



Judiciary of
England and Wales

R v John O'Malley and William Nelson-Morgan

SENTENCING REMARKS

Introduction

John O'Malley and William Nelson-Morgan, you can both remain seated for the time being.

You have both been committed for sentence for separate offences of violent disorder and, in your case William Nelson-Morgan, for an additional offence of possession of an offensive weapon - all arising out of the deplorable mass public disorder which has taken place in Southport and Liverpool over the past week or so. Every decent member of the community affected by these events will have been appalled and deeply disturbed by what has taken place in their neighbourhoods.

You, John O'Malley, committed your offence on the evening of Tuesday 30th July in St Luke's Road, Southport.

You, William Nelson-Morgan committed yours four days later on 3rd August in the County Road area of Walton, Liverpool.

At both these locations there was very serious mob violence, and each of you was at the forefront of that lawless behaviour.

Before I turn to your individual offending, let me say something more generally about the background and the factual context within which each of you behaved as you did.

On Monday 29th July, a little over a week ago now, a number of families in the town of Southport suffered devastating loss when three little girls and numerous other children and adults were brutally killed and seriously injured in a knife attack at a holiday dance class. While still shocked and bewildered by these terrible events many residents in the town came together the following evening, on Tuesday 30th July, for a vigil in support of the grieving families.

However, at the same time there were others who saw these events as an opportunity to sow division and hatred and so published on social media and in printed leaflets false information about the supposed nationality, ethnicity and religion of the alleged attacker. Of course, all of this was complete nonsense but from that point on it has been used as a pretext for widespread violence, intimidation and damage, beginning that night in Southport and escalating subsequently across the country including in this city, Liverpool.

On the evening of the vigil in Southport the police thought that they would be joining with a community in mourning. By the end of the night those same officers were attempting to defend a part of the town and themselves in a pitched battle with a large and utterly lawless mob. It is estimated that there were about 1000 so called 'protesters' present, though quite what they were protesting about remains a mystery to many.

The mob were quite deliberately targeting a mosque and as officers formed a cordon they were subjected to repeated foul abuse and threats, and deeply offensive racist language was directed at the mosque and anyone inside. Over several hours, windows were smashed, walls were demolished and the recovered bricks were hurled time and again at the police who were protecting the community. A police vehicle was set on fire and the mosque was very badly damaged, as were other buildings in the area. Over 50 police officers were injured. The people doing all of this were not exercising some right to freedom of expression or lawful protest.

Rather, they were exploiting the anguish of others, either to further their own twisted ideology or more likely as an excuse for vandalism, intimidation and violence. They are criminals and they do not represent the decent people who were appalled by their behaviour and left to clean up their mess.

Over the following days there was similar public disorder across the country and at various locations in Liverpool. On the night of Saturday, 3rd August 2024 there was widespread disorder in the Walton area of the city when many more police officers were injured in clashes with a large crowd intent on causing as much trouble and damage as possible.

I have seen a statement written by the Chief Constable of Merseyside setting out in clear terms the consequences of this offending on police resources and effectiveness, and the impact on individual officers who are literally on the front line. In addition to the physical and psychological harm caused to those officers and their families, their enforced absence from duty has increased the burden on those officers who remain fit to be deployed to protect the communities that they serve. The extra cost which must be borne by the public is enormous.

Southport is a town where families live and work and grow old and take pride in the closeness of such a supportive community. Liverpool is a dynamic city full of wonderful people who have worked hard to develop a reputation for creativity and enterprise. Your actions have disgraced and damaged the reputations of that town and this city.

It has long been recognised that there is an obligation on sentencing courts to do what they can to ensure the protection of the public, whether in their homes or in their businesses or in the streets, and to protect the places where they live and work. In seeking to achieve this aim the courts will typically impose severe sentences for offences involving or connected to large scale and violent public disorder, intended to provide both punishment and deterrence. Quite simply those who deliberately participate in such disorder, causing injury damage and fear to communities will inevitably be punished with sentences designed to deter others from similar activity. Other offences such as criminal damage or arson or

threatening behaviour or assault committed in the context of widespread disorder will be regarded as aggravated forms of that offending.

Also it matters not that a particular offender voluntarily present at the scene of a disturbance did not instigate the disorder, or play a leading role, or themselves throw a missile at the police or cause particular damage. As has often been observed in cases such as this it is an unavoidable feature of mass disorder that each participants act, whatever it might have been when considered in isolation, is capable of stirring up and encouraging others to behave in a similar way, and that the harm to the public stems from the combined effect of what is done by everyone who is present.

Having set out those general principles, I now turn to deal with the offences to which each of you has pleaded guilty. For the offence of violent disorder there are sentencing guidelines which I must and will follow. Principally my task is to determine your individual culpability and the harm each of you caused.

John O'Malley

Dealing firstly with you, John O'Malley you are 43 years old and you were present from an early stage at the disturbance on St Lukes Road, Southport. There is very clear footage showing the developing disorder and you were at the front of what was essentially a baying mob. You were part of a surge that broke through police lines and you were standing next to the police vehicle that was being destroyed. You were present while missiles of every description were raining down on the officers, including bricks, traffic cones, wheelie bins, road signs, tins of paint and firework. It was relentless and you were at the front and participating enthusiastically. I have seen the footage and there were plenty of opportunities for anyone to leave who did not want to be present. You were arrested five days later and made no comment in interview. You have two previous convictions including a recent one for assault by beating.

You have, of course, pleaded guilty and you are entitled to full credit for that plea. Apart from that there is very little further mitigation available to you.

Turning to the sentencing guidelines I am satisfied that your offending falls into culpability category B because you participated willingly in an incident involving widespread and large scale acts of violence on both people and property, where there had obviously been planning by someone and it lasted for several hours. In terms of the harm caused, it is category 1 because almost every category 2 factor is present and they have to do with the significant resulting injury, fear and distress and the serious disruption and impact on the community.

The starting point for a Category B1 violent disorder is 3 years, with a range up to 4 years imprisonment. In your case there are significant aggravating features which have not already been taken into account and which justify a substantial upward adjustment in the starting point. You have a previous conviction for an offence of violence. More significantly, you were part of a crowd using obviously racist and religiously intolerant language that was demonstrating quite deliberately outside a mosque. And you were an active and persistent participant. This combination of factors takes the sentence, in my judgment, to the top of the relevant bracket.

William Nelson-Morgan

Dealing next with you William Nelson-Morgan, you are 69 years of age, but your advancing years plainly did not prevent you from playing an active part at the disturbance on County Road. You were a part of a crowd of about 100 people who were running amok, setting fire to bins and damaging local property including a community hub and library at Spellow Lane. The crowd threw bricks, bottles and bins set on fire at the police. As the officers were trying to regain control you were seen at the front of the mob, holding in your hand a wooden cosh – a small truncheon – which you plainly had with you to use as a weapon. When officers tried to arrest you, you resisted with such force that it took three officers to detain you. Later, when asked about the cosh you said you had it with you for your own protection.

For the same reasons as your co-accused I am satisfied that this is Cat B1 offending. There is no suggestion that the incidents in Walton were racially or religiously aggravated and there may not have been as many people present, but there was

looting of commercial premises, the wanton attempt to destroy by fire the local library and community hub, and many more fireworks were thrown. In your case, there is the serious aggravating factor that you were in possession of a weapon – the cosh which I am sure you had with you to use to cause injury if the opportunity should arise. It was visible when you were confronting the officers at a time when there was serious public disorder. That factor together with the other aggravating factors again justifies a very significant upward adjustment from the starting point, and because of the factor of the weapon, beyond the top of that bracket. Because I am taking the weapon offence into account in that way, the sentence for that offence will be ordered to run concurrently rather than consecutively as might otherwise have been the case.

In terms of mitigation, you have no previous convictions at all and your previous good character is something which must be reflected, to some extent, in the sentence I will pass though the weight to be attached to such mitigation can only be limited given the need for punishment and deterrence.

I impose the statutory surcharge in whatever is the appropriate amount and I make a collection order.

The sentences that I am about to impose have been reduced by one-third to reflect your pleas of guilty.

You will both serve up to one half of those sentences in custody before you are released on licence. If you fail to abide by the conditions of your licence you can be returned to prison to serve some or all of the remainder of the custodial term.

[Will you both stand up]

In your case, John O'Malley, for the offence of violent disorder the sentence is 32 months' imprisonment.

In your case, William Nelson-Morgan, for the offence of violent disorder the sentence is also 32 months' imprisonment. For the associated offence of possession

of an offensive weapon there will be a concurrent sentence of 6 months imprisonment. The total sentence is, therefore, 32 months' imprisonment.

Because of your possession of the weapon I am also satisfied that it is necessary to make a serious violence reduction order to protect the public from future harm. It will last for a period of two years and will not take effect until you are released from custody

HHJ Andrew Menary KC

8 August 2024