



JUDICIARY OF
ENGLAND AND WALES

R v Blackshaw and others (riot appeals)

Court of Appeal (Lord Chief Justice, Sir John Thomas and Lord Justice Leveson)

18 October 2011

SUMMARY TO ASSIST THE MEDIA

The Court of Appeal (Lord Chief Justice, President of the Queen's Bench Division and Lord Justice Leveson) has today dismissed both Facebook appeals and all five burglary appeals and reduced the sentences of the three handling cases which arose from the August riots and public disorder.

Summary of decisions:

'Facebook cases' - Jordan Blackshaw and Perry Sutcliffe: The Court dismissed both appeals against sentence.

Burglary cases - Hassan Holloway, Enrico Vanasco, Michael Gillespie-Doyle, Hassan Koyuncu, and Lorraine McGrane: The Court dismissed all appeals against sentence.

Handling cases - Stephen Craven, David Beswick and Stephen Carter: The Court allowed the appeals against sentence and imposed new sentences of six months, nine months and eight months respectively.

Background to the cases:

The Lord Chief Justice, on behalf of the Court, sets out the applicable sentencing principles for the cases in paras 3 - 21.

The Lord Chief Justice said:

"... The level of lawlessness was utterly shocking and wholly inexcusable." (para 1)

"... the imposition of severe sentences, intended to provide both punishment and deterrence, must follow. It is very simple. Those who deliberately participate in disturbances of this magnitude, causing injury and damage and fear to even the most stout-hearted of citizens, and who individually commit further crimes during the course of the riots are committing aggravated crimes. They must be punished accordingly, and the sentences should be designed to deter others from similar criminal activity." (para 4)

The Court makes clear this is not a new found sentencing policy by referring to the context of a riot in Cambridge some 40 years ago and that the approach reflects consistent sentencing policy for many years and continues in force today. (para 5 and 6)

The Lord Chief Justice continued:

"... the context hugely aggravates the seriousness of each individual offence. None of these crimes was committed in isolation. Eight of them were intrinsic to or arose from the widespread lawlessness and two more were intended to contribute to or aggravate it at a time when the disorders were at their most disruptive and alarming." (para 8)

"... The reality is that the offenders were deriving support and comfort and encouragement from being together with other offenders, and offering comfort support and encouragement to the offenders around them. Perhaps, too, the sheer numbers involved may have led some of the offenders to believe that they were untouchable and would escape detection. That leads us to address the suggestion that perhaps this level of public disorder should be treated as "mindless" activity. It was undoubtedly stupid and irresponsible and dangerous. However none of these appeals involves children or young offenders (where different sentencing considerations arise) nor indeed offenders with significant mental health problems. None of the offenders before us was "mindless". The actions were deliberate, and each knew exactly what he (and in one case, she) was doing." (para 9)

The factual context:

The Court sets out the factual context of the offences in paras 22 - 52.

The individual appeals are considered as follows:

(a) Incitement by the use of Facebook - cases of Jordan Blackshaw and Perry Sutcliffe (paras 52 - 75)

The Lord Chief Justice on behalf of the Court said:

"When dealing with these two appeals we are, of course, conscious of the fact that in the end no actual harm in the streets of Northwich and Warrington actually occurred. It is not however accurate to suggest that neither crime had any adverse consequences. We know for a certainty that in each case a number of decent citizens were appalled by what they had read, and given the widespread rioting throughout the country, which at that time was spiralling out of control, we have no doubt that some, at least, of them were put in fear. In any event the fact that no rioting occurred in the streets of Northwich or Warrington owed nothing to either appellant. The reality was that armed with information from members of the public who were disturbed at the prospect, the police were able to interfere with and bring the possibility of riot to an end.

"We are unimpressed with the suggestion that in each case the appellant did no more than make the appropriate entry in his Facebook. Neither went from door to door looking for friends or like minded people to join up with him in the riot. All that is true. But modern technology has done away with the need for such direct personal communication. It can all be done through Facebook or other social media. In other words, the abuse of modern technology for criminal purposes extends to and

includes incitement of very many people by a single step. Indeed it is a sinister feature of these cases that modern technology almost certainly assisted rioters in other places to organise the rapid movement and congregation of disorderly groups in new and unpoliced areas." (paras 72 and 73).

He went on to say:

" ... What both these appellants intended was to cause very serious crime, in the case of Blackshaw, rioting burglary or criminal damage, each in the context of serious public disorder, and in relation to Sutcliff, rioting, in the context of serious public disorder. All this was incited at a time of sustained countrywide mayhem.

"The judge was fully justified in concluding that deterrent sentences were appropriate. These offenders were caught red-handed. For the citizens of Northwich and Warrington that was just as well, because as we have explained, and the guilty pleas acknowledged, neither offender was joking when the Facebook entry was set up." (para 74 and 75)

The Court dismissed both appeals against sentence.

(b) Burglary - cases of Hassan Holloway, Enrico Vanasco, Michael Gillespie-Doyle, Hassan Koyuncu, and Lorraine McGrane (paras 76 - 116)

These cases all related to burglary, with the case of Holloway also involving direct violence against the police.

The Court dismissed all appeals against sentence.

(c) Handling - cases of Stephen Craven, David Beswick and Stephen Carter (paras 117 - 140)

The Lord Chief Justice, on behalf of the Court, said:

"... In cases like these, a line needs to be drawn between the offences which arose from and were directly connected with the disorder (which is an aggravating feature in itself) and those which were intrinsic to the disorder (an even more aggravating feature). None of these cases of dishonest handling involves someone who handled stolen goods by way of encouragement of the commission of burglary and theft as part of the disorder. Rather each represents opportunistic involvement after the burglaries had occurred, and although in close proximity to the scenes of disorder, the appellants did not participate or contribute to them. The connection between the offences which they committed and the burglary and theft committed during the disorders takes them outside the ordinary guidelines for handling offences, but not every handling offence committed during the public disorder was as intrinsic to it as, say, the burglaries of shops which had been smashed and looted. The sentences must recognise these distinctions." (para 117)

The Court allowed the appeals relating to handling offences and imposed new sentences:

Stephen Craven - six months' imprisonment.

David Beswick - nine months' imprisonment.

Stephen Carter - eight months' imprisonment.

The Court Process:

The Lord Chief Justice concluded by praising the work of justice organisations across the board during August:

"We cannot leave these appeals without highlighting the committed and dedicated way in which a number of Crown Courts and magistrates courts dealt with a large number of cases arising out of the public disturbances. Some magistrates' courts sat, literally, through the night to dispose of the work. However their best efforts would have been unsuccessful, and the speedy administration of justice would not have occurred if the Police Service, the Crown Prosecution Service, the Probation Service and the Prison Service had not fulfilled their own responsibilities by preparing the cases and bringing them and the defendants to early hearings. The disposal of the cases in court represents the very end of a system in which these different services have distinct and independent responsibilities. At court, quite apart from judges and magistrates, the legal profession and court staff employed by Her Majesty's Courts and Tribunal Service made their own contributions to speed the processes along. The efficient administration of justice represented a combined effort by all of them." (paras 141)

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This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document.