



NOTTINGHAM

GROOMING GANG TRANSCRIPT

2021



Waqas Akhtar



Mohammed Ahmed



The sentencing remarks of Waqas Akhtar and
Mohammed Saeed Ahmed

Active from 2017-2018

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About this case

These remarks concern two defendants, sentenced following investigations by Nottinghamshire Police. The offences relate to the grooming and sexual abuse of vulnerable teenage girls.

The offences happened between early-2017 and early-2019, with the youngest victim being 14 at the time. Much of the abuse was facilitated via social media.

Mohammed Saeed Ahmed was sentenced to 3 years for multiple offences of sexual activity with a child.

Waqas Akhtar was sentenced to 7 and a half years for multiple offences of sexual activity with a child, and multiple offences of sexual communications with a child.

Akhtar was noted by the presiding judge, HHJ John Edward Ramsay Burgess, as displaying persistence in contacting his “very vulnerable” victim, giving her alcohol and drugs in order to facilitate his abuse despite the efforts of a social worker to intervene.

One of Ahmed’s victims reported continued mental health issues as a result of her ordeal, with the judge describing the abuse as having “had a significant and lasting impact upon her.”



IN THE CROWN COURT AT NOTTINGHAM

T20197599

A1199EQ

60 Canal Street
Nottingham
Nottinghamshire
NG1 7EL

Monday, 29 March 2021

Before:
HIS HONOUR JUDGE BURGESS

R E G I N A
-v-
WAQAS AKHTAR
MOHAMMED SAEED AHMED

MR A AMER appeared on behalf of the Prosecution

MS L HOCKNELL appeared on behalf of the Defendant **AKHTAR**
MR A REYNOLDS appeared on behalf of the Defendant **AHMED**

SENTENCING REMARKS
(12.10 pm to 12.30 pm, and 12.34 pm to 12.45 pm)

Digital transcript of Epiq Europe Ltd
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SENTENCING REMARKS

(12.10 pm)

JUDGE BURGESS: You can sit down whilst I pass sentence.

Perhaps, I can preface my sentencing remarks by saying that sentencing is never straightforward and that is never more apparent in a case like this. There are a number of factors that have to be taken into account and I am doing my best, to use the words that Mr Reynolds used, to balance them.

You, Waqas Akhtar, are now 26 years old. You were 23 at the time that you committed the offences for which you are now to be sentenced. The jury convicted you of five offences committed against a 14-year old girl. Person 1 was a very vulnerable child who needed the care of a social worker, Person 2, a woman who did her best to protect Person 1 from herself and from the likes of you. You took advantage of Person 1's vulnerability to satisfy your own lust. Despite the fact that you knew she was under the age of 16, you were persistent in contacting her for sexual purposes.

The first two offences were committed early on in the relationship, according to Person 1. You and a friend picked her and her friend, Person 3, up in a car and you took her to your friend's house. Alcohol and cannabis were provided and she took both. At the house, you engaged in sexual activity, first, by touching her thighs and buttocks -- that is count 8 -- and then by having full sexual intercourse, count 9. You ejaculated and there is clear evidence that there was real concern that she might be pregnant. That was in August 2018.

On 5 September, Person 2 witnessed a telephone conversation between you and Person 1 -- and I am quite satisfied that it was between you and Person 1 -- when it was clear that you were behaving towards her in a very controlling way. Person 1 was pleading with you and even persuaded Person 2 to pretend to be her mother.

On 8 September -- three days later -- you were issued with a child abduction warning notice. You were told that you were not allowed to have any contact with Person 1 and were shown her photograph to make sure that you knew who the police were talking about. You told the jury that you did not recognise her and threw the notice in the bin thinking that it had no application to you. That was a hopeless lie. The jury clearly did not believe you and neither do I. That makes what followed much worse. You were deliberately ignoring a very clear warning to stay away. You repeatedly contacted her by phone and social media and the content of those conversations was explicitly sexual.

Count 10 of the trial indictment was a charge of sexual communications with a child

A on 23 December 2018. You were suggesting to her that she felt horny. The rest of that conversation can be found in the jury bundle behind tab seven, page 34.

Count 11 of the indictment reflects a conversation you had with her on Christmas day when there was a discussion about what she would like for Christmas. You suggested that she would like you to perform oral sex upon her.

B Finally, the jury convicted you of count 12, an offence of arranging to meet a child following sexual grooming on 31 December. This involved you trying to persuade her to go with you into your mother's garden at night. She did not want to go there. You were telling her that no one would see. It was clear that some sort of penetrative sexual activity was anticipated by you. When she refused, you tried to manipulate her by cutting her off, suggesting that you were not interested in her if she was not going to go along with what you wanted.

C In the course of this hearing, we have discussed the sentencing guidelines and their application to what you did. I will deal with them sequentially.

D Count 8 does not involve any direct contact with breasts or genitals and falls into category 3 when considering the harm caused. The prosecution suggest that the culpability should be described as high A because we are dealing with a vulnerable child, there was an element of grooming, and alcohol and drugs were provided in the course of what happened. I agree with Mr Amer's assessment and Ms Hocknell does not, really, take issue. Now, that offence has a starting point of twenty-six weeks and a range from a community order to three years' imprisonment, but it needs to be seen in the context of what followed and, in fact, it was the precursor to what happened in count 9.

E Count 9 did involve the penetration of her vagina with your penis and the harm caused has to be category 1. Your culpability involved an element of grooming, the provision of alcohol and drugs, and she was a vulnerable child. For these reasons, the prosecution say that the culpability falls into category A. That means a starting point of five years with a range of four to ten. Again, I agree with that assessment and, again, Ms Hocknell does not take issue. The fact that you ejaculated is obviously an aggravating feature.

F The remaining counts on the indictment are obviously made worse by the fact that you were ignoring the child abduction warning notice. There is no guideline for the offence of sexual communications with a child, but I bear in mind the fact that the maximum sentence is two years. The prosecution suggest that count 12, which is the most serious of those offences, falls into the most serious category because there was raised harm, she was a particularly vulnerable child -- a fact that you should have been

G

A aware of following the service of the CAWN -- and they say it is raised culpability because you intended to have penetrative sexual activity. I am quite satisfied that penetrative sexual activity was what you had in mind.

B In mitigation, I have to bear in mind your previous good character and what Ms Hocknell describes as your lack of maturity. I also have to have regard to the totality of the sentence. For this reason, I am going to pass concurrent sentences on counts 8 and 9 and concurrent sentences on counts 10, 11, and 12, but the sentences on those two groups of offences will be consecutive to reflect your overall criminality and the fact that the second group of offences were committed after the warning you had received.

C Count 9, I will turn to; sexual activity with a child aggravated by the fact that you ejaculated and there was a very real fear of pregnancy. It is mitigated by your good character. They balance themselves out. The sentence on count 9 is one of five years' imprisonment. The sentence on count 8 is six months' imprisonment concurrent.

D Count 12 also has the mitigation that you were of good character, but the overall context of this offence would justify a sentence of four years' imprisonment. However, because I have to consider the totality of your sentence, I reduce that to two and a half years, but that is consecutive to the five years making a total of seven and a half years' imprisonment. In respect of counts 10 and 11, the sentence is six months concurrent with each other and concurrent with the seven and a half years.

E So, the sentence is seven and a half years in all. Of course, there can be no credit for your guilty plea because you were convicted by the jury. You did not plead guilty. I have considered the question of dangerousness and have concluded that, because this is your first conviction of any sort, it would be wrong to assume that you represent the sort of danger that warrants an extended sentence.

F However, because of your age and the nature of this offending, I am satisfied that the criteria for a Sexual Harm Prevention Order are fulfilled and I intend to make such an order in the terms set out in paragraphs one to three of the draft. I am not satisfied that the remaining provisions in the draft are necessary.

F That means this. You will serve half of the sentence in custody and half on licence. Any time you have already spent in custody will also count towards it. There will be requirements of the licence. Breach them or commit another offence, you are likely to be recalled to serve some or all of the sentence.

G The Sexual Harm Prevention Order. If you do any of the things that are set out in it, you will be committing a criminal offence punishable with imprisonment.

You will be barred from working with children and you will be subject to

the requirements of the Sex Offenders' Register indefinitely.

Ms Hocknell, do you require me to go through paragraphs one to three with him?

MS HOCKNELL: I don't, no. I can do that with him.

JUDGE BURGESS: Thank you very much.

The statutory surcharge applies.

Mr Amer, is there anything I have forgotten?

MR AMER: No, thank you, your Honour.

JUDGE BURGESS: Ms Hocknell, anything I have forgotten?

MS HOCKNELL: Not for my part. Thank you, your Honour.

JUDGE BURGESS: Thank you very much.

He can go down.

MS HOCKNELL: Would your Honour take it as a discourtesy if myself and my instructing solicitor left immediately?

JUDGE BURGESS: No discourtesy at all, no.

MS HOCKNELL: Thank you.

JUDGE BURGESS: There is no reason for you to remain. **(Pause)**.

Mr Amer, I wonder if you could draft a restraining order in respect of the two girls.

MR AMER: Certainly. **(Pause)**.

JUDGE BURGESS: Is he now 22 or 23?

MR REYNOLDS: 22, I believe.

JUDGE BURGESS: Yes, that is all right.

MR REYNOLDS: Yes. **(Pause)**.

JUDGE BURGESS: Well, I will rise now if we are going to have to wait much longer.

(12.30 pm)

(The court adjourned)

(12.34 pm)

JUDGE BURGESS: You can sit down.

Mohammed Ahmed, you are now 22 years old. At the time that you committed these offences, the ones I have to sentence you for, you were 18 and 19. You pleaded guilty, in September last year, to four offences of a sexual nature against children.

The first count -- count 37 -- concerned Person 4 who was 15 at the time. The other three charges -- counts 6, 9, and 11 -- relate to Person 1 who was 14. It is the offence committed against Person 4 that is the most serious, but the fact that these sentences involve two girls obviously makes the situation much worse.

I deal with count 37, first, relating to Person 4.

A You made contact with her via Snapchat. You told her she was pretty. You said you were 16. You began to chat on a regular basis. I think, in fact, you said you were 17. I am sorry about that. You gained her trust and she liked the things you were saying to her. She told you her age and you knew that she was at school. You spoke to each other regularly and, on 26 October 2017, you asked her to meet you at McDonald's after school. This meeting took place and, afterwards, you said you were going to walk her back to the bus stop. You told her you knew a shortcut and you led her through the park to a secluded area near a railway line.

B You touched her, hugged her, and kissed her. You then told her to give you head. She said she did not want to. This, in fact, was her first sexual experience and it turned out to be a very unpleasant one. She felt pressured into what happened next. You are not facing a charge of rape. I pay attention to that, but you took out your penis, pressed it against, and then into her mouth. After a very short time, she pushed you away and you apologised. She went home and you apologised again on Snapchat.

C I have read and we have heard today the victim personal statement that Person 4 has written. What happened between the two of you has had a significant and lasting impact upon her. She felt betrayed by what you did. She felt that you had earned her trust and now she finds it difficult to trust anyone. She finds it difficult to open up and she is fearful of meeting you. She suffered from anxiety and depression. She feels that what you did has impacted upon her ability to do a job she loves and she has developed the nervous habit of scratching herself.

D After that event, there were many text messages when you accused her of getting people to threaten you and you were abusive towards her. The text messages were very unpleasant. In the many references that I have read about you saying good things, they say that you are kind and respectful. Well, you were not kind or respectful to her. In interview, you denied any sexual contact with her, but you have now pleaded guilty to this offence.

E The offences against Person 1 can be summarised quite shortly.

F Count 6 is intended to reflect the fact that, on 8 September 2018, you were asking her to send sexual pictures of herself. Count 9 is you inciting her to take her clothes off and masturbate. That is on 16 September 2018. Count 11 represents you kissing her. That is between 1 September 2018 and 30 September 2018. At the time of all of these offences, you were 19, she was 14, and there were hundreds if not thousands of messages that passed between you. It seems quite clear that you were controlling this relationship.

G Again, there has been a discussion about the sentencing guidelines and

A the prosecution say that count 37 -- the offence relating to Person 4 -- falls into category 1A. There is penetration of her mouth with your penis which makes it category 1 when considering harm, and they say that your culpability is A because there was grooming and that you had lied about your age. I agree with the prosecution assessment, although I accept that the lie about your age was minimal compared with some cases. The starting point for an offence falling into that category is three years with a range of four to ten.

B MR REYNOLDS: Five.

JUDGE BURGESS: Sorry, five years. Did I?

MR REYNOLDS: You said three years.

JUDGE BURGESS: Did I? Well, I have written five but, sorry, the category is five years with a range of four to ten. Thank you.

C I also have to bear in mind your previous good character, your age, and your guilty plea. I pay particular attention to your age because, although you were 18 and not a child in the legal sense, it is accepted that a person does not become immediately more responsible or mature just because they pass their 18th birthday. I have also taken into account the remorse you have expressed in your letter.

D Bearing those matters in mind, I would have said that but for your guilty plea the right sentence would have been three years. That should be reduced by 25 per cent to reflect the timing of your plea. It is plain that you were contesting your guilt of any offence in the magistrates' court. So, to reduce it by 25 per cent would make a sentence of twenty-seven months' imprisonment, but I shall return to that in a moment.

E Of the offences against J, the most serious is count 9, inciting her to masturbate. The prosecution say that this falls into category 2A. It is category 2 because it involves inciting her to touch her own vagina and Person 4 because of the grooming and the fact that she was a vulnerable child. She was 14. You were 19. I agree with that assessment, but acknowledge that there is no evidence that she did what you were inciting her to do. The starting point for an offence in this category is three years with a range of two to six. Because of your age, though you were by now 19, I would say that but for your guilty plea the sentence would be two years. I would have reduced that by 25 per cent, because you pleaded guilty at the plea and case management hearing, and the sentence would have been eighteen months if it had stood alone.

F Because I have to consider the totality of the sentence, I am going to pass concurrent sentences on the remaining counts relating to Person 1. So, eighteen months would have been the total in relation to Person 1 and, if I were to make that consecutive to the
G twenty-seven months, that would result in a sentence of three years and nine months. As a

A total sentence, I consider that to be too long given the mitigation and the delay. So, what I am going to do is increase the sentence on count 37 and pass concurrent sentences on the offences against Person 1.

B The sentence, therefore, on count 37 -- the offence in relation to Person 4 -- is three years' imprisonment. The sentence on count 9 is eighteen months concurrent. On counts 6 and 11, I pass six months and four months concurrent, respectively. So, the total sentence is three years' imprisonment.

You can sit down.

C That means this. You will serve half of the sentence in custody and half on licence. There will be requirements of the licence. Fail to comply with them or commit a further offence, you will be recalled to serve some or all of the rest of the sentence. Any time you may have spent in custody awaiting the court proceedings will count towards it. If you committed a further offence whilst the licence is running, again you are likely to be recalled to serve some or all of it.

D There is an application for a Sexual Harm Prevention Order. I am not going to make a Sexual Harm Prevention Order in this case because I am not satisfied that the criteria are fulfilled. This is because of your age at the time and the fact that you have been on bail for a long time and not reoffended. I believe that these proceedings, given what I have read about you, will have been a salutary lesson, but I am going to make a restraining order preventing you from contacting either of these girls, directly or indirectly, and I propose to make that until further order. So, if you do contact or try to contact either Person 4 or Person 1, you would be committing a criminal offence punishable with imprisonment. Do you understand?

E You will also be barred from working with children and you will be subject to the requirements of the Sex Offender Register, I think, indefinitely, yes.

The statutory surcharge also applies.

Mr Amer, is there anything I have forgotten?

F MR AMER: No, your Honour. I have sent your Honour and my learned friend a copy of the draft restraining order in exactly the same terms as your Honour's ordered. Can I ask that any remaining counts outstanding lie on the file.

JUDGE BURGESS: Yes, certainly. I will make that order now. Have you uploaded the request to --

MR AMER: I haven't. I've actually sent your Honour and my learned friend --

G JUDGE BURGESS: Oh, as an email?

MR AMER: Yes.

JUDGE BURGESS: Right, thank you.

MR AMER: Thank you.

JUDGE BURGESS: Perhaps, you could send it, also, to Mr Reynolds, if you have not already done so.

MR AMER: I have copied you both in on it.

JUDGE BURGESS: Well, it has not arrived in my inbox just yet --

MR REYNOLDS: Nor me.

JUDGE BURGESS: -- but it is pretty simple terms. Do you require it to be delivered?

MR REYNOLDS: I'm sure it won't be controversial.

JUDGE BURGESS: No.

MR AMER: Your Honour, it's in exactly the same terms as your Honour's mentioned.

JUDGE BURGESS: All right, thank you very much.

Yes, you can take him down.

(12.45 pm)

(The court adjourned)

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