

Merthyr Tydfil Crown Court

10 October 2024

Before:

Her Honour Judge Lloyd-Clarke

Between:

R

-v-

Geraint Boyce

Sentencing remarks

In late July and early August this year, there was serious public disorder on multiple occasions in a number of towns and cities throughout England. This was extensively and prominently reported in the media and there can scarcely have been a person in this country who was unaware of that and of the religious and racial elements to that offending.

At that time, the attention of South Wales Police was drawn to posts on social media by a number of people in this area. Some of those posts were on your publicly available Facebook account in the name ‘Boycey’s Plumbing’. A police officer viewed your Facebook account and saw that you had posted threatening material clearly intended to stir up religious hatred, including posting that you were ‘ready for war’, and adding the comment ‘burn them all down with the bastards inside’ when you shared an image of a mosque. You were arrested on 9th August 2024 outside your home address. After caution, you replied “Is this because of the online stuff to do with the riots?”. The police seized your phone which was logged into your FB account. When you were interviewed, you made no comment.

You are now 43 years old. Your previous convictions have been opened by the prosecution and there is no need to repeat them.

I take into account the Sentencing Guideline on the Imposition of Community and Custodial Sentences, including the guidance on suspended sentences.

Applying the Sentencing Guideline on Reduction in Sentence for a Guilty Plea, you are entitled to the full one third discount as you pleaded guilty at the earliest opportunity.

Applying the specific sentencing guideline for this offence, your reference to “war” and to burning down mosques “with the bastards inside” show that your intention was to incite serious violence and so your culpability is Category A, high culpability. It is Category 1 harm because your statement “burn them all down with the bastards inside” encouraged activity which would threaten or endanger life.

The starting point sentence in the sentencing guideline for a Category A1 offence is 3 years custody with a range of 2 to 6 years custody before taking account of the aggravating and mitigating factors and before credit for your guilty plea.

I take into account your previous convictions. The convictions for violence and public order offences have some relevance although they add little weight as an aggravating feature given their nature and age. I bear in mind that you have no previous convictions for racially aggravated offences. The offence is also significantly aggravated by the fact that it took place during a particularly sensitive social climate. In mitigation, I have taken into account the contents of your Pre-Sentence report and the mitigation advanced on your behalf today. I accept that you are now remorseful. I have also taken into account the letters

provided by your mother, your grandmother, your friends Ms Snowden and Ms Penrose, and from your children. They describe the significant support that you provided to your late grandfather when he had dementia, and the care that you have been providing to your grandmother, to your mother, and to your three young adult children, to Miss Snowden who is suffering from cancer and brain tumours, to Ms Penrose who is partially sighted and to her children. I bear in mind that both of your sons suffer from haemophilia and one of your sons also has global developmental delay.

This offence clearly crosses the custodial threshold.

Taking into account all of the factors that I have set out, and having come to the conclusion that the aggravating and mitigating features carry equal weight, had you been convicted after a trial, the least sentence that I could have imposed upon you would have been one of 3 years imprisonment. Applying the full one third credit for your early guilty plea, the sentence is one of 2 years imprisonment.

I have considered all of the factors that I must take into account when deciding whether an immediate custodial sentence is necessary in this case. In the PSR, you are assessed as medium risk of reconviction generally and the Probation Officer has assessed that the risk of recidivism for a further similar offence will remain high until you engage in focused work. You have previously failed to comply with a community order and been in breach of a suspended sentence order. Given the contents of the PSR, there is some prospect of rehabilitation although in my judgment it is not particularly realistic. Your personal mitigation is not strong. I accept that immediate custody will have a significant harmful impact upon others. However, I have come to the conclusion that appropriate punishment can only be achieved by immediate custody.

You will serve up to half of your sentence in custody. The time that you have

already spent in custody will count towards that sentence. You will then be released on licence and supervision to serve the remainder of your sentence in the community. During that time, if you commit any further offence or fail to comply with the terms of your release, you can be recalled to custody to serve any remaining part of the sentence.

I make a deprivation order for the phone MGE/01 under s.152 SA 2020. I do not make an order for costs due to the Defendant's lack of means. If the statutory surcharge applies [£187], the order can be drawn up in the appropriate amount and any error can be corrected administratively, as can any error in the collection order that I also make. It must be paid within 3 months of the Defendant's release from custody.