



THE RECORDER OF SHEFFIELD

SENTENCING REMARKS

OF

**THE RECORDER OF SHEFFIELD
HIS HONOUR JUDGE JEREMY RICHARDSON KC**

AT

THE CROWN COURT AT SHEFFIELD

ON

THURSDAY 12TH DECEMBER 2024

REX

v

LEVI FISHLOCK

Preamble

You may remain seated. You must listen with care to what I am about to say. I am afraid this will take some time as there is much to cover. It is my view these remarks will be of assistance to the Parole Board when the time comes for consideration of your release from custody.

In the printed version of these sentencing remarks there will be headings for ease of reference.

These sentencing remarks will be made available to you, your lawyers, the press and the public a short while after the conclusion of this hearing.

I also direct that the printed version of these remarks be placed within the relevant section of the Digital Case System. These sentencing remarks will also be placed upon the Judiciary website for the public to read.

This sentencing hearing is being recorded for television broadcast. It is right the general public are made aware of what you did and the sentence to be imposed upon you.

There is legitimate public interest in this case and all of the cases stemming from the major public disorder in Rotherham in early August 2024.

Introduction

Levi Fishlock you are aged 31 years.

You fall for sentence in respect of your guilty pleas to the following crimes, all of which were perpetrated on Sunday 4th August 2024:

- Arson with intent to endanger life.
- Violent Disorder.

The maximum sentence for Arson with Intent to Endanger Life is life imprisonment.

The maximum sentence for Violent Disorder is 5 years.

You have no previous convictions.

You pleaded guilty at an adjourned PTPH. It was argued that you are entitled to full credit, but having examined what occurred in the magistrates court, that argument was rightly jettisoned. The inevitable sentence of imprisonment may be reduced by one-quarter by reason of your guilty plea and the stage at which it was entered.

I make it clear at the outset that the principle of totality is front and centre of my consideration in this case. I must pass a sentence upon you which reflects your overall criminality, perpetrated on a single occasion, which is both just and proportionate in all the circumstances.

It has been my misfortune – as well as my duty – to have sentenced most of the cases arising from the major public disorder in Rotherham. I am extremely familiar with the events and the CCTV footage. This case is unquestionably one of the worst of the many cases which have come before this court concerning the events at the Holiday Inn Express hotel at Manvers near Rotherham on Sunday 4th August 2024.

You were involved in almost every arena of racist criminal conduct at Manvers on that day. You were at the forefront of all of it, playing your part to the full.

The venom of racism and racially motivated violence suffused the events from first to last.

On that Sunday in August there was major civil disorder in the Manvers area of Rotherham. It was an incident which may have started peaceably enough, but it soon developed into criminality on the grand scale where several hundred people were intent on mob rule.

That will never be tolerated in this country. It should never be countenanced in any civilised country.

The hotel was used to house those seeking refuge in the United Kingdom. There is no doubt the issue of immigration is a legitimate matter for public and political debate. Public protest is capable of being a lawful form of expression. We live in a free and democratic country where public debate and freedom of expression is entirely acceptable.

What took place in Rotherham that day had nothing whatever to do with legitimate public protest. It was a desire to perpetrate mob rule and commit very serious criminal offences in the process.

The incident was part of wider national civil unrest fostered by a form of malignancy in society spread by malevolent users of social media. The disorder was racist and extremely frightening for anyone who was there. It was perpetrated by an ignorant and extremely violent mob of which you were part.

Your conduct, and the conduct of that mob, has cast a dark and ugly stain across the reputation of Rotherham and South Yorkshire. There are many decent people who live in that town.

Most people in Rotherham were badly affected by what occurred.

There was serious violence and extremely threatening conduct towards two groups:

1. Those in the Holiday Inn Hotel which included residents and staff.
2. Police officers on foot, on mounted duty, with police dogs, and in police vehicles.

It was not only officers from the South Yorkshire Police, but other police forces too who came to assist. All of those officers are deserving of the highest praise for the way in which they resisted provocation and handled an immensely challenging situation with bravery, professionalism and skill. Each one of the officers was doing his or her duty to maintain order and quell disorder in very difficult circumstances. It is my intention to call the attention of the Chief Constable to these sentencing remarks. I trust she will pass on these observations to the chief officers of other relevant police forces who came to help.

As a measure of how serious the incident became; 64 police officers were injured, several seriously; 3 police horses were injured; and 1 police dog was also injured. They required veterinary care.

Those in the hotel were terrified by what occurred outside and inside the hotel when the building was entered. When the fires were deliberately set, they thought they were about to die. They could not leave the hotel for fear of what would happen to them. They had to remain and were therefore in acute danger by reason of the fire.

There were 22 members of staff in the hotel. There were approximately 200 hundred residents in their rooms on the upper floors. They could not comply with the automated emergency recorded messages and fire alarms instructing them to leave the premises at once.

None were physically injured, but many have all been mentally scarred. They were all in peril of being killed or seriously injured.

You intended to endanger the lives of them all.

Immense damage was caused to the hotel and the surrounding area.

I make no apology for stating yet again that which I have stated on several occasions when passing sentence in these cases.

It must be made clear that those participating in this form of violent disorder will be punished severely by the courts. It is the duty of the court to do what it can to protect the public.

Three of the several statutory purposes of sentencing are the punishment of offenders, the protection of the public, and the need for deterrence.

Those three matters must be accentuated in a case of this kind.

I have paid close attention to the judgment of the Court of Appeal delivered by the Lady Chief Justice (Baroness Carr of Walton-on-the-Hill CJ) in the recent case of **R v Cush and other appeals** [2024] EWCA Crim 1382 in particular between paragraphs 3 to 21. I call specific attention to paragraph 8.

It is not simply a case of what you did as an individual that matters for the purposes of sentencing you. It is the whole scenario that is of importance – a scenario in which you (as many others too) took part.

You were a prominent participant.

As I have already stated, you played a part in almost every aspect of the racist mob violence on that terrible day in August in Rotherham.

The Backdrop Facts

In the week before 4th August 2024 the South Yorkshire Police were made aware there was likelihood of public disorder and violence at a hotel in Rotherham where those seeking refuge in this country were housed by the immigration authorities.

It is clear the Chief Constable and other senior officers took appropriate steps to deal with this situation. This had a considerable impact upon police resources and manpower which has been set out in the community impact statement of the Chief Constable.

The incident from beginning to end lasted from before 12 noon to after midnight.

Approximately 400 people descended upon the Manvers area of Rotherham.

At the outset there were two groups:

1. Those who were seeking to support the occupants of the hotel.
2. Those who opposed that group.

It appears the police managed to lead the first group away to safety.

It is those in the second group, of which you were part, who indulged in major public disorder in different incidents during the course of a protracted attack upon the police and the occupants of the hotel. You were also involved in the incident at the outset when police vehicles were attacked close to the Aldi supermarket. What is astonishing is that adults were there with children - some very young – and they were taking no steps to remove the children from the scene of major disorder. That is clear from the CCTV footage.

It is clear the second group was desirous of provoking police officers, damaging the hotel, as well as threatening and injuring the occupants of the hotel. I have now watched much recorded CCTV and other footage of the events. It is now of pellucid clarity that you, and many like you, were intent on spreading a hateful message of violence and racism.

From first to last the venom of racism infected the entirety of what occurred.

The very serious variation on a theme in this case is that you were part of the group who participated in setting fire to the bins near the hotel and you intended thereby to endanger the lives of the many people, in effect, trapped in the hotel.

You also were involved in the incident when the grass was set alight as well as much more.

The Detailed Facts

It appears you hold views which, to put it mildly, are antipathetic to those who are seeking refuge in the United Kingdom. When arrested and on your way to the police station you told officers you had been arrested for a “good cause”. You made other comments to the police that revealed your racist mindset.

You are entitled to hold whatever irrational and toxic views you wish, providing you do not act or behave unlawfully.

I have absolutely no doubt you were encouraged to do as you did by malicious and ignorant posts on social media. That is doubtless why you travelled from your home in Barnsley to Rotherham. I do not accept you were there out of interest or in any way accidentally.

I am entirely satisfied you went to the area of the hotel with a view to participating in racist mob violence. You may not have planned the extent of it, but once it eventuated, you were a full participant in it for a protracted time. You were dressed in a purple coloured England football shirt with the name of a well known footballer upon it. There were others present who draped themselves in either the Union Flag or the flag of St George. That was shameful.

At about 12.30pm after the first group had been led away to safety the police cordon was broken by protestors who had turned very rapidly into a mob.

The first incident was in the vicinity of the Aldi supermarket when police vehicles were under attack by the mob of which you were part.

The focus then changed to the hotel.

It is right to observe that you were part of a group – and well to the fore in that group – who were chanting at the occupants of the hotel the following:

- “Get out of our country”
- “Rapists”
- “Murderers”
- “Paedophile Bastards”
- “Immigrant Scum”.

Many members of the mob entered the Holiday Inn, where windows and doors were smashed and damaged. Fire extinguishers were stolen and subsequently sprayed onto police cordons so they could not see through their shields.

A fire was started outside one of the fire doors of the hotel and missiles were thrown towards officers who were trying to manage and de-escalate the increasing violence.

The disorder carried on well into the early hours of the following morning, almost 12 hours after the start of the incident, with violence spilling out into nearby businesses and residential streets.

You participated in many of the very serious incidents during the day.

You were well to the fore in all of this.

The CCTV recording of what you did reveals the ferocity and seriousness of it. It is truly appalling to watch. It is almost hard to believe this form of behaviour took place in the United Kingdom, but it did.

The specific incidents in which you participated were these:

1. You were part of the group that smashed the ground floor windows of the hotel, shouting towards the Police. The police were heavily outnumbered at this stage. The disorder was grotesque.
2. You were part of a group who destroyed fencing around the hotel. It was later used as missiles thrown at the police and at the hotel to cause damage and to try to get in. It was also used to fuel the fire which was started.
3. You were seen to be using these wooden slats as well as a metal pole as weapons in your attack upon the police.
4. You were part of the group who smashed-up an air conditioning unit.
5. You had a sharp object in your hand and were seen to be making very threatening gestures towards the occupants of the hotel with it as they looked in terror from their rooms on upper floors.
6. You also threw bricks and broken paving slabs at hotel windows. This caused significant damage to the hotel. You were prominent in this.
7. You acquired shopping trolleys and other items to make an improvised barricade as a precursor to the ignition of the fire.
8. A short while later one of the mob set fire to a large industrial bin. It was placed in front of one of the emergency fire door of the hotel. You added fuel to that fire by picking up a pieces of wood and adding them to the fire.
9. At a later stage police vehicles were attacked. These were bringing relief officers who were brought to assist in quelling the disorder. One of those vehicles was tipped onto two wheels by the mob to the point where it nearly went over. This was exceptionally dangerous and you and the others were only stopped by other officers striking out with batons.

10. You also shouted abuse and threw missiles towards the police as can clearly be seen on the DVD recording of your conduct. At one stage it is clear that you deliberately threw a missile at the lower part of the body of the police officers in a line, as that was the part which was least protected by their shields.

You were identified from the footage and police officers arrested you at your home on 7th August 2024. I have already set out what you stated upon arrest whilst being transported to the police station. When interviewed later that day you answered 'no comment' to all questions asked by the police.

It is very important I set out the impact of this.

The Impact of these serious crimes

Chief Inspector Spratt led the team of police officers who managed to gain entry to the hotel to assist those trapped inside. He found the occupants of the hotel in a terrified state. They did their best to protect themselves. Two police officers were also trapped in the hotel. Mr Spratt had to discharge a PAVA cannister at the mob in order to try to protect the occupants of the hotel.

Mr Paul Coulson was the maintenance manager of the hotel. He has set out the position from the viewpoint of staff. Members of staff of the hotel were taken to the hotel panic room. They barricaded themselves in with freezers against doors to protect themselves. Mr Coulson has stated staff were "panicking and crying" and "were scared to death". They were terrified they were about to die.

Police officers were adversely affected as set out in the statement of the Chief Constable. Well over 50 officers were injured.

I have also considered the witness statements of individual officers who were on the front line of this. Several thought there was a real risk of being attacked and killed, such was the ferocity of the attack. That is entirely verified by the CCTV material.

Local residents heard the disturbance and were scared that the offenders would try to get into their homes. One resident was at home with her children and saw protesters climbing over her garden fence. She was fearful of her windows being smashed. She describes in her statement of being petrified and has been scared to leave her own home since.

The impact financially upon the police is estimated to be in excess of £1 million. Thousands of pounds worth of damage was caused to the hotel.

Sentencing Guidelines

I must, and will, pay close attention to the individual guidelines of the Sentencing Council for the separate crimes.

It is also the case that the principle of totality is front and centre of my consideration in this case.

I shall address the individual crimes and then weigh carefully the principle of totality.

It is my intention to pass concurrent sentences, but treat the arson as the lead offence and I shall increase that sentence to reflect overall criminality.

Arson

There can be no doubt the arson with intent to endanger life falls into category A1 where there is a starting point of 8 years and range of 5 to 12 years.

For the avoidance of doubt the analysis is as follows:

You intended to endanger life – the case falls within culpability category A.

By your conduct there was a very high risk of very serious physical and psychological harm

There was very serious consequential economic and social impact – this all took place in the midst of major public disorder.

Considerable economic damage was caused by your conduct.

The aggravating features are these:

This whole episode was suffused with racism.

This was planned and premeditated, albeit your role in the arson may not have been planned by you.

You attacked a public amenity – namely a hotel

Multiple people were endangered

The impact on emergency services was exceptionally serious

The community impact is considerable.

This case plainly falls into category A1.

Violent Disorder

There is no dispute; this case falls into category A1 where there is a starting point of 4 years and a range of 3 years to 4 ½ years.

For the avoidance of doubt the analysis is as follows:

Police and/or the occupants of the hotel were targeted.

The incident involved widespread acts of violence and public disorder.

There was serious disruption and severe detrimental impact upon the community as revealed in personal statements and community impact statements.

The incident caused substantial costs to the public purse.

This was a racist incident.

Totality

The principle of totality requires me to pass an overall sentence which is both just and proportionate which is reflective of your criminality taken as a whole.

It is important I demonstrate that.

I shall indicate the individual sentences – had they each stood alone – and then I shall indicate my overall sentence which will be passed upon the lead offence.

The evaluation of totality is not an arithmetical exercise, but requires the court to utilise its judgment based on all the circumstances of the case so that a just and proportionate sentence is achieved.

The PSR

There is a very insightful PSR.

It concludes you pose dangers to those seeking asylum in this country, to the police, and to the public.

Other features of the report are these:

- (1) Alcohol and drug consumption with consequential mental health problems were the trigger for this conduct. You have a form of drug induced psychosis. There was, however, no lack of capacity at the time. You were, and remain, culpable for your criminal conduct.
- (2) The probation officer feels you are now ashamed of what you did.
- (3) On the day of the disorder instead of taking appropriate medicine, you voluntarily consumed a great deal of alcohol.
- (4) There is no underlying fascination with fire-setting.

(5) Although you have no previous convictions, the probation officer calls attention to the historic reprimands for violent disorder and other matters connected to violence. There is also reference to family related violence. I make it plain, these are not convictions.

(6) The report sets out your background and lifestyle.

The conclusion is that you must be imprisoned. The report concludes: “The serious nature of (your) actions prompts significant concerns for public safety, to the extent that a prison sentence is the only appropriate measure for ensuring public safety”.

Mitigation

Your solicitor, Mr Robinson, has made the following important points of mitigation on your behalf:

1. You have pleaded guilty at an adjourned PTPH. The reason for the delay was because issues relating to your fitness to plead had to be investigated.
2. You have no previous convictions.
3. You now feel remorse for what you did, as well a shame.
4. Mr Robinson explained that your brother died when you were young. This had a bad effect upon you, and you turned to drugs. Your addiction became worse as time went by.
5. You were not the one who started the fire. I accept that, but you did fuel it.
6. You are now reflecting with some care whilst in prison – as a result of being drug and alcohol free – upon your life and what you did.
7. You are taking the opportunity to take education courses and you are making the best of your time in prison.
8. You are desirous of stabilising your life and resuming a relationship with your family and daughter. I not you do not want her to see you in prison and have not seen her since you have been on remand.
9. Mr Robinson asked me to pay particular attention to the principle of totality.
10. It was argued that you are not a dangerous offender.
11. I was finally urged, in effect, to keep a sense of proportion. That I shall do.

Conclusion

It has not been argued that I should adjourn for a psychiatric report. I have sufficient information in the material I have. The report obtained by your solicitors on fitness to plead has not been served.

I must consider whether you are a dangerous offender. In this regard I am very mindful of section 308 of the Sentencing Act 2020. I may only determine you to be a dangerous offender if you pose a significant risk to members of the public of serious harm occasioned by the commission by you of further serious crimes of violence (specified offences).

I am not prevented from making an assessment of dangerousness because you have no previous convictions, but I accept it is necessary to analyse the circumstances with particular care and apply the statutory test with rigour.

In making my assessment I must take into account all the circumstances of your current offending and all the information which is before the court including the contents of the PSR.

The circumstances of this case are exceptionally serious, as I have set out. Your involvement was not short-lived or peripheral. I accept your life has not been replete with criminality, but on that day in August 2024 you were at the front of a kaleidoscope of different forms of acute violence and helped fuel the fire at one of the escape routes for the occupants of the hotel all of whom were trapped inside.

Anyone who viewed the compilation video of your conduct would be left in no doubt whatsoever, that what you did that day reveals you to be a dangerous offender.

I have well in mind your absence of previous convictions and your background. That has caused me to reflect with care upon the statutory test.

In the result I am entirely satisfied you are a dangerous offender and that an extended sentence is plainly demanded in this case in order to adequately protect the public.

My reasons are very straightforward.

You are demonstrably capable of executing very serious mob violence and seriously endangering the lives of people you despise. You truly fuelled the flames in this instance. You had a reliance on alcohol and drugs which fuelled your criminal conduct. Although, whilst in prison you are free from these vices, I am far from persuaded that you have conquered them. You are unquestionably a dangerous offender. I am sure you had a racist mindset at the time and I am not persuaded that has vanished. The circumstances of all the very serious criminality in which you involved yourself over a prolonged

period of time clearly demonstrates you are dangerous by reference to the statutory test.

It is my judgment you will need very careful monitoring when the time comes for your release. It is to be hoped the racist malignancy within you can be eradicated whilst in custody.

It is my view standing alone, and following a trial, these notional determinate sentences would have been justified in the absence of mitigation:

Arson with Intent to Endanger Life – 12 years

Violent Disorder – 4 years and 6 months

The fact this immensely serious criminality, taken as whole, was perpetrated in the midst of exceptionally vicious public disorder which was suffused with racism, whereby you were seeking to harm the many occupants of a hotel – who were terrified inside that they were about to die – coupled to the concurrent attack upon the police, makes this one of the worst cases of arson with intent to endanger life, of its kind, which has come before the courts.

In my judgment I am entirely justified in moving outside the ordinary range of sentence.

You intended that the occupants of the hotel should come to very serious harm and you plainly participated in a brutal attack upon the police who were bravely trying to keep order. I accept that you did not start the fire, but you added to it and helped fuel the flames. That is, frankly, as serious as starting it in the first place.

You were a leading participant in an ignorant racist attempt at mob rule.

You were well to the fore, indeed you were right at the front, in this truly appalling civil disorder of major proportions.

An exemplary and deterrent sentence is necessary.

It is important I do not double count factors and I have guarded against that.

It is my view that following a trial a notional determinate sentence of 14 years would have been passed upon you – having regard to personal mitigation. That sentence reflects overall criminality by reference to the principle of totality. You not only committed the crime of arson, but there were other very serious acts of violent disorder.

It is my view I should further reduce the sentence because you have no previous convictions. It is my view that if you had forced a trial the determinate sentence would have been 13 years in total.

In reaching that sentence I have taken into account all of the mitigation beyond the guilty plea.

As you have pleaded guilty at the PTPH the custodial element of the sentence must be reduced by one-quarter. This takes the custodial element to 9 years and 9 months.

I have then stood back to assess whether any further reduction is warranted having regard to the principle of totality. In my judgment there is a need to round down that term further.

I shall round down the custodial term to 9 years. That is the just and proportionate term in all the circumstances of this case.

I shall then extend the sentence by 5 years for the protection of the public. The full extension period permitted by law is necessary in this case.

For the avoidance of doubt, although the entirety of the violent disorder was racist, I am required to indicate the uplift by reason of that factor. I adjudge that to be 6 months in this case in respect of the concurrent sentence for the violent disorder.

Sentence

You must now stand.

The sentence I pass upon you in total is an Extended Sentence of 14 years.

The custodial term is 9 years.

The extension period is 5 years.

I shall pass that sentence on the lead offence of Arson with intent to endanger life. It reflects overall criminality.

The individual sentences are as follows:

Arson with Intent to Endanger Life – an Extended Sentence of 14 years in the way I have just explained. I repeat, that reflects overall criminality.

Violent Disorder – 3 years 4 months imprisonment to be served concurrently.

The necessary statutory charge is imposed upon you with the appropriate ancillary order.

I have decided not to make you the subject of a Criminal Behaviour Order as I am imposing an Extended Sentence upon you. It is much better the Parole Board control your behaviour in due course for the entirety of this sentence.

You will in due course be released on licence. If you breach the terms of that licence you may be recalled to prison and you may be required to serve the entire term.

I repeat: the total sentence is an Extended Sentence of 14 years.

Take him down.