

**REGINA**

**-V-**

**GEORGE JOHNSTON AND OTHERS**

**Judgment**

On Friday 15<sup>th</sup> May the Defendant George Johnston came before me with 4 co-defendants to be sentenced for their respective roles in a group revenge attack upon Mr Mark Wilcoxson that involved the use of knives and other weapons. Mr Wilcoxson received numerous stabbing injuries. Mr Johnston was convicted before a jury of having wounded Mr Wilcoxson with intent to do him grievous bodily harm. I sentenced Mr Johnston to a term of 9 years imprisonment. At the conclusion of my sentencing remarks Mr Johnston left the dock and as he was doing so I observed him to lean over and slap his co-defendant – a youth - about the head in a violent gesture. These actions provoked prolonged disruption in court with members of the public – including the families and friends of the various Defendants – each with differing loyalties shouting, making threatening gestures and directing abuse at others. The court required to be adjourned and police called to restore order before the sentencing of the remaining defendants could continue.

After I had completed sentencing the remaining Defendants I allowed Mr Johnston's counsel, Mr Coade, to take instructions from Mr Johnston in relation to his conduct.

When the court was re-assembled I read out to Mr Coade in the presence of the Defendant the matters that were alleged to amount to his contempt namely that

*You slapped C C after being sentenced and before going down to the cells*

The Defendant through his Counsel accepted that he had acted in this way and that his actions amounted to contempt – and apologised to the court for his behaviour.

Having heard submissions from Counsel I sentenced Mr Johnston to 6 months imprisonment to run consecutively to the sentence that he was to serve.

In accordance with the Practice Direction for Contempt of Court dated 26<sup>th</sup> March 2015 I set out my reasons for taking this action:-

Firstly I was sure – both from my own observations and from Mr Johnston's own admission that in the way that was outlined to him;

Secondly the conduct amounted to such a clear contempt of court that caused considerable disruption to the proceedings, which could have led to public order offences being committed by others, that the imposition of an immediate sentence of imprisonment was warranted;

Thirdly in the light of the above and when balanced with the substantive sentence imposed, the apology tendered, and the lack of any injury to the youth a minimum sentence of 6 months was justified.

I subsequently directed that a transcript of my sentencing remarks be obtained and these are attached to this Judgment.

Copies of this judgment and the transcript are to be provided to the parties and national media via CopyDirect Services and will be supplied to BAILII and to the Judicial Office in accordance with the said Practice Direction.

His Honour Judge Timothy Smith

10<sup>th</sup> June 2015

A IN THE CROWN COURT AT NORTHAMPTON

Case No: T20147224

85-87 Lady's Lane  
Northampton  
Northamptonshire  
NN1 3HQ

B

Friday, 15<sup>th</sup> May 2015

C

Before:

HIS HONOUR JUDGE T SMITH

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R E G I N A

-v-

LOUIS HALL, GEORGE JOHNSTON,  
ROBERT GRAY and RACHEL GRANT

E

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Transcribed from tape by Ubiquis  
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MR J N JANES appeared on behalf of the PROSECUTION.  
MR J G COODE appeared on behalf of GEORGE JOHNSTON.

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PROCEEDINGS

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JUDGE SMITH: Mr Johnston. I sentenced you earlier to what was, I considered to be the appropriate sentence in relation to what you did and your part in that relative to others and reflecting the fact that others had pleaded guilty, you had not. I had to consider, at that time, as part of my sentence, whether indeed to make you the subject of an extended sentence, an extended licence period which would have an effect a) of putting you on licence for a longer time, b) affecting your release period. I did not do that.

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To then choose to act in the violent way you did could lead me to say that I might have been mistaken in the view I have taken. I cannot reconsider that view, and I do not, and I in fact maintain the view that I took at that time, but what you did is inexcusable. It is not simply a question of an assault on Mr Campbell that I have to consider but it is the fact that you engaged in that behaviour in court and bringing the court process to an end, disrupting the court process and causing, effectively, an inexcusable ruckus in court afterwards.

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I accept your apology. I accept that what you did was in the heat of the moment, and I understand, and although I sit in judgment and I have to sentence people. I understand that people are having then to take that sentence and take it with them for some time and sometimes it is not a sentence they like; but that is, I am afraid, my job that I have to do.

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You, because of your, what you did then, you put yourself in risk of an additional two years' imprisonment. Two years. I am not going to sentence you to a further two years, I am going to accept the apology that you have given to me and to the court, but I cannot ignore what happened. I must mark what happened but to reflect the fact that you have apologised, and to reflect the sentence you are already going to have to serve, but I have to mark this with the addition of some sentence to that sentence. I do so making it as low as I can and a regard to all matters that I witnessed and your acceptance of it the

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**A**

minimum I can deal with is to impose an additional six months' sentence in addition to the nine years that you are serving. So in relation to the contempt you will also serve a period of six months consecutive to the sentence that you are already serving. You may now go.

**B**

I am putting on the file what I effectively read out to you, Mr Coode, so it is quite clear what the nature of the contempt is that was dealt with.

MR COODE: So be it.

JUDGE SMITH: Thank you.

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