

REX v. BONE & FERNANDES PONTES

SENTENCING REMARKS

I have to sentence each of you for offences of theft and criminal damage committed on 7/10/22.

On that day, as part of a protest, you went to the Fortnum & Mason store in Piccadilly. There you took 19 bottles of milk, at a value of £38, which you emptied on to the carpet on the ground floor.

Later that day, you went to the Selfridges store on Oxford Street and there took 18 bottles of milk, at a value of £34.52, which you emptied on to the cheese display in the food hall.

The damage to the carpet at Fortnum & Mason was the cost of the cleaning - £275.76, although, at one point, it was thought the cost could have been considerably higher, up to £100,000 had the whole carpet been replaced.

The damage at Selfridges was £982.

Your actions caused that damage as well as considerable inconvenience to both the store owners and members of the public as certain parts of each store had to be closed for cleaning. In addition, the security cameras in the food hall at Selfridges had to be focussed on the area where you were involved and thus did not cover other areas, presenting a risk to the health and safety of the staff and members of the public. I have no doubt that none of this was of any concern to either of you.

Actions like those you were engaged in have, unsurprisingly, become the subject of considerable concern to members of the public, who just want to be able to use stores such as those you targeted, freely, and without the fear that they will be caught up in this type of disruptive and damaging behaviour. I doubt that either of you cared for that nor for the anxiety that you may have caused to ordinary members of the public. Each of your advocates has urged upon me the fact that what you were doing was aimed solely at raising awareness to your cause. Even if that is the case, I do not view that as in anyway a positive feature. As well you both know, for you are both intelligent people, in a democratic society, there are ways and means of doing that legally and without causing the inconvenience and anxiety that you did. Such behaviour needs to be deterred and I note in that regard the observations of the

Lady Chief Justice in the case of *Trowland & Decker* [2023] that, “It can be said that the principle of deterrence is of both particular relevance and importance in the context of a pressing social need to protect the public and to prevent social unrest arising from escalating illegal activity.”

I have had regard to the material put before me including the sentencing notes, the PSR’s and all of the references.

I have also had regard to the submissions of your advocates today.

As I indicated in discussion, and I note the Prosecution agree with me on this, this is a case where I am considering a course of conduct carried out over a short time, albeit in two different stores. Thus, it is appropriate that I should identify a lead offence and within my consideration of the appropriate sentence for that, reflect the offending covered by the other offences, and sentence all offences concurrently.

Considering the circumstances, in this case the lead offence is clearly the Criminal Damage.

I accept the prosecution’s categorisation of that offence as A2, for the reasons set out in paragraphs 24 and 26 of their sentencing note and it follows that the starting point is one of a low level community order with a range of a band C fine to a high level community order.

Stephen Bone you are now 42 years old.

What aggravates this case is the fact that you have behaved in a similar way before and indeed not that long ago.

In addition, these offences were committed whilst on bail for those similar matters.

I have considered whether the consequence of your specific aggravating features escalates this case to the category above and whether it crosses the custody threshold. However, I note your pleas of guilty, I note your mitigation and the fact that you have stayed out of trouble for about two years and as such I am satisfied the appropriate sentence in your case is one of a high level community order.

I have given you credit to reflect the guilty pleas at the point you entered them.

Your offence is serious enough to require a community order for the next 2 years – and you will be subject to these requirements:

You will complete 100 hours of Unpaid work, working when and where you are directed to by your supervising officer.

There will be an exclusion requirement from either shop but I do not think it appropriate to make that an electronically monitored condition.

If you fail to complete the unpaid work or to do it properly or enter on to the premises you are excluded from, you will be in breach of the order and that means you will be brought back to court and may be given further requirements, fined or even resentenced for this offence; and that could result in the imposition of custody.

That will be the sentence in your case concurrent on all counts.

Sofia Fernandes Pontes, you are now 28 years old and have, by virtue of these convictions, thrown away your good name. As such, you may well have irretrievably damaged your prospects and ambition to work in the law. What is particularly unattractive in your case is the fact that you are entirely unremorseful. You appear to lack any insight whatsoever. I trust that over the length of your order you will reflect on what you did and the negative effect that it has had for you and the fact that there are other legitimate ways of making your point.

In your case as with your co-defendant, I have had regard to the mitigation advanced both orally and uploaded to digital case system, and I note all that has been said on your behalf.

I am satisfied that your case does not cross the CT but your offence is serious enough to require a community order for the next 12 months – and you will be subject to these requirements:

You will complete 40 hours of Unpaid work, working when and where you are directed by your supervising officer.

There will be an exclusion requirement from either shop but I do not think it appropriate to make that an electronically monitored condition

You will be subject to – and cooperate with – a rehabilitation activity requirement of 10 days for 12 months. That means you must meet with your supervisor when and where you are told to and you must cooperate fully with any instructions that your supervisor gives you.

In your case as with your co-defendant, if you fail to complete the unpaid work or to do it properly, or fail to cooperate with the rehabilitation activity requirement, or enter on to the premises you are excluded from, you will be in breach of the order and that means you will be brought back to court and may be given further requirements, fined or even resentenced for this offence; and that could result in the imposition of custody.

That will be the sentence in your case concurrent on all counts.

Note - Bone was ordered to pay half the compensation award made to both shops (£655.14, to be divided as appropriate), and a quarter of the prosecutions costs of £487.50.

Fernandes-Pontes was ordered to pay half the compensation award made to both shops (£655.14 to be divided as appropriate).

Both were ordered to pay the statutory (victim) surcharge.

HHJ Hiddleston
Southwark Crown Court
12/12/2024