

ENGLAND AND WALES / JUDGMENT

R v Silas Agwo

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[2026] EWCA Crim 614 Royal Courts of Justice Strand London WC2A 2LL Thursday, 30 April 2026
Before: LORD JUSTICE HOLGATE MR JUSTICE SOOLE THE RECORDER OF LUTON HIS
HONOUR JUDGE MICHAEL SIMON (Sitting as a Judge of the CACD) REX V SILAS AGWO

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MR C TEMPLAR-VASEY appeared on behalf of the Appellant

J U D G M E N T 2

1. LORD JUSTICE HOLGATE: No information may be included in any publication which is likely to lead members of the public to identify the victims of the following counts: in indictment 20BW1046125, the victims in respect of counts 2, 3 and 4. In respect of indictment 20BW2556224, the victim in count 2. The order lasts in relation to each victim until he reaches the age of 18.

2. On 7 January 2025 in the Crown Court at Birmingham the appellant, then aged 18, pleaded guilty to two counts of robbery on indictment 20BW2556224. On 6 March 2025 in the same court the appellant pleaded guilty to three counts of attempted robbery and one count of robbery on indictment 20BW1046125.
3. On 28 April 2025 in the same court before His Honour Judge Henderson the appellant was sentenced for one of the attempted robberies in the 6125 indictment to an extended determinate sentence pursuant to section 266 of the Sentencing Act 2020 of nine years four months, comprising a custodial term of five years four months and an extended licence period of four years. The judge passed concurrent terms of two years' detention in a young offender institution for the two robberies on the 6224 indictment and concurrent terms of three years' detention in a young offender institution for all the other offences in the 6125 indictment. He appeals against sentence by leave of the single judge.
4. A co-accused Musa Khadim pleaded guilty to having committed the same offences with the appellant as well as some additional offences.
5. Over a period of three to four weeks the two co-accused committed a series of street robberies or attempted robberies in the centre of Birmingham, some of which involved the production and/or threatened use of a knife. Indictment 6224 Count 1
6. On 21 October 2024 the appellant and Khadim were sitting on the top deck of a bus wearing masks which covered half of their faces. The appellant sat next to an unidentified victim and Khadim stood in front of him. The appellant aggressively shouted at the victim, "Just hand it over". The appellant punched the victim whilst searching the victim's trouser pockets. The victim asked to be left alone. Khadim moved closer to the victim and threatened him, saying, "Hand it over or I will stab you". The appellant found the victim's wallet and took about £50 to £60. The appellant and Khadim then got up. The appellant threw the victim's wallet back to him saying, "We've got what we wanted, calm down". The victim said that he needed money to get home and Khadim then gave him £20 back. They left. Count 2
7. That same day the victim, DLG, boarded a bus and sat upstairs, at which point the appellant sat next to him and Khadim sat directly behind. The appellant asked to see his i-Phone 14 and forced the victim to log out of his i-Cloud account. As the victim did this, Khadim threatened him by saying, "I will punch you if you try anything". The appellant and Khadim took the phone and left the bus. Indictment 6125 Count 4
8. On 4 November 2024 the victim, BW was waiting for a bus after school. He was holding his i-Phone 14. The appellant and Khadim approached and said, "Nice phone". Khadim then said, "Give me your phone or else I'll stab you", showing a knife which was in a pocket of his jacket. BW handed over the phone to Khadim, who passed it to the appellant. The appellant then told BW to put his password in. At first he could not remember it through fear. The appellant said to him, "Remember it". He was then able to do so and the appellant reset the phone. Khadim said to BW, "We're going to make some money from your phone. We're both homeless". Count 1

9. On 19 October 2024 the victim, LP was walking through the Bullring in the direction of New Street Station when he noticed Khadim behind him. LP stopped by the escalators and Khadim approached him and said, "Yo, what phone is that?" LP tried not to engage with Khadim but he then said, "Give me your phone". LP tried to walk away. At that point the appellant appeared from the side holding on to LP's hoody. LP asked the appellant to let go and refused to hand over his phone. Khadim then put his hand inside a man bag around his waist and pulled out a hunting knife and said, "Give me the phone or I'll stab you". LP managed to get to the exit of the Bullring but he was followed by the appellant and Khadim. The appellant said, "I'll stab you". Khadim said, "Five seconds or I'll stab you". At this point LP was able to run off. The appellant pursued him and pushed him into the road causing LP to fall to the ground. As he stood up again the appellant punched him to the back of the head, but LP managed to run away. Count 2
10. On 19 October 2024 the victim, AB was exiting the Bullring when he was approached by the appellant and Khadim. Khadim said, "Is that the i-Phone 16 you have?" To which the victim said, "I need to go, I'm in a rush". The appellant said, "Get your phone out or I'm going to punch you in the face". Khadim threatened, "I'll stab you, if you don't give me your phone". The appellant then punched AB to the torso and Khadim reached into his jogging bottoms. AB began shouting, "Help, help". He managed to push past the appellant and ran towards the Bullring entrance, followed by the appellant who was pulling on his shirt. They both fell to the ground, but AB got to his feet and ran into a restaurant. Count 3
11. On 28 October 2024 the appellant and Khadim approached the victim, AE who was sitting outside a bank. The appellant walked around to the left of AE whilst Khadim walked to the right. They both threatened that they would stab AE unless he handed over his phone and unlocked it. The appellant searched AE then pulled him off the seat and away to a more secluded area. The appellant threatened him that if he did not cooperate he would be stabbed. The appellant told Khadim to get the knife out, which he did from a jacket pocket, showing a knife about six inches in length. AE ran off. Members of the public saw the appellant holding onto him and shouted at him to let him go. AE was released and did run away. The appellant and his co-defendant walked off.
12. We have read victim personal statements from LP, BW and DLG which explain the serious effects the offences have had upon them.
13. The appellant had two previous convictions for two offences. He was given a nine-month referral order in 2022 for an offence of robbery and a three-year youth rehabilitation order in 2023 for an offence of aggravated burglary and that order runs until 31 January 2027.
14. In the pre-sentence report the appellant said he received only £70 a week and needed to rob in order to pay for food. The author considered that given the opportunities for assistance the two accused were really targeting young, lone males, partly to intimidate them for a thrill and not simply for gain.

15. The appellant was assessed as posing a high risk of serious recidivism and a high risk of serious harm to the public and to children, the harm being physical, psychological, emotional and financial and involving the use of violence. It was said that there is a potential for the risk to escalate to serious violence if threats to stab were to be carried out.
16. The report summarised the work that a social worker in the youth justice service had carried out with the appellant under the youth rehabilitation order over some months, explaining where this had been unsuccessful and why.
17. In his very brief sentencing remarks, the judge treated count 1 on indictment 6125 as the lead offence. He accepted the prosecution's categorisation of this offence under the robbery guideline as 1A because a knife was shown in order to threaten violence and serious psychological harm had resulted. He said this had a starting point of eight years' custody within a range of seven to 12 years. The judge then took into account the appellant's age and relative immaturity. He went on to assess him as dangerous based on the views of the author of the pre-sentence report and the appellant's previous convictions. He said that an extended sentence was necessary but without saying why.
18. The judge said that appellant would receive credit for his guilty pleas of one-third on the 6125 indictment and 25 per cent on the 6224 indictment. The judge then imposed the extended determinate sentence and the concurrent sentences to which we have referred.
19. We are grateful to Mr Templar-Vasey for his helpful written and oral submissions. In summary, he advances three points.
 1. The sentencing judge misapplied the Sentencing Council guideline for robbery and his starting point for sentence was consequently too high. The harm fell into category 2, rather than category 1.
 2. The court was wrong to find that the appellant met the criteria for dangerousness. The judge did not invite any submissions on whether an extended sentence should be imposed. R v Parry [2016] EWCA Crim 1822 indicates that generally a judge should invite submissions on such an issue. In all the circumstances he submits that the sentence was manifestly excessive. 3. But the advice very properly makes clear that no criticism is made of the judge's approach to the structuring of the sentences, or in particular treating count 1 on indictment 6125 as the lead offence, or to credit for plea, or totality. Discussion
20. The most serious offence (count 1 on indictment 6125) was plainly mis-categorised. The judge was not sentencing after having heard the case as a trial judge and there was no evidence before him sufficient to show that the harm that the victim undoubtedly suffered reached the level of severe psychological harm. There were no physical injuries. In our judgment the harm fell into category 2. But the production of the knife to threaten violence did fall within culpability category A. For an adult offender the starting point for category 2A is five years within a range of four to eight years.

21. As is has often been said, there is no sudden change in maturity when a person reaches the age of 18. Furthermore, in this case it appears that the appellant's developmental age was lower than his chronological age, reflecting his difficult upbringing. His mother died when he was aged seven or eight and he had no contact with his father. Instead he was looked after by his aunt. But when he turned 18 he was told that he would have to live elsewhere.
22. The pre-sentence report referred to the disruption to the work being undertaken by the youth justice service under the youth rehabilitation order because of the appellant's moves to nine different addresses. This, it is said, had an ongoing impact on the appellant.
23. On any view therefore an appropriate reduction had to be made for age and personal mitigation, as well as an increase for the aggravation relating to the earlier offending and the passing of concurrent sentences for the five other offences on the two indictments involving young victims over a period of about four weeks.
24. We consider that for an adult offender an appropriate sentence for the lead offence after trial, but before any mitigation, would have been in the region of eight years. After mitigation in this case we consider that the overall sentence should be reduced to six years and, after allowing credit for plea, the appropriate custodial period would be four years. In these circumstances the four-year term condition for the purposes of section 266 of the 2020 Act is satisfied.
25. Ordinarily this court will not interfere with a judge's assessment of dangerousness or a decision to impose an extended sentence unless he has erred in principle or has reached a decision which was outside the range of sentencing decisions reasonably open to a judge on the material before the court: see for example *R v Leighton Williams* [2024] EWCA Crim 686.
26. However, this was a case where the judge did not have the advantage of having conducted a trial and his sentencing remarks were exiguous, bearing in mind the appellant's age and relative immaturity, his personal mitigation and the serious nature of the sentence imposed. It therefore falls to us to re-evaluate the dangerousness issues in this case.
27. We have concluded that there is a significant risk to members of the public of serious harm being occasioned by the commission by the appellant of further specified offences. In summary, we say that for these reasons. First, there is the nature of the offences committed with the co-accused, involving the threatened use of a dangerous knife against lone, young persons, in some instances in locations from which it was difficult for them to escape. Second, there is the pattern of these offences and the period of time over which they were committed. Third, there is a clear indication that in addition to robbing for gain, the appellant derived pleasure from the commission of the offences. Fourth, we rely upon the assessment in the pre-sentence report. We are therefore satisfied that the appellant should be treated as dangerous for the purposes of the 2020 Act.
28. We are also satisfied that a determinate sentence would not be sufficient to protect the public in relation to the risks of relevant serious harm which we have identified.

29. As regards the extended licence period which is appropriate in this case, we conclude that that should be a period of three years rather than four years. That is the period which we consider necessary and sufficient to protect members of the public from the risk of serious harm identified.
30. Accordingly, on count 1 of indictment 6125 we quash the extended determinate sentence pursuant to section 266 of the 2020 Act imposed of nine years four months and we substitute an extended sentence of detention in a young offender institution pursuant to section 266 of seven years, comprising a custodial term of four years and an extended licence period of three years. The other sentences remain undisturbed. To that extent only, the appeal is allowed. 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 8
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Prepared on 26 October 2026 · Esheria