as limited as you say. You drove Mr Mohammed around that night. He visited his cousin and went home to change his clothes. I am sure that you knew that he was seeking to conceal evidence of his involvement. You took him to buy petrol and I am quite sure that when you did so you knew that he intended to use this to destroy evidence. I am also sure that you know what became of the gun that you had seen in Mr Mohammed's possession before the shooting. You must have asked about it and since you did not claim that he disposed of it before getting into your car, the only sensible inference is that he did so while you drove him around.

The approach to sentencing the defendants convicted of murder

21. When sentencing those defendants convicted of murder, I have already indicated that the sentence on Count 2 will be concurrent and will not impact on the overall term you must serve. That is because the minimum term on Count 1 takes account of the possession and use of the gun. It would be artificial to consider the appropriate sentence for this offence had it stood alone and it is unnecessary to carefully weigh individual considerations given my approach. I will simply adopt the starting point suggested by the Sentencing Guidelines for a Category 1A offence when imposing the concurrent sentence on Count 2.
22. When determining the minimum term for the mandatory life sentences, I must apply the provisions of Schedule 21 of the Sentencing Act 2020. The starting point for a murder involving the use of a firearm is 30 years. I must then consider the statutory aggravating and mitigating factors set out in Schedule 21 and all relevant circumstances before arriving at the final term.
23. Given my finding that you encouraged the car chase and intended to bring about the circumstances in which the gun was used, I cannot accept the suggestion that that the necessary intent only arose after the collision or that there was a lack of any planning or premeditation. However, I am prepared to accept that this is not to be described as a case involving a “significant degree of planning or premeditation” in the context of a murder with a firearm. I will therefore treat the degree of planning and premeditation as a neutral factor. It neither aggravates or mitigates the seriousness of this offence in the context of the starting point of 30 years. None of the other aggravating factors identified in paragraph 9 apply here.
24. The seriousness of the offence is though aggravated by the wanton use of an unlawfully held firearm following a car chase around the streets of Bury when members of the public were about. Multiple shots were discharged and innocent members of the public were inevitably put at risk. An offence of this nature plainly causes shock and fear amongst the wider community. Absent any mitigation, this would call for the starting point to be uplifted.
25. Before turning to your individual circumstances, I look for any mitigation relating to the circumstances of the offence. The murder was committed against a background of serious violence and an immediate threat from Mr Woods and his associates. However, you chose to engage and to meet that threat with violence of the most serious kind. To

the extent that there was a degree of provocation, it could not begin to justify the deliberate use of a firearm. You cannot claim to have been acting in self-defence nor properly to have been acting in fear of violence. You did not seek to stay away from Mr Woods but rather headed towards the threat knowing you had the means to meet it. I do bear in mind the context of the violence and threats from the other side but consider that it can offer only limited mitigation.

26. Any gunshot wound carries an obvious risk that death will result. At the very least, the use of a gun evidences a lack of care for the life of the victim. That applies to all those involved in the shooting. However, I am unable to say for sure that the clear intent was to kill rather than cause very serious injury. It is accepted that Cole was not the intended target. I accept that there is room for some doubt as to whether it was truly intended to kill Mr Woods. However, this again affords very limited mitigation where a person has deliberately been shot in the circumstances of this case.
27. I bear in mind that this has not been an easy time for any of you to begin your lengthy incarceration. You have come into custody at a time when conditions are difficult due to the pandemic. In the context of the lengthy sentence required for a murder with a firearm this is of limited relevance but I have it in mind.

The defendants' antecedents and personal mitigation

28. Khayam Khurshid you are now aged 29 and were 28 at the time of the offence. You have previous convictions. I leave aside those for drugs offences but the conviction for violent disorder in 2016 is an aggravating factor. The fact that this offence involved organised violence when three cars came together means that there are some similarities with what happened on this occasion. You attempted to escape the consequences of this offence by fleeing the jurisdiction. You only made it as far as the Netherlands and, having been apprehended, did not resist extradition. In the circumstances, I do not see this as a factor that calls for any significant uplift. I accept what I am told about your difficult upbringing. Although this cannot offer any real mitigation for your involvement in this murder, it is something I take into account in assessing the overall picture.
29. In your case, it is submitted that it would be perverse for you to spend longer in custody than your co-defendants by virtue of your age. It is not uncommon for an older defendant to receive a longer sentence than a younger one. Such an outcome is not perverse at all if it properly reflects the end of a balancing exercise which takes account

of all relevant facts including the mitigation afforded by youth. You are, in one sense, still young and I recognise the consequences the sentence you are facing will have on the course of your life. However, you are old enough that you cannot rely upon immaturity as reducing your culpability. Your sentence is not to be uplifted to reflect your age but you do not have the mitigation open to the others. Having said this, I also have to consider your respective roles. Although significantly older than the others and with a history of being involved in organised violence, the evidence does not lead to a finding that you were directing this attack or otherwise more responsible. On the evidence, you became involved in Mr Mohammed's dispute, and I cannot rule out the possibility that you joined in only after he had already planned the confrontation and armed himself. As he also admits to being the man who fired the gun, I accept you would have some sense of grievance were you to be required to serve longer than him, even if that could be justified by your relative ages and your antecedents. I have concluded that a proper balancing of all relevant factors allows me to impose the same minimum term on you as I will on him. That may involve being somewhat generous to you given the limited mitigation you have, but overall it produces what I regard as the fairest outcome. For reasons I shall explain, Mr Khan is in a somewhat different position.

30. Kamran Mohammed you are now 20 and were 19 at the time of the offence. Your youth is a significant mitigating factor. You have no previous convictions. However, you cannot claim to have been of good character. The evidence, including your own, demonstrated that you were involved in criminal activity and that prior to the murder your offending behaviour was escalating. It is an aggravating factor that you were on bail. However, I bear in mind that you had never previously come before the courts and that this is your first sentence. You were, on your own admission, the driving force behind the murder and the person who fired the gun. You disposed of the gun and took steps to cover evidence and frustrate the police investigation. Leaving your young age aside, your culpability is higher than that of your co-defendants. Your age allows for a more lenient approach than would have been the case if you were older.
31. Mohammed Izaarh Khan, you are now 22 and were 21 at the time of the offence. You were on licence at the time of the offence. As the days you have served on recall will not count towards this sentence, you have been punished for that. Although not as young as Mr Mohammed, your youth still offers some mitigation to be considered alongside your learning difficulties. The most reliable evidence appears to be that

contained in the joint statement of the psychologists Dr Conning and Dr Todd, from which it emerges that your overall cognitive functioning is in the borderline range and that you are socially vulnerable. This does not provide an excuse for your involvement in this murder. The unchallenged evidence of Mr Mohammed was that you were his “boss” for the purpose of dealing drugs, consistent with your conviction and your phone records. Further, the final position reflected in the joint statement leads me to the view that you are not wholly naïve. However, I do acknowledge that your mental difficulties impact on your ability to make wise decisions and to that extent reduce your culpability below that of the average offender or your age. The expert evidence is supplemented by the letter from your mother. I accept that her concerns are very real and are based upon her detailed knowledge of your difficulties. I also find it to be consistent with the medical records which I had cause to give some consideration to during the trial. I accept also that your vulnerability is likely to increase the impact of the many years you will spend in prison and adds to the worry and distress experienced by your family, particularly your mother. I will reduce the minimum term you must serve to take account of the mitigation offered by your age and immaturity coupled with your specific learning difficulties.

The approach to sentencing Raheem Hall

32. Turning to you Raheem Hall, the maximum sentence for assisting an offender who has committed murder is one of 10 years’ imprisonment. There are no sentencing guidelines but I follow the guidance of the Court of Appeal in *AG’s Ref (No. 16 of 2009)* [2009] EWCA Crim 2439 noting the key factors identified there.
33. I have already explained why I cannot accept that your involvement was as limited as you claim. You knew there had been a shooting, even though you did not then know that the victim was dead. You not only collected two of the offenders but then drove Mr Mohammed around knowing he was seeking to get rid of evidence. All this is to be seen in the context of you having been perfectly comfortable in his company earlier while he was in possession of the gun. On the other hand, the evidence does not support a conclusion that you were generally involved in any group offending or that you were steeped in gun culture. Your actions helped delay the apprehension of those responsible for the shooting and did hamper the collection of evidence but did not ultimately interfere significantly with the prosecution.

34. You are now aged 19 and were 18 at the time of the offence. Your young age is a mitigating factor. You do have previous convictions but none are of a similar nature and I do not treat them as aggravating this offence.
35. I accept that you now regret your involvement and the affect that has had on your family, including your very young daughter. The pandemic has impacted on your time in custody. In your case, it has additionally made it even more difficult for you to maintain a relationship with your daughter in the early stage of her life. I take that into account.
36. You are entitled to some credit for your guilty plea, although it was entered at a very late stage and on a basis which I have rejected in part. The discount I apply is a little less than 10%.

The sentences

37. For the defendants convicted of murder, the minimum term represents the shortest period you will be required to serve. There are no guarantees that you will be released at that time, or at any particular time thereafter. It will then be for the Parole Board to decide if you are fit to be released. You must also understand that if you are released you will remain subject to licence for the rest of your life and are liable to be recalled to prison if you reoffend.
38. In the case of Raheem Hall, you will be required to serve half your sentence in custody and will then be released on licence. If you reoffend while on licence, you may be recalled. The time you have spent on remand will be credited automatically in fixing your release date.
39. The appropriate statutory surcharge of £180 is to be applied in each defendant's case on the usual terms.
40. Khayam Khurshid, for the murder of Cole Kershaw, I sentence you to life imprisonment. The minimum term in your case will be 27 years. 276 days is to be deducted from that representing the days you have spent on remand here and the 10 days you were in custody awaiting extradition. On Count 2 the sentence is 18 years' imprisonment to be served concurrently.
41. Kamran Mohammed, you are sentenced to custody for life with a minimum term of 27 years. The 266 days you have spent on remand are to be credited against this. On Count 2 the sentence is 18 years' detention to be served concurrently.

42. Mohammed Izaarh Khan, I sentence you to life imprisonment with a minimum term of 24 years, less the 172 days you have spent on remand excluding the time you were recalled on your licence. On Count 2 the sentence is 18 years' imprisonment to be served concurrently.
43. Raheem Hall, the sentence I would have imposed on you had you not pleaded guilty is 4 ½ years' detention. After allowing credit for your guilty plea, the final sentence is 4 years' detention in a young offender institution.