

WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

IN THE COURT OF APPEAL
CRIMINAL DIVISION



CASE NO 202301636/A3
[2024] EWCA Crim 370

Royal Courts of Justice
Strand
London
WC2A 2LL

Wednesday, 31 January 2024

Before:

LORD JUSTICE DINGEMANS
MR JUSTICE CHOUDHURY
THE RECORDER OF REDBRIDGE
HER HONOUR JUDGE ROSA DEAN
(Sitting as a Judge of the CACD)

REX
V
KAMILA AHMAD

Computer Aided Transcript of Epiq Europe Ltd,
Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE
Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

MISS S JONES KC appeared on behalf of the Applicant

J U D G M E N T

1. MR JUSTICE CHOUDHURY: On 19 April 2023 in the Crown Court at Croydon, before His Honour Judge Gower KC the applicant, then aged 24, was sentenced for the following offences of which she had been convicted after trial: Count 1, wounding with intent, seven years' imprisonment concurrent; Count 3, murder, imprisonment for life. The minimum term for the sentence of life imprisonment was 23 years less 546 days spent on remand. The applicant seeks to renew her application for leave to appeal against that sentence, leave having been refused by the single judge.

Factual background

2. As of July 2015, the applicant, then aged 16, was in a relationship with Karim Hussain, who was then aged 17. On 20 July 2015 the couple had spent the morning at the applicant's house. They argued and the police were called. Hussain was asked to leave but he returned later that afternoon to collect a mobile phone charger. The applicant, who was under the influence of cannabis, was not pleased to see him but let him in. As Hussain went to unplug his charger the applicant stabbed him three times with a knife. The injuries were to his back, below the left shoulder blade, in the left armpit and to his left forearm. There were further defensive injuries to Hussain's left hand. The applicant denied any involvement in the stabbing, suggesting instead that Hussain had been stabbed in the street by someone unknown. Hussain went along with this version at the time because he was in love with the applicant and did not want to be considered a snitch. She was not charged with that offence at the time.
3. By March 2021 the applicant, who was then aged 22 and who had by then served time in a young offender institution for robbery offences committed in 2017, had been in a relationship with Tai O'Donnell for about a year. The relationship was described as

“volatile” with neighbours reporting frequent arguments.

4. On 24 February 2021 the applicant broke a window in O'Donnell's flat to gain access and let herself in. On 2 March 2021 she removed the boarding from the broken window and entered the flat again. At 03.27 in the morning on 3 March 2021 the applicant sent a message to her friend saying that she had stabbed someone and that nobody was helping her clean up. O'Donnell had been stabbed four times to his back, to the back of his right thigh and twice to the back of his left thigh. One of the stab wounds penetrated to a depth of 11 centimetres and almost severed his femoral artery. That last wound was fatal.
5. It was found that the applicant had been angered by O'Donnell's wish to end the relationship. The applicant sent O'Donnell text messages in the weeks leading up to the offence. These included a threat to stab him and made reference to her having three knives hidden in her room. O'Donnell told his mother and grandfather of the threats she had previously made towards him. He also told a friend, Sarah Boyle, of an occasion when the applicant produced a knife in his home.
6. The pathologist concluded that O'Donnell did not die immediately. A makeshift tourniquet had been applied but it was too low to have been effective. The applicant knew that O'Donnell did not have a telephone and she did not call for help herself. She cleaned bloodstains from the bed clothing and elsewhere in the flat.
7. The emergency services were called by O'Donnell's neighbour, Miss Gonzalez, at just after 12 o'clock on 3 March. She claimed to have gone to his house and seen him lying on the sofa with blood all over the room and on the doorstep. Paramedics arrived at 12.16 and found O'Donnell's body on the living room sofa. Gonzalez did not tell them that the applicant was at her mother's address a short distance away. Instead, Gonzalez falsely claimed that a girl she did not know had been at the flat when she arrived and that

the girl had left. When a police constable accompanied Gonzalez back to her address, she falsely told him that the applicant was her sister. The applicant left Gonzalez' mother's address at just after 1 o'clock. She disposed of the murder weapon, her mobile phone and the clothes she had been wearing.

8. On the following morning the applicant told the probation service and a police officer who went to her mother's house to arrest her that the killing had nothing to do with her. Hussain subsequently decided to tell the police about the applicant stabbing him.
9. At trial the applicant ran a case of self-defence in respect of both counts.
10. In sentencing the applicant, the judge rejected the suggestion that the applicant was a victim in either of the relationships with Hussain and O'Donnell. He concluded that the "preponderance of the evidence" put before the jury pointed in the other direction to "you being the controlling and coercive partner." The judge said he could not be sure that the applicant took a knife to the scene and therefore applied a starting point for the minimum term of 15 years.
11. Having taken account of the numerous aggravating features, including the failure to call for help, the attempts to conceal her actions, the previous threats of violence and her previous convictions, and the mitigating features including the absence of any intention to kill, her age and her background, the judge considered that the appropriate minimum term if sentencing for the murder alone would be 20 years. As for count 1, the wounding with intent, the judge considered that this was a high culpability offence given the persistent nature of the attack on Hussain, but that the injuries were not as serious as they could so easily have been. As such the judge considered that this was a Category 2A offence with a starting point of five years and a range of four to seven years. Taking account of all the relevant factors in relation to that offence, the judge imposed a sentence

of seven years to run concurrently. Finally, taking account of totality, the judge increased the minimum term on count 3 to 23 years to reflect the overall criminality involved in the two offences.

Grounds of appeal

12. Miss Jones KC appears for the applicant before us, as she did below, and relies on four grounds of appeal:

1. The minimum term in respect of the murder offence was too long.
2. The learned judge erred in making a factual finding that the applicant had not been the victim of domestic violence.
3. Inadequate allowance was made for the applicant's age at the time of the section 18 offence.
4. Insufficient allowance was made for totality.

13. In refusing leave, the single judge said as follows:

"You fell to be sentenced for wounding with intent of a previous partner and for murder of another following your trial. The jury rejected that you were acting on occasion in self-defence.

In relation to the murder sentence the Judge took the appropriate starting point of 15 years. Although he accepted that you did not have an intent to kill, there were significant aggravating factors to the offence. You inflicted four knife wounds to the rear of the deceased's body in his own home to which you had gained access. The Judge found, as he was entitled on the evidence and well-placed having presided over your trial so to do, that you acted out of anger. This was against the background of earlier threats to stab him. There was evidence that the deceased would have survived if you had called assistance. You did not do so. There was evidence that he survived for up to 30 minutes. He did not have a phone to summon help. The Judge was entitled to find that he suffered in that time. You set about cleaning the flat in an attempt to hide what you had done. You disposed of evidence. You put another up to giving a false account for the deceased's injuries and left the scene. You have significant previous convictions. The

offence was committed on licence. The Judge was entitled to find that you are a dangerous young woman and that these aggravating factors warranted an increase in the starting point of five years. In so doing he took into account the limited mitigation that you had. The Judge was well-placed to determine on the evidence whether you were the victim of domestic violence at the hands of the deceased and to conclude that you were not. He was entitled to find that you were the perpetrator of domestic violence at the hands of the deceased and to treat that as an aggravating factor.

The Judge properly categorised the offence of unlawful wounding within the guideline. You were 16, nearly 17 years of age at the time of that offence. As was said in R v Ghafoor [2001] EWCA Crim 857 the starting point is the sentence a defendant would have been likely to have received if sentenced on at the date of the commission of the offence. Your youth would have been taken into account at that time. Eight years had passed between the commission of this offence and your sentence. As was said in Ghafoor a Judge is entitled to consider that a long interval between the commission of the offence and conviction as well as the fact that a defendant has been revealed to be a dangerous criminal by the time of sentence impacts on the appropriate reduction, if any for youth. In any event the sentence was ordered to run concurrently with the life sentence for murder which was only increased by three years for totality.

The Judge plainly considered totality in the overall sentence imposed and expressly only increased the minimum term for the murder by three years for that reason.

Your sentence is not arguably manifestly excessive for two extremely serious offences in which you stabbed partners or ex-partners multiple times. Leave to appeal sentence is accordingly refused."

14. We have reviewed the matter afresh and we have had regard to Ms Jones KC's careful submissions in developing the four grounds of appeal. However, we remain entirely in agreement with the single judge that there is nothing in this appeal. The principal point made by Ms Jones is that the judge was wrong to conclude that the applicant had not been a victim of domestic violence and that that finding was borne out of stereotypical assumptions as to the nature of the relationship between her and her partners. However,

as the judge himself noted there was a “preponderance of evidence” pointing the other way and no positive case had been put forward by the applicant that she was a victim. The judge was well placed in our view, having presided over the trial, to make the judgment that he did. This is not a case where it can be said that the findings of fact made by the judge were inconsistent with other evidence, wholly uncontradicted by incontrovertible facts or irrational in some sense. It is therefore not open to this court to go behind those findings made by the judge. Nothing in our review of the evidence or in Ms Jones' submissions undermines that conclusion.

15. For those reasons, leave to appeal in this matter is refused.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE

Tel No: 020 7404 1400

Email: rcj@epiqglobal.co.uk