



THE RECORDER OF
SHEFFIELD

SENTENCING REMARKS

OF

**THE RECORDER OF SHEFFIELD
HIS HONOUR JUDGE JEREMY RICHARDSON KC**

AT

THE CROWN COURT AT SHEFFIELD ON

THURSDAY 29TH AUGUST 2024

REX

V

MICHAEL DONALDSON

Preamble

You may remain seated. You must listen with care to what I am about to say.

In the printed version of these sentencing remarks there will be headings for ease of reference.

These sentencing remarks will be made available to you, your lawyers, the press and the public a short while after the conclusion of this hearing. I also direct that the printed version of these remarks shall be placed within the relevant section of the Digital Case System.

Introduction

Michael Donaldson, you are aged 56 years.

You fall for sentence in respect of your guilty plea to Making a Threat to Kill contrary to section 16 of the Offences Against the Person Act 1861.

You committed that crime on Friday 22nd March 2024. You threatened to kill a Member of Parliament who was at that time a member of the shadow cabinet. He is now a cabinet minister. He was and remains a very prominent politician.

You pleaded guilty to this crime at an FCMH. It was approximately one month after the original PTPH, as well as after a trial date had been set.

The inevitable sentence of imprisonment will be reduced by one-fifth to reflect your guilty plea and the stage at which it was entered.

The maximum sentence for this crime is 10 years imprisonment.

There are two critical issues in this case:

1. The length of sentence by reference to all the circumstances of the case and the definitive guideline of the Sentencing Council.
2. Whether you are a dangerous offender by reference to section 308 of the Sentencing Act 2020 and if so; whether in law the custodial element is of sufficient length that I am permitted to pass an extended sentence, quite apart from whether it is right to pass an extended sentence pursuant to section 280 of the 2020 Act. Parliament has imposed restrictions on courts passing extended sentences.

Before turning to the factual circumstances of the case, it is only right I make a number of very important overarching observations.

Overarching Observations

1. When anyone makes a threat to kill another person and it amounts to a crime under section 16 of the 1861 Act it is always a serious matter.
2. It means that not only was the threat made to a person, but it was intended that person should fear they would be killed or that another person would be killed.
3. It is an aggravating feature under the definitive guideline that the crime is made towards a person who is performing a public duty.
4. Members of Parliament are particularly vulnerable to threats. Being an MP is a very important public duty and a position of considerable prestige in our democracy. It is vital the general public have access to MPs and politicians generally. That is critical to a thriving and vibrant

democracy. Whilst appropriate security precautions have to be made in a way that was not the case many years ago, it is the way of politicians in this country to travel as every other citizen travels on public transport and walk in the streets. Members of Parliament regard it an central part of their role that they are visible within their constituency; and to the wider public if that MP serves his or her country as a minister or shadow minister or in another prominent parliamentary or political role.

5. Several MPs have be the subject of attack and threats in recent years. Two have been murdered – Jo Cox MP and Sir David Amess MP.
6. Consequently, when anyone make a threat to kill an MP it is an exceptionally serious crime and will be treated as such for the purposes of sentencing.
7. To make a threat to kill an MP is not only a serious matter for that individual, it is a form of attack on parliamentary democracy in this country. It undermines the rights of the public to have access to their MP because of the enhanced necessity for security. It makes the life of a politician very unpleasant and difficult. Politicians are used to the rough and tumble of political life. An attack of the kind you perpetrated had nothing to do with legitimate political discourse or political criticism – it was a serious crime and you must be punished for it.

The Facts

Mr Ed Miliband is the Member of Parliament for Doncaster North and has been since 2005. He is a prominent national politician and was Leader of the Labour Party and Leader of the Opposition between 2010 and 2015. Following the recent General Election he was appointed a cabinet minister as Secretary of State for Energy Security and Net Zero.

On Friday 22nd March 2024 Mr Miliband was undertaking constituency duties with members of his staff in Doncaster. He was scheduled to pay a visit to a charity during the afternoon. The charity is located near a busy junction of several roads.

Mr Miliband and two members of his staff were walking to the charity.

You went up to Mr Miliband on Askern Road at Bentley in Doncaster. It appears you got to about 5 metres away from him.

You said this:

“OH YOU'RE ED MILIBAND”

You then said:

“I AM GOING TO SLIT YOUR THROAT”

You then repeated:

"I AM GOING TO SLIT YOUR FUCKING THROAT"

Finally you stated:

"I AM GOING TO DO IT NOW".

You were waving your arms about and walking in front of traffic. A member of the staff of Mr Miliband saw you fumbling in your pocket. It was not known whether you had a weapon at that stage. It later became clear you did not.

I am satisfied you were intoxicated at the time. That is not a mitigating feature of the case. It is an aggravating feature. You later told the police you had consumed about one litre of vodka.

Mr Miliband in his witness statement describes one of his staff as clearly shaken, and felt intimidated himself. Matthew Jones, was a member of staff of the MP. He described himself as shaken by what you said. Mr Miliband and his staff ran into the building which housed the charity. They locked the door and saw you outside. You then left

Another member of staff who was present described your behaviour and words as terrifying.

The police were called and you were arrested by PC Boulton at about 4pm on the same day. You stated the following:

"IT WAS ONLY A JOKE"

And

"I SAW THE CUNT IN BENTLEY PARK AND I SAID YOU WANKER. THEN HE SHOUTED YOU WHAT".

Whilst in police custody in Doncaster, you continued to reveal your mindset, by stating:

"ED MILIBAND ...HE WILL BE IN A BODY BAG WHEN I SEE HIM NEXT."

The police formed the view you were heavily intoxicated.

Previous Convictions

You have relevant previous convictions.

You have convictions for threatening behaviour many years ago and more recently. You have been convicted of affray and many crimes associated to

alcohol abuse and consumption. In 2020 and 2022 you have convictions for racially aggravated harassment.

I cannot ignore this previous criminality.

Mitigation

Mr Dermot Hughes, who has represented you very ably in these proceedings has made the following submissions on your behalf by way of mitigation:

1. Your guilty plea has been emphasised. I have already indicated that I will reduce the sentence by one-fifth because of your guilty plea.
2. He has urged me to consider the point that you were not immediately face to face with Mr Miliband and his staff.
3. You are an alcoholic, but there was a period of time when you abstained from alcohol consumption. This was reversed in 2018 when your sister died. That tragedy caused you to return to drinking excessive alcohol.
4. You assert you are remorseful.
5. You had employment as a painter and decorator.

The main burden of the submissions of Mr Hughes related to the categorisation of the case within the definitive guidelines and him urging me to keep a sense of proportion about this case.

I am grateful to him for his submissions.

The Definitive Guidelines of the Sentencing Council

It has been argued that the case falls into category B2 where there is starting point of 12 months imprisonment and a range of 6 months through to 2 ½ years imprisonment.

I am unable to say this case falls into category A in terms of culpability.

In terms of culpability there was a threat of considerable violence made in a public place when Mr Miliband was undertaking public duties in his constituency. However, I cannot say the threats were made with associated violence.

In strict terms – absent any personal statement – the harm falls into category 2.

The case falls into category B2

There is the very significant aggravating feature that the threat was made towards a Member of Parliament whilst undertaking important public duties when visiting his constituency. It was in a public place where the normal

security arrangements for the protection of an MP are simply not possible. Mr Miliband and his staff were vulnerable at that point – and you were a drunken man uttering very serious threats. It was unknown at the time whether you had any form of weapon.

You also have a number of highly relevant previous convictions.

You were inebriated and, as I have explained, that is an aggravating feature of the case.

I make it plain that to threaten to kill anyone in a public place in the way you did having regard to your background and the nature of the threat would warrant a sentence of up to 2 ½ years. It is my view that to threaten an MP in the way I have described warrants a considerable upwards adjustment to outside the ordinary range. I have eschewed double counting. I have to form judgment as to what is the appropriate punishment for the crime you committed and the way you committed it.

Let there be no misunderstanding: to threaten to kill a Member of Parliament is a very serious manifestation of this crime. Those who perpetrate this crime must expect, and will receive, severe punishment from the courts of this country.

I repeat, it must be made clear beyond doubt that individuals who threaten to kill Members of Parliament must expect, and will receive, severe sentences.

The Dangerous Offender Provisions

I must consider in this case whether you are a dangerous offender.

The test is whether there is a significant risk to members of the public of serious harm being caused by you by the commission of other very serious violent crimes. I expressly use the test which is fully set out in section 308 of the Sentencing Act 2020. I must take into account all the information I have about you and the nature and circumstances of the crime you have committed. Your previous criminality is of importance and your pattern of behaviour is also relevant to my determination.

The PSR makes it plain you are dangerous. You pose a threat to members of parliament and others when you are inebriated – which is a constant feature of your life.

I am entirely satisfied that you are a dangerous offender.

There is, however, a restriction on the imposition of extended sentences. I cannot impose such a sentence when a sentence is less than 4 years. Parliament has imposed that restriction on courts.

I cannot enhance a sentence simply to make you eligible for an extended sentence.

Conclusion

It is my view an immediate sentence of imprisonment of some substance is demanded in this case. I shall, however, keep a sense of proportion about the case.

This case would have warranted a significant uplift because of the very serious aspect that you made very serious threats to kill a member of parliament. That demands the courts impose a very severe sentence as a deterrent to others and to mark the gravity of the crime with all the consequences I have set out.

You have no concept of how serious this crime is regarded. Even today you seem to feel this can all be passed off as some form of joke. It most certainly was not a joke and will not be regarded by this court in that way.

I am, thus, entitled in my judgment to move outside the ordinary bracket for a crime of this kind. It is my judgment that following a trial you would have been sent to prison for 4 years. The personal mitigation serves to explain your behaviour, but can have very little impact on sentence in a case of this kind.

You pleaded guilty at the FCMH and I will reduce the sentence by one-fifth. I will round that down slightly to 3 years. I do so to reflect the necessity to keep a sense of proportion about this case.

Sentence

You must now stand.

The sentence I pass upon you is 3 years imprisonment.

The necessary statutory charge is imposed upon you with the usual ancillary orders.

I also make a Restraining Order for 8 years in the terms of which you are aware. If you breach that order you are liable to be imprisoned for 5 years.

You will in due course be released. If you breach the terms of your licence, you are highly likely to be recalled to prison.

Take him down.