



Regina

v.

Ricardo LINTON

Sentencing Remarks

1. Ricardo Linton, the jury have found you guilty of the murder of Mohammed Basharat and the attempted murder of Jamshaid Khan on 20 October 2001.
2. The killing of Mr Basharat was, as your own counsel accepted, a targeted execution. He and Mr Khan were taxi drivers and were in the office of Little Horton Taxis on Park Lane in Bradford when a gunman with his face covered entered the office and, without saying a word, took aim at Mr Basharat and fired four bullets, two of which hit Mr Basharat in the head and killed him.
3. The gunman then took aim at Mr Khan and pulled the trigger several more times. Fortunately for Mr Khan, the cylinder of the gun, an air cartridge pistol which had been adapted to fire bullets, had burst and no more bullets could be fired. The gunman quickly left the taxi office and disappeared into the night.
4. Mr Basharat was a 33 year old father of four children. You ended his life and you brought lifelong misery to his family. His eldest son, Mubashir Ali, was only 13 when you killed his father. He has made a moving statement in which he has set out how the pain will stay with them forever.
5. Mr Khan gave evidence at trial. No-one who saw him give evidence can fail to have been moved by his account of the night you tried to kill him.
6. For the murder of Mr Basharat, I have to impose a sentence of life imprisonment. However, I also have to decide whether to make a whole life order, which would mean that you would never be released from prison, or to fix a minimum term which you will serve before you are eligible to be considered for release by the Parole Board.
7. It is important that you, and everyone concerned with this case, should understand what a minimum term means. A minimum term is not a fixed term after which you would automatically be released. It is the minimum time which you would spend in custody before your case could be considered by the Parole Board. It would then be for the Parole Board to say whether or not you would be released. If they did not, you would remain in custody.

8. Moreover, if and when you were released, you would still be subject to licence. This would remain the case for the rest of your life. If for any reason your licence were to be revoked, you would be recalled to prison to continue to serve your life sentence in custody.
9. I need first to consider the role which you played in this execution. Given the directions which I gave to the jury, the jury's verdicts do not indicate that they were sure that you were the gunman. I have to ask myself whether I am sure that you were the gunman.
10. I am sure that you were the man who had a fight with Mr Basharat in Park Lane the previous evening, after the wing mirrors of your cars had clipped one another. I am sure that Mr Basharat got the better of you in that fight, that you were outnumbered as other taxi drivers arrived at the scene and that you ran off, shouting, "You don't know who you are messing with. I will come back and get you."
11. That threat to get Mr Basharat was carried out. That is why he was killed, because of a fight over a damaged wing mirror.
12. The question whether or not you were the gunman arises because of hearsay evidence which you called from Tamara Wright, a Jamaican who now lives in New York, but who was then living in Bradford with two other Jamaicans, one of whom was Cassandra Lancaster. Cassandra Lancaster's boyfriend at the time was your fellow crack cocaine dealer, a man who went by various names, and whom I will call Johnny. Your case was that Johnny was the gunman.
13. At trial, Tamara Wright gave evidence that Johnny told her that he shot the taxi driver. However, this evidence contradicted both the witness statement which she made on 13 November 2001 and the witness statement which she made on 28 March 2012. The evidence which she gave at trial was thoroughly unconvincing.
14. I am sure that you were the gunman. Your threat was that you would come back and get Mr Basharat. Mr Khan thought that the gunman was the man he had seen the night before in Park Lane. Tamara Wright's first witness statement contained some evidence, albeit multiple hearsay, that Johnny was not the gunman. And you had killed someone before in the very same way.
15. That was on 13 January 1993, when you murdered Jose Rosa. You were tried for and convicted of that offence in October 2005. You continue to deny your guilt, but I am sure that you were guilty.
16. The evidence at your trial in New York was that Mr Rosa was shot as he sat with three other young men in a stationary vehicle on a street in Brooklyn by a gunman who, without saying a word, approached the vehicle, produced a pistol, fired shots at Mr Rosa, who was shot three times, fired at one of the others, Tommy San Miguel, aiming at his head, approached Mr Rosa as he lay on the ground, fired a final, fatal shot into his head and walked away. That was another execution by you, 8 years before you executed Mr Basharat.
17. I consider that the seriousness of your offending was exceptionally high, because you murdered one man and tried to murder another and you had previously murdered Jose Rosa. The current law is that the starting point in such a case is a whole life order.

18. As for the attempted murder of Mr Khan, this was a case of very high culpability because you used a gun. Fortunately, you did not cause serious harm. The guidelines say that the starting point for your offence of attempted murder is 25 years' imprisonment and that the range is up to 30 years.
19. Apart from the nature of the killing itself, the other aggravating factors, some of which are more significant than others, and in respect of which I accept the need to avoid double-counting, are as follows:
 - (1) You were convicted in New York of the offence of possession of a handgun, committed on 23 December 1991.
 - (2) Since 1993, you had been taking steps to avoid detection by the authorities in New York, since you knew that you were wanted on suspicion of murdering Jose Rosa.
 - (3) You were only in this country because you had entered it unlawfully under a false name.
 - (4) What you had been doing here in Bradford since May 2001 was dealing in crack cocaine.
 - (5) There was a significant degree of planning. You had to source the gun and then you, possibly assisted by Johnny, had to keep watch on the taxi office until you saw Mr Basharat go in.
 - (6) You then left the country in order to escape detection.
20. There are no mitigating factors.
21. I have to impose a total sentence which reflects all of your offending behaviour and which is no more than is just and proportionate. I will impose concurrent sentences for the offences of murder and attempted murder. I have taken account of the attempted murder in assessing the seriousness of the offence of murder.
22. There are two other factors which I need to bear in mind. The first is that you are currently serving a sentence of imprisonment for the murder of Jose Rosa and you have been in one prison or another since you were arrested in Jamaica on 5 August 2003, 18 years and 53 days ago. You were convicted of Jose Rosa's murder on 19 October 2005. You were sentenced for that murder on 17 November 2005. You were sentenced to be imprisoned for 25 years to life.
23. The practical effect of that sentence is that the earliest date on which you could be released from prison pursuant to that sentence is in May 2029. I do not know when, if at all, you will in fact be released from prison pursuant to that sentence, as that remains to be determined. If you are released from prison pursuant to that sentence, you will continue to serve the sentence which I am about to impose.
24. The second factor is your age. You were born on 16 September 1975, so:
 - (1) you were 17 when you murdered Jose Rosa;

- (2) you were 26 when you murdered Mohammed Basharat and attempted to murder Jamshaid Khan;
 - (3) you were 27 when you were arrested and imprisoned;
 - (4) you were 30 when you were convicted and sentenced in New York;
 - (5) you are now 46; and
 - (6) you will be 53 before there is any chance of your being released from the sentence imposed by the court in New York.
25. It is right that I bear these facts in mind and that I should also have regard to how old you will be at the expiry of any minimum term which I might impose.
26. Finally, the law says that, because you committed these offences before the current law on sentencing murderers came into force in 2003:
- (1) I cannot make a whole life order unless I consider that the Home Secretary would have been likely to make what was the equivalent of a whole life order under the practice followed before December 2002; and
 - (2) any minimum term which I fix must be no greater than the minimum period, or tariff, which I consider that the Home Secretary would have been likely to have fixed under that former practice.
27. I have considered the statements made by a succession of Home Secretaries, the relevant Practice Directions and many decided cases. I have concluded that, while it is very possible, it is not likely that the Home Secretary would have made what was the equivalent of a whole life order in your case. However, I have also concluded that it is likely that the tariff which the Home Secretary would have fixed in your case would have been a very long one and would have been as long as the minimum term which I am about to impose.
28. Ricardo Linton, for the murder of Mohammed Basharat I impose on you a sentence of life imprisonment. I fix the minimum term which you will serve in custody at 31 years and 312 days. This means that you will not be eligible to be considered for release from prison until you have spent a total of 50 years in prison following your arrest on 5 August 2003. By then, you will be 77 years old.
29. This is a more lenient sentence than you would have received if you had committed these offences at any time in the last 17 years. Had you done that, the effect of my sentence would have been that you could never be released from prison.

30. I also impose on you a concurrent sentence of 30 years' imprisonment for the attempted murder of Jamshaid Basharat. Since it is concurrent, this will not affect the total length of your sentence.

Mr Justice Lavender
27 September 2021