

**In the Crown Court at Northampton**

**T20197020**

**T20197025**

**R v Jordan Crowley and others (Operation Update)**

**Crim PR 48.5: Contempt of Court by Mr. Bell**

**IMPORTANT: A reporting restriction on the contempt proceedings is in place until the conclusion of the trial.**

1. The Clerk of the Court was informed that a person in the public gallery identified as Mr. Bell had been observed using a mobile phone apparently trying to take photographs of the defendants in the dock. The police were informed. A section 9 statement of a police officer DS Long in attendance at Court sets out the steps taken and the findings upon examination of the mobile phone which amounted to two photographs of the dock including defendants and custody staff which had been transmitted via Whatsapp to 3 people. One of whom had communicated back an offensive message in return that is likely to be further investigated.
2. Once the police confirmed the presence of photographs of the phone Mr Bell's detention was ordered. Representation was arranged with Counsel in the building unconnected with the case who was very experienced; Mr. Henderson. All Counsel were provided with a note of the procedure to be followed.
3. The contempt was admitted through Counsel but the mitigation amounted to a basis of plea; not realising what he was doing was wrong because he had not seen any of the court signs prohibiting photography in Court. However, Mr. Bell accepted he shouldn't have taken the photographs. He said that the photographs were taken so that people who knew the deceased but were unable to attend Court in person for reasons of childcare arrangements and illness, could see the defendants.
4. Mr. Bell was remanded overnight pending further investigation by the police of the distribution of the images and for Mr. Bell to consider his position with legal advisors. The persons who had received the images were contacted by the police overnight and

deletion of the images was arranged. In view of the nature of the offence, the likely immediate sentence of imprisonment and the risk to the process of the trial I ordered that the defendant be detained overnight to protect the integrity of the trial process and indicated I would deal with the summary procedure tomorrow.

5. The matter was heard the following day after the conclusion of the witnesses for the day and once the police had completed their investigation of the transmission of the images. All denied further transmission of the images. Mr. Bell asserted through Counsel that he had not seen the warning signs. Mr. Bell was warned that if I heard evidence and found against him it would reduce the mitigation value of any remorse he expressed. Evidence was heard from Mr. Bell about the taking of the images and why he said he had not seen the signs outside the Courtroom. I was not sure that Mr. Bell's evidence that he did not have any malign purpose in taking the photographs beyond showing the to friends of the deceased who were unable to attend Court was untrue. I was however sure that Mr. Bell knew he should not have taken the photographs for the following reasons:

- (1) The defendant was able to read on his own admission.
- (2) The prominent prohibition signs would have been seen by him before entering the Courtroom and he was tall enough to see them.
- (3) The photographs themselves revealed that they were taken in a covert manner.

6. In deciding the appropriate sentence to impose I took into account the fact that the trial was able to continue. There was medium culpability but high harm because:

- (1) The alleged offence is murder, the most serious of offences.
- (2) Photographs of the dock could affect Court security.
- (3) Court staff were photographed which could affect their personal security.
- (4) The images were distributed which risked them being uploaded to the internet.

The sentence had there been a trial of the contempt would have been one of 14 months' imprisonment. That sentence is reduced by 2 months to reflect the fact that Mr. Bell did admit the contempt but then lied in evidence about the fact he didn't know he shouldn't

take photographs in court. The total sentence was therefore 12 months' imprisonment. The effect of the sentence was explained to Mr. Bell.

7. I imposed a reporting restriction in respect of the contempt proceedings against Mr. Bell to remain in force until the conclusion of the trial. I would hear any application to remove the restriction by the Press.

**HHJ Lucking Q.C.**

**27<sup>th</sup> September 2019**