



Judiciary of
England and Wales

Rex v. Amjad Ali

Sentencing remarks

1. You are 19 years of age and you have pleaded guilty to the offence of affray contrary to s. 3 of the Public Order Act 1986. Your offending must be seen in the context of the widespread and extensively reported scenes of disorder, violence and criminal damage which have taken place around the country, beginning in Southport and spreading to other locations beginning on the 30th of July 2024. There has of course been coverage of this disorder in mainstream media and online. By virtue of your presence at the scene you knew that your conduct participated in a pattern of incidents involving serious disorder that took place around the country. This conduct will always attract immediate and substantial punishment.
2. On the 7th of August 2024 between 7 and 8pm in the evening an incident of civil disorder took place on the Kettering Road in Northampton. I have seen a 2 minute video recording of the incident. There were two separate groups of people present. On the right hand side was a group on the pavement. One of their number threw an unidentified missile across the road towards the group on the opposite pavement, one of whom was Mr. Ali. This was the catalyst for the group to surge across the road through and around passing traffic with the majority in dark paramilitary style clothing with faces concealed. Mr. Ali was one of those who wore dark clothing and a balaclava. The traffic was impeded and it must have been

terrifying for the drivers of those vehicles along with other peaceful persons at the scene. A large number of police officers were required to quell the brief but serious outbreak of violence and tensions remained clearly raised. PC Crouch one of the officers facing the crowd in dark clothing. He saw Mr. Ali in a balaclava punched an unknown person multiple times so that the police had to drag Mr. Ali off and pull him away from the group. He was arrested. Another officer said that Mr. Ali was kicking someone. There is no basis of plea but I am told that this is denied. As a matter of common sense it is difficult to reconcile the statements. I see no need for a trial of issue when the defendant accepts that his admitted acts of violence places him in Culpability A in the affray guideline.

3. You are 19 years old. On the 12th of January 2024 you were sentenced at this court for 2 offences of possession of class A drugs with intent to supply and having a corrosive substance in a public place arising from the same incident when you were 18 years old. On that occasion you were searched by the police and were found to have a Lucozade bottle half-filled with ammonia, 5 wraps of crack cocaine and 41 wraps of heroin. The prosecution accepted your basis of plea that you had only dealt drugs on one day to settle a drug debt arising from the use of cannabis to combat depression following the death of your father and brother. It was accepted that the ammonia was given to you by the drug dealer. A pre-sentence was prepared. The sentence was 2 years' imprisonment suspended for 2 years with a 6 month mental health treatment requirement, 150 hours of unpaid work and a rehabilitation activity requirement. By the commission of this offence, you are in breach of that suspended sentence order. I have had regard to the Sentencing Council guidelines on a breach of a suspended sentence order where there is conviction for a further offence committed during the operation period of the order. This offence was committed just

under 7 months into the 2 year operational period of this order. I have received an oral update today from the Probation Officer in court who informed the court that your compliance has been very good and you have already completed all of the unpaid work hours. The other work with you is not complete but there is some concern about your maturity. I have considered the guideline on breaches of suspended sentence orders and I am satisfied that the new offence is difficult to compare but is less serious when considering the maximum sentence that can be imposed for the offences. There has been a high level of compliance with the suspended sentence order. I will activate the sentence but with a reduction of 50 % to reflect this so 12 months' detention. You will serve this activated portion of the suspended sentence order first and the sentence for the offence of affray will be consecutive.

4. The maximum sentence for the offence of affray is 3 years' imprisonment. In sentencing you I must have regard to the Sentencing Council definitive guidelines for offences of affray. The culpability is category A because of the use of serious violence. The harm is category. 1 because of the serious fear that would be caused by being suddenly surrounded and impeded by people wearing dark clothing with concealed features; some of which was paramilitary in appearance. The starting point is 2 years' custody and the range is 1 year 6 months' to 2 years 9 months'. I bear in mind that the Sentencing Council General Guideline on Overarching Principles includes within the general guidance on assessing harm that there may be primary and secondary victims of an offence and, depending on the offence, victims may include one or more individuals, a community, the general public and the state. An assessment of harm should generally reflect the overall impact of the offence and may include direct harm and consequential harm.

5. In considering the statutory aggravating features I bear in mind that your previous conviction is for an offence of a different nature to the offence of affray. The other aggravating factors are that the offence is the timing of the incident and the sensitive social climate. The offence was committed during a period of serious disorder in a number of locations across the country on a national scale. The incident occurred in a busy public area and the offence was committed during the currency of a suspended sentence order impose 7 months' earlier.
6. The factors reducing seriousness or personal mitigating features are that you are only 19 years of age and there was an element of immaturity evident in the assessment by your Probation Officer. I have read the pre-sentence report prepared for the January 2024 sentence hearing and I heard an update from the Probation Officer today on your progress. I note that the Probation Service maturity screening tool assessment did not indicate the need for any interventions to promote maturation. You had obtained GCSEs and a qualification in motor engineering. The January report highlighted your family bereavements and depression.
7. The offence of affray in these circumstances is so serious that only an immediate custodial sentence is appropriate. The sentence I will impose will be the least sentence that I can impose that is commensurate with the seriousness of the offence. I have taken into account the current conditions in custody. I have also kept in mind the principle of totality given that I will activate your suspended sentence order.
8. The aggravating features raise the sentence from the starting point to 27 months' and the mitigating features reduce it to 24 months' detention. The notional sentence after trial is therefore one of 24 months' detention.

Having regard to the guideline on the reduction of sentences for guilty pleas you indicated a guilty plea when you appeared before the Magistrates Court and accordingly the sentence will be reduced by a third to 16 months'. Further I have borne in mind the guideline on totality and will reduce the sentence further to 14 months' to reflect that fact that it will be served consecutively to an activated suspended sentence order.

9. Accordingly I activate 12 months' of the suspended sentence order. You will serve one half of that sentence, that is 6 months' in custody before you commence serving the 14 months' sentence for the offence of affray, of which again you will serve one half, that is 7 months before you serve the remainder on licence in the community. Accordingly, it will be 13 months' before you will be released into the community. You must keep to the terms of your licence and commit no further offence, or you will be liable to be recalled and you may then serve the rest of your sentence in custody.
10. If the Victim Surcharge applies the order can be drawn up in the appropriate amount and a collection order made. There is no order for costs in view of your lack of means and the immediate custodial sentence imposed today.

HHJ Lucking KC

12th August 2024