

REX

V

JORDAN PLAIN

SENTENCING REMARKS

Introduction

You can remain seated for the moment.

You have been committed for sentence having pleaded guilty to an offence of racially aggravated causing harassment, alarm or distress on 6th August 2024.

The context of your offending is that it arises out of civil unrest in many parts of the United Kingdom. The unrest has been generated as a result of the death of three little girls in Southport and the reaction from various parts of our society.

Stemming from that incident, groups of protesters have gathered in many locations and on occasion clashed, sometimes using violence towards each other, sometimes towards the police, sometimes towards entirely innocent and unconnected people and their property.

In a democratic society, such as that which exists in this country people are entitled to protest peacefully. They are also entitled to express their views, whatever their views may be, but each of

those freedoms, to protest and to speak, have limits and boundaries.

When a protest moves away from being peaceful, towards violence then it becomes illegal and against the law.

When speaking, whether directly to others or through social media platforms, what is said must not contravene the law.

The law applies to everyone, no matter what colour, race, religion, or political persuasion they are. There is no distinction. The law is there to protect everyone in our society both in terms of personal safety, businesses and premises, whether people's homes or commercial properties.

It is against that background that you involved yourself in a protest outside Leeds art gallery on the Headrow on 3rd August. You joined with a pro-English Defence League group chanting and gesticulating in the direction of a counter protest who were demonstrating against racism.

Your actions are captured on the CCTV footage.

You climbed on to a barrier and started to make monkey noises and gestures towards the counter protestors whose numbers included people of colour, saying that they looked like monkeys. On several occasions you rubbed your lips and shouted "rubber lips". You were standing alongside and in the same group as others who were making similarly racist and insulting comments.

You got down off the barrier and started to imitate the manner in which Muslim people pray, in order to mock their religion.

This was grossly offensive, racist language and behaviour which caused alarm and distress to others, in particular Ms Sawo who has had the courage to come to court to tell me and others, including you, how she felt and how she feels. To summarise only, she was scared, anxious, traumatised by your behaviour. She felt like she didn't belong in her own home city where she has lived all of her life, to the extent that she was scared to go to work for 4 days following this incident. She remains anxious and worried about returning to University.

You were arrested on 5th August and then interviewed.

You are now 30 years of age and have convictions in July 2012 for racially aggravated causing fear of violence and criminal damage. Those convictions are an aggravating factor.

You have further convictions as an adult including for violence

What you have done cannot be viewed in isolation. It must be viewed against the background of unrest and disorder in the country. This was your contribution to that disorder.

Your conduct and that of your group was designed to stir up hatred. It took place at a time when the social climate was particularly sensitive. By 3rd August there had been disorder in Southport, Manchester, Hartlepool, Aldershot, London, Liverpool and Sunderland.

I must and will follow the Sentencing Guidelines

In terms of culpability I find that this falls into category A, since it involves the targeting of individuals by a group and it was a sustained incident.

It also falls into category 1 for harm since Ms Sawo and people like her feared serious violence not only that day but also subsequent days.

The Starting Point for a category 1A offence without the aggravating factor of racial aggravation is a high level community order with a range of up to 26 weeks imprisonment.

Given the context and background of this incident and other around the country I would have placed this offence at the top of the range.

I must now consider the level of racial or religious aggravation involved and apply an appropriate uplift to the sentence in accordance with the guidance.

Being careful not to double count, I find that racial and religious aggravation was the predominant motivation for the offence and you were associated with, a group promoting hostility based on race or religion.

In those circumstances I will increase the starting point that I consider appropriate.

Your position is aggravated by your convictions for similar offending in 2012 for which you received a custodial sentence.

At the forefront of my mind are the purposes of sentence which in this case are punishment and deterrence.

Mitigation

You pleaded guilty at the 1st opportunity and will receive full credit of 1/3.

I also take into consideration your letter indicating your remorse.

I take account of the comments of the Probation Officer that you are a single man, living alone but with responsibilities for a child with whom you have regular contact.

You say that this your behaviour was caused by intoxication, however you have similar convictions in the past.

You are a high risk of re-offending.

You are not in employment although apparently fit and well.

I turn to the sentence:

Given the context in which this incident occurred and the sustained nature of your conduct which was designed to stir up racial hatred at a time of heightened social tension, an immediate custodial sentence cannot be avoided.

The sentence that I pass has been reduced by 1/3 to reflect your guilty plea.

The sentence is 8 months imprisonment.

You will serve up to 1/2 of your sentence 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.

The victim surcharge will apply and I make a collection order.

HHJ Guy Kearn KC

9 August 2024