

SOUTHWARK CROWN COURT

REGINA

-v-

MAXWELL CLIFFORD

SENTENCING REMARKS

1. You have been convicted of eight offences of indecent assault. These offences may have taken place a long time ago when inappropriate and trivial sexual misbehaviour was more likely to be tolerated or overlooked, but your offending is not trivial but of a very serious nature and any perception to the contrary on your part is misconceived.
2. You were charged with indecent assault under an Act passed in 1956. The maximum sentence for these offences was set at two years imprisonment. By the time that the Sexual Offences Act 2003 came into force, the maximum sentence for sexual assault was increased to 10 years. What is more, some of the sexual acts of which you have now been found guilty would now be charged as rape or assault by penetration for each of which Parliament has laid down a maximum term of life imprisonment.
3. These are historic offences which took place between 30 and 37 years ago. I judge that the reason why they were not brought to light sooner is because of your own dominant character and your position in the world of entertainment which meant that your victims thought you were untouchable, something I judge that you, too, believed and traded upon. This features in the evidence. By way of example the victim of Count 11 told the jury that, as you were pulling up your trousers after a sexual act and as she was leaving, you said something like “no one is going to believe you” and it was said as if to make her not tell anyone.
4. In respect of the victim of Counts 3-6, it was because of the trauma she had experienced at your hands and her wish not to cause grief to her parents whose confidence you had gained so as to let you take her out in the evening, that she delayed reporting what you had done. It was only after protracted counselling and the realisation that the police would listen to a complaint against someone so firmly in the public eye that she felt able to come forward. In light of these factors, whilst I shall make some allowance for the age of the offences, I judge that you were largely responsible for the delay in the victims coming forward and ought not to benefit from it.
5. I am going to set out the facts of these offences in some detail. The victim of Counts 3-6 met you when she was on holiday. She was 15 years old. You told her and her family that she was pretty and that you could help her get

promotional work. Back in this country you spoke to her on the telephone pretending to be someone called Terry Miller. You made her repeat dirty words over the telephone which you said Max Clifford would like to hear her say and you got her to come to your office. You began to groom her by telling her that she could be the UK's version of Jodie Foster which blew her away, and you made her show you her breasts although she did not want to.

6. Sometime later you went to her home which was not far from your own. You got the trust of her parents who allowed their daughter to come out in the evening with you. They thought their daughter was going to meet people who could help her with her career.
7. She went out in the car with you perhaps 10 times in all between September 1977 and January 1978. You would park up in different places and would persuade her that what you were doing was essential to establish a basis of trust between you.
8. On occasions you exposed your erect penis and told her to masturbate you, having shown her what to do. Count 3 reflects one of about 7 occasions on which this happened.
9. On one occasion you penetrated her with two of your fingers. That offending is reflected in Count 4 and, had this offence taken place after the Sexual Offences Act 2003 came into force, it would have been charged as an assault by penetration.
10. On another occasion you degraded her by taking her to buy a revealing wonderbra and then taking her to the home of a friend of yours and telling her to dress in bra and pants and try to seduce the man whilst you watched.
11. Counts 5 and 6 reflect the first and third occasions on which you told her to perform oral sex on you. You instructed her how to do it and criticised her performance.
12. On the second time it happened, you told her that, on the last occasion she had given you oral sex, a photographer had taken photographs from a position so close in the bushes that you could see her freckles on the photograph.
13. She thought her life was over. You told her not to worry because you had lots of connections with the press. If this was your attempt to make her even more subservient to your wishes, it backfired. The next time you met she was in a dreadful state and told you that she was going to kill herself. I do not judge that it was an idle threat. She gave evidence of the bridge she had chosen from which to commit suicide and that she knew it had been used before. She told the court that she could not tell her parents because you had duped them into

letting her go off with you and even provided her with stories to tell her parents about who you had met.

14. You did not contact her again. Had these offence been committed after the 2003 Act was in force, each would have resulted in a conviction for rape. I would have found under the guidelines that this was in category 2 in respect of harm, bearing in mind the psychological harm caused to the victim, her vulnerability and potentially her humiliation, and in category A in respect of culpability having regard to the degree of planning and grooming, and abuse of her parents' trust in allowing you to take her away in the evening. That would have given me a starting point for a single offence of 10 years. Bearing in mind that there are two such offences and the background of other sexual offending in relation to this victim and taking into account any mitigating circumstances, I doubt that my overall sentence would have been below 8 years.
15. It was only after she had told her sister what you had done to her that she decided to seek counselling. This started in April 2011 and she attended over 33 meetings to help her with the lasting effects of what you did to her.
16. She gained the courage to send you the letter which was found by the police in your bedside cabinet when you were arrested and which further supports the effect that your behaviour had on her.
17. I have read her impact statement and additions to it. I accept that what you did to her at a young age has affected her early relationships with men and has even had an effect on her relationship with her husband. It also affected her relationship with her own parents. She sets out the effect it has had on her wider family.
18. She speaks of the trauma of the trial process and I accept that, whatever steps the courts take to make the process less stressful for complainants, it is bound to remain a very difficult and distressing period for them. I accept the submissions that Mr Horwell QC has made about how much I should pay regard to what the effect of giving evidence has had on the victim, but you know that, by denying these offences, you have lost any benefit you may otherwise have obtained from a guilty plea.
19. Not unnaturally, what she looks for is some sort of apology from you or an acknowledgment as to what you have been responsible for. She has been extremely upset by your public denials before trial, the reports of your attitude during trial – laughing and shaking your head in the dock at the accusations made against you. For my part I would add something that since the jury have returned verdicts I have discovered that you appeared behind a reporter outside this court whilst he was making his report of your evidence and during which

you mimicked his actions in a way that was designed to trivialise these events. I find your behaviour to be quite extraordinary and a further indication that you show no remorse.

20. Whilst there is a difference in degree between your reaction to what then were allegations of indecent assault and those of a defendant who makes public denials and then pleads guilty, this additional element of trauma caused by your contemptuous attitude is something that I shall take into account in sentence. I can only hope that these proceedings will provide all your victims with some sort of closure.
21. The jury heard some compelling evidence of other sexual incidents in which you were involved. I disagree with Mr Horwell QC's submission that on the basis of the two verdicts of not guilty and the failure of the jury to decide on one count I should ignore this behaviour entirely. Those three alleged offences had specific features and complexities in respect of the circumstances in which it was said they had taken place which make the jury's findings wholly explicable. I do not find in relation to the bad character evidence which they heard any similar difficulties and, so long as I am sure that the events took place, as I am, I can take them into account insofar as the evidence informs me as to the offences for which you are to be sentenced.
22. Pertinent to count 3-6 is the evidence of what you did to a 12 year old girl whilst she was on holiday in Puerto Cabopino. I am satisfied so that I am sure on the evidence which the jury heard that this amounted to another sexual offence against a young child. Had the offence not taken place abroad and at a time when it was not justiciable here you would have been charged with indecent assault in relation to it.
23. This girl became a holiday friend of your daughter. Having groomed her by playing a tickling game with her in the swimming pool, you got her parents' permission to take her to a Jacuzzi in the hotel complex.
24. Whilst your daughter was absent and you were in the Jacuzzi with the 12 year old you put your hand down her bikini and onto her pubic mound and asked if she was ticklish there. You then got hold of her hand and moved it onto your erect penis and started moving her hand up and down quite slowly. You stopped when your daughter came to the Jacuzzi.
25. The offences reflected by Counts 3-6 are the most serious and the other matters I can take more shortly. The 20 year old victim of count 8 approached you to assist her with her acting career as a retired gymnast. You used a familiar technique by pretending that she would be considered for a new Charles Bronson film for which she would be perfect.

26. You telephoned her between meetings pretending to be Terry Denton. You told her that Max Clifford thought she was really lovely and fancied her and that if she played her cards right she would become very famous.
27. When she came to your office for the second time you persuaded her that Bronson needed to see photographs of her and you gave her money to go out and buy underwear which would show off her figure. On her return you took pictures and tried to persuade her to put her legs apart for the camera. When she had changed you engineered a telephone conversation between her and either you or someone who was in cahoots with you pretending to be Bronson. She was encouraged to believe that Bronson was interested in her starring in his film. When you reappeared you lunged towards her and tried to kiss her. When she resisted and you pushed her down onto the sofa. She was really frightened and she was just screaming to leave her alone. She had the courage to kick you between the legs.
28. In her impact statement she identifies how it affected her ability to pursue a career as a stunt double and the distress she was caused by giving evidence. Counsel can only act on instructions and it is therefore you who bears responsibility for the distress caused to her by allegations being made that she had lied in order to obtain notoriety or money.
29. I accept that the taking of photographs, even if there was film in the camera, is not an aggravating feature of this offence, but it was a ruse to make her compliant with what you then went on to do.
30. The victim of counts 9 and 10 was 17 or 18 when she was introduced to you for advice on pursuing a modelling career. You took her into your office and told her how you could help and how lucky she was to be represented by you.
31. You told her to take her dress off because you needed to see her figure. You told her that she turned you on and your hands moved over her body, chest and hips. This is reflected in Count 9.
32. She put her dress back on and, whilst you took a call from your wife, you masturbated yourself. When you had finished the call you came over to her and tried to get her to take your erect penis in her mouth whilst you continued to masturbate. You were trying to force your penis into her mouth, even putting your hand round her head to force it in and you managed to achieve a partial entry. You ejaculated over the left side of her face but mainly on her collar bone. Your behaviour is reflected in Count 10. This would now amount to the offence of rape. Ejaculation amounts to an aggravating feature of this offence.

33. You caused her further degradation by telling her that she was to be invited to dinner with your wife and that Cubby Broccoli would be there who would get her into a Bond film. You wanted her to masturbate you under the table whilst you sat next to your wife and you made it clear that she must come to the dinner. You rang her several times after that to ask if she was going to come to dinner.
34. In her impact statement she explained how your regular appearances on television over the years has made it difficult for her to forget what had happened and get on with her life. She was upset by the hypocrisy that you showed in portraying yourself as someone who exposes the truth in respect of celebrities when you were living with your own lie. She felt she could not tell anyone what you did because you were so good at manipulating the press. She shows remarkable powers of forgiveness in her concern for the effect of this hearing on your wife and daughter. All she would have wanted from you is an acknowledgement of what you had done.
35. The victim of Count 11 was 18 or 19 when she went one morning to Xenon nightclub just off Piccadilly for an audition. You happened to be there having a meeting with three other men. As she left the dance area you approached her and asked her if she would be interested in acting which she was. You enticed her by saying that you could get her a screen test for a Bond film. You pretended to telephone Cubby Broccoli and when the person on the other end of the telephone spoke to her she was told that, before she could get a screen test she had to do something else.
36. He asked her if Max Clifford was circumcised and asked her to look. He had to say it again and you stood beside her smiling. You then led her by the hand to the gentleman's lavatory and, once inside, locked the door. You put her hand on your erect penis and told her to masturbate you. You pulled down the front of her leotard and pulled at her nipples.
37. She told the court that she had just had her first relationship and it ruined it. They split up. In her impact statement she explained how her experiences left her unable to attempt to pursue a modelling career and how you had made her feel worthless. Whilst the experience of giving evidence was daunting she has felt so relieved since.
38. I have already explained why I feel able to take into account as context to the offences which I am to sentence you for the other matters about which the jury heard convincing evidence.
39. In particular a 19 or 20 year old who was working in fashion, was encouraged by you to think she could get a part in the series Dynasty. She got a call from

you pretending to be the producer, Aaron Spelling, and spoke to her about the size of your penis.

40. When she next saw you in your office you took your penis out and asked her to masturbate you. You ejaculated onto her hand.
41. You took an 18 year old on as your receptionist. You asked her to masturbate you on two or three occasions and she felt that she had no choice but to comply. You ejaculated into her hand and tissues. You fondled her breasts. You asked her to give you oral sex in exchange for being taken to meet David Bowie.
42. In 1986 an 18 year old dancer and part time model, having been told by you that she had something quite special for a career in films and mentioning a particular film for which she might be suitable, was persuaded to come to your girlfriend's flat in Kingston to have photographs taken by Barry Ryan.
43. She told the court that she now understood that you were grooming her. After the session and when the two of you were on your own you exposed your penis and asked her to touch it to make it get bigger. It freaked her out so she got up and left.
44. When you met a 16 turning 17 year old interested in getting into modelling, she told you about sexual abuse she had suffered at her father's hands. You therefore knew she was vulnerable. With her you played an elaborate game making her go over to Fenwicks to receive a call purportedly from a film director but in fact from you. Having asked her to discover what your Achilles Heel was it led to you exposing your penis to her and eventually to you taking her to the lavatory at your office and making her masturbate you until you ejaculated over the toilet.
45. Later you told her that you had arranged for her to be taken by someone else, who either pretended to be or was a film director interested in her for a part in a film, to his home. This other person put his arm round her and tried to kiss her. She told the court that was the only thing you ever did to further her career.
46. I turn to your mitigation. You have had a very successful career as a PR consultant, Max Clifford Associates being one of the leaders in the industry.
47. You are now just 71; you keep yourself fit but I do not ignore your underlying medical problems. You told the jury that, from the 1960's onwards you have been in a privileged position to assist various charitable causes helping very sick children through "Dreams Come True" and becoming involved with the Royal Marsden and with Children Hospices UK and in particular two

children's hospices in Surrey. You are the patron of a number of charities across a broad spectrum.

48. A number of charity workers have spoken highly of your dedicated work to raise funds for the charities and the real concern you showed for patients and staff alike.
49. Although your charitable work has gone on long after your offending ceased, I cannot ignore that for decades you were leading a double existence. The care which you showed to those in the hospices and to your own daughter was not shown to the 15 year old, the subject of counts 3-6 or, in my judgment to the 12 year old who you abused whilst on holiday.
50. Whilst at the trial you were able to rely on your good character, on the jury's verdicts you lost your good character in 1977 when you were aged 34. I accept your counsel's submission that 29 years have passed since your last offence and these have been years of positive charitable conduct which you have never sought to publicise. I will make allowance for the good that you have done over the years and for the opinions of your friends and colleagues as to your character.
51. I have also had regard to Mr Horwell QC's submissions that you bare no responsibility for the result of other Yew Tree investigations and that I should not lose sight of the fact that in considering the use of maximum sentences these were not the gravest offences of their type imaginable. He urges me to make the sentences proportionate and that I should bear in mind that you are no longer a danger to women.
52. In deciding the appropriate sentences I have taken into account the guidance provided in the authorities I have been shown and the assistance given at p.155 of the latest Definitive Guidelines. I intend to impose consecutive sentences and, in doing so, have had to consider the totality of the sentence I am to pass. As a result some of the individual sentences may be lower than I would have passed if you had not been facing eight separate counts involving four separate victims. On the other hand I have felt it right in respect of counts 3 to 6 to impose consecutive sentences to reflect insofar as I can the sentencing guidelines now applicable.
53. I have also take into account that there were multiple victims, that your offending extended over a period of 7 years, and that you targeted vulnerable women who you thought would comply because they were desperate to succeed in a career where success can be illusive.

54. In respect of costs, I have made a reduction in the figure applied for to reflect the charges of which you were acquitted. You must pay £55,000 towards the prosecution's costs and you have 28 days to pay.
55. The offence is so serious that only a custodial sentence can be justified and the least possible sentence I can impose having regard to the aggravating and mitigating factors of the case which I have set out together with everything that your counsel has said on your behalf is as follows:-
56. You will go to prison on count 3 for 12 months
57. On count 4 for 18 months consecutive to the sentence on count 3
58. On counts 5 and 6 for 24 months on each concurrently but consecutively to counts 3 and 4, making a total in respect of this victim of 4½ years
59. On count 8 for 6 months consecutive to the other sentences
60. On count 9 for 6 months and on count 10 for 21 months to run concurrently with each other but consecutively to the other sentences.
61. On count 11 for 15 months, to run consecutively with the other sentences.
62. Your total sentence is one of 8 years imprisonment
63. You will serve up to one half of your sentence in custody before you are released on licence; you must abide by the terms of the licence and commit no further offence or you will be liable to be recalled and you will then serve the remainder of the sentence in custody.
64. The notification requirements apply indefinitely.