

IN THE WOLVERHAMPTON CROWN COURT



R v Jamie ARNOLD

SENTENCING REMARKS

You have brought shame on your city and shame to your team.

Wolverhampton Wanderers do not want a racist on their terraces; they do not want you as a fan; and this city does not tolerate racist behaviour in its midst.

A jury has convicted you of intentionally causing racially aggravated harassment, alarm or distress to Rio Ferdinand.

You used abusive & insulting behaviour by directing a monkey gesture at him, intending to emotionally distress him, and causing him harassment & distress by your actions.

When you did so it was absolutely clear that you were hostile to him because of his mixed black Caribbean heritage.

Your behaviour was more than puerile and offensive. It was deliberately targeted and deeply distressing, not just to Mr Ferdinand himself but to those around you on the terraces.

Fuelled by alcohol you attended at the Molineux Stadium on 23rd May 2021 for a Manchester United v Wolverhampton Wanderers fixture.

It was a day of real excitement as home fans were allowed back into Premiership football games for the first time, socially distanced after the arrival of the Covid pandemic. It was a day to be joyful.

You had been lucky enough to get a ticket but your focus was not on football. It was on causing conflict and distress.

I have heard the evidence & seen the footage in this case. You were a parasite to proper Wolverhampton fans on that day:

- When the players took the knee to show support for the Black Lives Matter movement, you booed.
- When you disagreed with the referee, you shouted homophobic abuse at him.
- When taunting those on the pitch you used repeated and offensive actions that I have no doubt were meant to mock those with disabilities. These were actions which you

sought to explain as demonstrating that a player, in your words, had thrown the ball, “like a girl”.

- When Rio Ferdinand was in your eyeline, commentating as he was on that day from an open air gantry for BT Sports, you chanted at him, “There’s only one John Terry”. It was a clearly personal attack, referencing an alleged racist slur against Rio Ferdinand’s brother. You were doggedly trying to get the attention of, and antagonise, a significant & successful public figure.

It is difficult to think of a grouping in society Mr Arnold that you did not want to diminish on that day, apart of course from white, able bodied, straight males, just like you.

I wholly reject Ms McClement’s submission today that you did not understand the meaning of your actions. It is not the case that you were spewing insults without understanding how they would wound.

You acted not just with ignorance but with cruelty. You were malevolent. You really wanted to hurt & offend anybody who was different. It is in this context that you committed this offence against Rio Ferdinand; turning to him and making monkey gestures towards him, an activity that you then repeated to show your father, as then caught on CCTV footage, after the ground cameras had been trained upon you and members of staff had become alarmed. This is the one offence for which I sentence you.

All people deserve equal respect & tolerance. Your behaviour was wholly unacceptable.

It is not just me saying that Mr Arnold , but the Wolverhampton fans around you that you heard give evidence, the Molineux staff members, the security officers employed by BT, and of course Rio Ferdinand himself.

The footage & the evidence showed how people around you recoiled at your behaviour, families, individuals and members of staff. There was a risk too that television footage would have captured your behaviour and unwittingly broadcast it live to a national, if not international, audience. The BT commentators on the match discussed your behaviour, understandably, as part of the post-match analysis.

This is not simply an offence against one isolated person. This is an offence that impacted many, just as racism offends against all of the society in which it breeds.

As Mr Ferdinand says in his Victim Personal Statement, “The male who abused me has showed a complete lack of respect for me, my family, Wolves FC and everyone associated to football. The male needs to understand how they made me feel and most importantly take responsibility for their actions.” Sadly Mr Arnold the PSR indicates to me that you are still not able to fully take responsibility for your actions.

Sentencing Guidelines

I have considered the Sentencing Guidelines and the caselaw in respect of racially aggravated offences. This is a case in which the racial element of the offence is so integral and inherent to the offence itself that it is not possible to extract a two stage approach to sentencing. The nature of the offence is so linked with the racist motivation that to separate out a sentence increase for it would be unrealistic.

In applying the Sentencing Guidelines, your culpability is high because the incident was sustained. It would be wrong of me to discount the repetition of the monkey gesture, or the context of the continued focus on Rio Ferdinand, or the earlier comments that were racist in their intent.

The harm caused is high because distress or alarm was caused to multiple persons who were present.

A 1A matter has a starting point of a high community order within a bracket of a low level community order to 26 weeks custody.

Seriousness is increased by your previous convictions; the fact that the offence was committed against those providing a service to the public; families were present; that I am quite sure that you were under the influence of alcohol at the time; you have admitted that you had consumed cannabis; and that at the time the offence was committed you were in breach of a suspended sentence. You had received a 2 month sentence suspended for 1 year for two offences of assaulting emergency workers and a public order matter in July 2020.

You are 33 years of age and have previous convictions for being drunk & disorderly on four occasions, drug possession, criminal damage, s5 public order matters, assaulting an emergency worker on three occasions, and breaching a suspended sentence. This behaviour runs across the years between 2010 and 2021. One of the public order matters in 2021 relates to your homophobic abuse of the referee at the match with which I am concerned today.

Significantly, in 2011 one of your public order matters was racially aggravated. You told the custody officer at the police station on your arrest that you did not want anybody black touching you and then proceeded to further racially insult another racial group and police officer.

I have read the PSR. In mitigation I take into account the matters mentioned to encompass the delay that has been caused by the pandemic, the recent premature birth of your child, your time in employment and your limited education.

Sentence

Having determined the category of the offence, I increase the appropriate sentence because racial aggravation was the predominant motivation for the offence. I reject Miss McClement's arguments on this point. The very essence of a monkey gesture is to diminish a racial group. Your previous conviction for a racially aggravated matter would have provided you with an opportunity to learn. You did not. Other comments and behaviour from you at the match had racism at their core. I am quite sure that you are simply trying to plead ignorance to try to diminish the consequences for yourself.

The racial aggravation raises the sentence it to a period of **5 months imprisonment**. Only a custodial sentence can be justified and this is the shortest term that I can justly impose in your case.

I have referenced the Guidelines on the Imposition of Community & Custodial Sentences. There is not a realistic prospect of rehabilitation in your case in my judgment; nor is there strong personal mitigation. Your previous sentences have encompassed a community order and a suspended sentence. You have not improved but have persisted in behaving in an

antisocial manner. You were subject to a suspended sentence at the time of this offence. Your compliance with court orders is poor and this is **an offence that merits immediate imprisonment.**

I am alert to the situation of high numbers in prison currently and the challenges that are faced by those who are imprisoned but this is **an offence that is so significant in its nature that only a sentence of immediate imprisonment would do justice to the circumstances of the case.**

You were subject to a 2 month suspended term of imprisonment at the time of the offence, imposed for unpleasant anti-social behaviour against public sector workers. I see no reason why part of that sentence should not be activated. It was an order without expressed requirements . You will serve a further month of imprisonment for this breach consecutive to the 5 month term already imposed. This brings your **total sentence** to one of **6 months imprisonment.**

You will serve up to one half of your sentence in custody before you are released. When you are released, you will be released on licence and then be subject to supervision for a total of 12 months. You must comply with the terms of the licence and supervision and commit no further offence or you will be liable to serve a further period in custody.

The Victim Surcharge in the appropriate sum will be imposed.

In addition you will be banned from attending any match at the Molineux Stadium or any other football ground as explained in the order for a period of 7 years. If you do not obey the order you will be committing another offence and may be fined or sent to prison.