

Rex v Plummer & Holland – sentencing remarks

1. Phoebe Plummer and Anna Holland, I have to sentence you both for an offence of criminal damage, of which you were both convicted following a trial before me in July of this year.
2. In addition I have to sentence you Phoebe Plummer for an offence of interfering with key national infrastructure, contrary to section 7 of the Public Order Act 2023.
3. Following a trial before me in May of this year, you were convicted of that offence along with Chiara Sarti and Daniel Hall, whom I sentenced earlier this morning. I summarised the facts of that offence when I sentenced them. You were in court and heard what I said about those facts, so I am not going to repeat it.
4. The backdrop to this offending is that you are both activists in an organisation called Just Stop Oil, which has in recent years engaged in a variety of lawbreaking in various contexts. But I make it clear that I am sentencing you two only for the offence or offences of which you have been found guilty before me.
5. The offence of criminal damage was committed on the morning of Friday 14th October 2022, in quite extraordinary fashion.
6. The two of you went to the National Gallery, in central London. You made your way to the room where the painting “Sunflowers” by Vincent van Gogh is displayed. Each of you had secreted on your person a tin of Heinz Tomato Soup, and you were also carrying superglue.

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7. Each of you threw the contents of your tin of soup at the picture, before gluing yourselves to the wall underneath it. Before throwing the soup you had removed your outer clothing to reveal Just Stop Oil t-shirts underneath.
8. What you did was filmed, which was very obviously part of the plan. You Phoebe Plummer sought on camera to justify what you had just done. Most significantly, you asked aloud *“What is worth more – art or life?”* The video clip was swiftly posted on social media, again part of the plan. Publicity was your goal – indeed as you revealed in your evidence, immediately before going to the National Gallery you had met nearby with a sympathetic journalist, to discuss with him what you were about to do.
9. After you had thrown the soup, shocked gallery staff rushed to secure the painting. Because of the urgent need to check the extent of the damage, the painting had to be removed while you were still glued to the wall underneath. Mercifully – and no thanks to you – the painting itself was not damaged, That was because the canvas was protected by a glass pane. However its wooden frame was damaged by the corrosive effect of the soup.
10. The court heard fascinating evidence about that frame at trial. It is a 17th Century antique Italian frame, in a simple rustic style. It was purchased by the National Gallery in 1999 for just under £6500. It was chosen because Vincent Van Gogh and his avant-garde contemporaries disliked the more ornate style of frame commonly used in the late 19th century when he was active as an artist. In short the frame was chosen because it was the sort of frame that, in the opinion of the experts, Van Gogh himself would have favoured.

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11. That picture frame was correctly described by the prosecution at trial as a work of art in itself. And unfortunately it was permanently damaged by your idiotic and criminal actions. Tomato soup is slightly acidic, and that had a corrosive effect on the wood of the frame. In particular its patina – the sheen caused by age, which was one of its most attractive features – has been removed.
12. The frame was repaired by the expert hands of the gallery staff, and the picture was able to be rehung later the same day, but the damage was done, and it was permanent damage.
13. The precise value of the damage done to the frame was not an issue for the jury at trial. The prosecution have produced evidence that it is in the region of £10,000. That takes account not only the expense of repairing it – which was not substantial - but also the reduction in its value over time as a result of the damage done to it. An expert instructed by the defence puts the value of the damage slightly lower, at around £8,000.
14. However it is not the value of the damage caused to the frame that is the most serious aspect of your offending. If the protective screen over the canvas had not done its job, the painting itself, “Sunflowers”, could have been seriously damaged or even destroyed. The stance of each of you at trial was a blithe dismissal of the risks involved in what you did. You each asserted that as far as you were concerned there was never any risk to the canvas, because it was covered by a glass screen.
15. But neither of you could be sure that the screen would actually protect the painting from the soup. And tellingly, the gallery staff weren’t sure either. At trial the jury heard the most vivid evidence of how they immediately checked whether the picture itself had

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been damaged. For all they knew, soup might have seeped through the glass and got onto the canvas, and you were in exactly the same position. And as Larry Keith, the Head of Conservation at the National Gallery said in his evidence, had any liquid got through and made the canvas wet the consequences could have been very serious. If anything, that is an understatement.

16. Each of you claimed in evidence to care about and value “Sunflowers”. I reject that evidence. My assessment, having heard all the evidence about what happened, including your own, is that you couldn’t have cared less whether the painting itself was damaged or not, and I have no doubt that the publicity you each craved would have been even greater if it had. And Phoebe Plummer, your words on camera – *“What is worth more, art or life?”* reveal how little the two of you cared about Van Gogh’s “Sunflowers”, or art generally.
17. The court heard evidence at trial that “Sunflowers” is probably priceless in a literal sense. It is simply so valuable that it could not be sold on the open market.
18. Vincent Van Gogh was Dutch by birth. Much of his artistic life was spent in France, which is also where he died. The painting in question is on display here in London. But Van Gogh and his work do not belong to the Netherlands, or France, or the United Kingdom. He and his work belong to the whole world, and his work is part of humanity’s shared cultural treasure.
19. You two simply had no right to do what you did to “Sunflowers”, and your arrogance in thinking otherwise deserves the strongest condemnation. The pair of you came within the thickness

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of a pane of glass of irreparably damaging or even destroying this priceless treasure, and that must be reflected in the sentences I pass.

20. Section 63 of the Sentencing Code requires me, in assessing the seriousness of your offending, to consider not only the harm your offence caused, but also the harm it might foreseeably have caused. For the reasons I have explained, that foreseeable harm is incalculable.
21. Your offending is so serious that only custodial sentences are appropriate. There is a Definitive Sentencing Guideline for the offence of criminal damage, which I must and do follow. I have also considered the Overarching Guidelines on the Imposition of Community and Custodial Sentences, and on Totality.
22. I have considered the respective submissions of counsel as to where this offence sits within the offence-specific Guideline. My assessment is that your culpability is at Level A, as your offending involved a very high degree of premeditation and planning. You did not act alone – others within Just Stop Oil were involved in the conception and execution of what you two did. You had paid a previous reconnaissance visit to the National Gallery, and you were carrying the soup and glue you needed to make your protest. You spoke to a journalist beforehand, as I have already mentioned, and the filming, and the dissemination of what was filmed on social media, had also clearly been planned in advance.
23. So far as Harm is concerned your offending is in Category 1, because of the substantial social impact involved. Any attack on priceless art which is on public display can have very harmful societal consequences. Stunts like yours lead to more onerous and intrusive security measures in art galleries and other locations where valuable

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art and artefacts are on display. That may deter some people from visiting art galleries, museums and the like. There is even the risk that some treasures might have to be withdrawn from public view altogether.

24. The relevant sentencing category has a starting point of 18 months' custody and a range of 6 months – 4 years' custody. There is in both your cases an aggravating feature, specifically mentioned in the Guideline, that damage was caused to a cultural asset.
25. I consider that an uplift from the starting point is required, to reflect in particular the harm that could foreseeably have been caused to the painting itself.
26. Before I turn to your individual positions and individual mitigation, let me deal with matters that in my judgment do not provide any mitigation here.
27. Firstly, while there may be cases where the conscientious motivations of direct action protesters provide a degree of mitigation, this is not one of them.
28. As Carr LCJ said when delivering the judgment of the CACD in Rex v Trowland & Decker [2023] EWCA Crim 919, while leniency may sometimes be appropriate, "*... the more disproportionate or extreme the action taken by the protester, the less obvious is the justification for reduced culpability and more lenient sentencing.*"
29. The action you took was extreme, disproportionate and criminally idiotic, given the risks involved. This is not a case for merciful sentencing. Rather, sentences must be imposed which both adequately punish you for what you did, and what you risked, and

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which will deter others whose motivations may incline them to similar behaviour.

30. Secondly, I reject any suggestion that your offending can properly be described as peaceful or non-violent. Throwing the contents of a tin of soup in somebody's face would not be a peaceful act, and there is nothing peaceful about throwing the contents of tins of soup at a painting in an art gallery, with members of the public, including children, present.
31. And of course, neither of you has the mitigation of a guilty plea or pleas.
32. I turn now to your individual positions.
33. **Phoebe Plummer** you turned 23 yesterday. You were 21 when you committed the offence of criminal damage and 22 when you committed the offence of interfering with key national infrastructure.
34. You are a committed Just Stop Oil activist and have previous convictions and many previous arrests to show for it.
35. You committed the "slow walking" offence for which I also have to deal with you while on bail for the criminal damage matter [and other matters too]. Furthermore, you did so in breach of a conditional discharge imposed on you only the previous month, for a summary-only public order offence of failing to comply with the conditions for a procession, also in the context of a "slow walking" protest. I take no action in respect of that breach, but it is a seriously aggravating feature of your offending on the second matter.

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36. You clearly have deeply held convictions about climate change and other matters, and you are perfectly entitled to them of course. But you have evidently decided that your beliefs entitle you to commit crimes as and when you feel like it. They do not.
37. I have read with care the pre-sentence report and other mitigation materials provided to me, all now uploaded to the sentencing section of the relevant digital case file.
38. You have represented yourself at the sentencing hearing, as you did at both trials. You delivered your own mitigation. I was treated – if that is the word – to a lengthy exposition of your political and ideological views, not only about climate change but also about a variety of other matters. You are entitled to your views and are not being punished for them – you are being punished for committing criminal offences.
39. But I do repeat what I said when I at one point interrupted your address to the court. The suggestion that you and other like you, convicted by juries of your peers following fair trials in a democratic state under the rule of law, are “political prisoners”, is ludicrous, self-indulgent and offensive.
40. It is offensive to the many people in other parts of the world who are suffering persecution, imprisonment and sometimes death for their beliefs, in places neither democracy nor just laws are to be found.
41. Perhaps one day you will come to realise that, though I fear that day is some way off yet.

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42. You have no remorse for what you did – instead you are proud of it. You made no effort to offer me any actual mitigation, and in truth there is none of any substance in your case.
43. ***Anna Holland*** you are now 22 years of age, and were 20 at the time of your offence.
44. You have one previous conviction, for an offence of wilfully obstructing the highway in October 2022. You were conditionally discharged for that matter in June 2023. Your conviction here does not put you in breach of that conditional discharge. I do note however that you committed that offence on 6th October 2022, only eight days before you committed the offence for which I must now sentence you. If not on police bail, you had at the very least been released under investigation by the time of this offence.
45. I have read and reflected on the pre-sentence report in your case, and on the many character references supplied on your behalf. You are an intelligent young woman who comes from a loving and supportive family. I was particularly struck by the frank and realistic comments in your mother’s character reference. There is no doubt that what you did has had a substantial adverse effect on your family, and I can see that you acknowledge that.
46. You are currently studying part-time for a master’s degree at Newcastle University. The mitigation material shows how highly regarded you are by those who know you there, as well as those who know you in other contexts.
47. You have not reoffended since October 2022, and I am prepared to accept that you do not intend to offend again.

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48. I have anxiously considered all of this. Mr Chada invited me to suspend the inevitable custodial sentence in your case. But while the sentence I am going to pass on you is one of a length capable of suspension, my regretful conclusion is that immediate custody is the only appropriate sentence. I have as I said carefully considered the Imposition Guideline, but in my judgment the need for punishment and deterrence entirely outweighs the factors which might point towards suspending the sentence, in particular the prospect of rehabilitation in your case.
49. I have however reduced the length of the sentence I would otherwise have imposed, to reflect your personal mitigation.
50. I now turn to your individual sentences.
51. Phoebe Plummer for the offence of criminal damage the sentence is 2 years' imprisonment. For the offence of interfering with key national infrastructure, the sentence is 3 months' imprisonment consecutive, making a total of **27 months' imprisonment.**
52. You will serve up to half of that in custody, and be on licence for the balance of the sentence, liable to recall to prison if you reoffend or breach your licence conditions.
53. You spent some weeks in custody on the "slow walking" matter before being granted bail by this court. That time spent on remand counts towards the custodial term in your case. You have more recently been arrested in relation to a new allegation of criminal damage. You have unsurprisingly been remanded in

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custody on the new matter. The time you have spent in custody since that arrest does not count towards the sentence here.

54. I make a Criminal Behaviour Order in your case, in the terms sought by the prosecution. I am satisfied that you have already on numerous previous occasions engaged in behaviour which caused alarm and distress to members of the public, and I am sure that the Order will help prevent you doing so in the future.
55. I am further satisfied that there is nothing disproportionate or unfair about the making of the Order in your case, or its conditions. The Order runs for 3 years from today's date and a copy will be provided to you. Breach of the Order is in itself a criminal offence punishable by up to 5 years' imprisonment.
56. Anna Holland, in your case the sentence for criminal damage is one of **20 months' imprisonment**. You will serve up to half of that in custody and will then be subject to post-release supervision for 12 months.
57. The surcharge provisions apply in both of your cases and orders will be drawn up in the appropriate amounts.
58. I make no other orders.