

## Sentencing remarks

R -v- Amesbury

The defendant, now aged 55 years old pleaded guilty to one charge of assault by beating on 16.01.25

The offence dates back to the early of hours on the 26<sup>th</sup> of October 2024 when Mr Amesbury the MP for Runcorn was approached by Mr Paul Fellows a man he knew back from school. Mr Fellows, who himself had been drinking, embarked on a discussion about a bridge closure in Frodsham. The defendant responded that it had nothing to do with him and said 'who are you talking to'. From the video, it appears that Mr Fellows starts to walk away when he is beckoned back by the defendant. 'What?' was shouted by the defendant several times. It is then that the defendant punched Mr Fellows in the head and knocked him to the floor. This was followed by at least 5 punches towards Mr Fellows whilst he was lying on the road. Others intervened whilst the defendant was still punching the victim on the ground till the defendant was pulled away by a bystander who tended to the victim.

The video records the Defendant as stating several times 'You won't threaten the MP ever again will you', 'you fucking soft lad' and 'you threatened the MP'. He said that several times as then walked away. I find no aggression on the part of the victim or any retaliation by him.

Mr Fellows attended the Urgent Care Unit where his injuries were recorded as an injury to the head and superficial graze to the left elbow. He complained of a headache and the clinical impression was that he had suffered a head injury.

When arrested, the Defendant stated he had acted in self defence and that Mr Fellows had shouted at him and was persistent, despite him not wishing to engage as a result of concerns for his own security. He did not admit the assault and suggested that he had felt threatened. He suggested that he felt intimidated and accepted that he saw 'red' and then punched out.

I am grateful to the writer of the pre-sentence report which I have read. The author concludes that the offence was committed as a result of 'anger and loss of emotional control.' The author also states that the defendant was remorseful during interview and expressed shame.

The report assesses a low likelihood of re-offending but that the defendant poses a medium risk of serious harm to the public if he did commit a further assault. I have to say,

that I have seen a single punch to the head cause fatal injury in previous cases that I have dealt with but, of course, note the limited injury caused in this case.

**I note that the pre-sentence report recommends a community order.**

I have considered the sentencing guidelines. They are not a straightjacket and I must consider all the facts in a particular case.

### **Culpability**

I have already observed that you continued to punch the victim whilst he was on the ground and followed that up by his verbal comments.

I assess this as **higher culpability**

### **Harm**

I assess this as falling within **category 2 harm** as there was minor injury actually caused.

This is agreed by both advocates.

**The guidelines suggest a starting point of a community order with a range to 16 weeks imprisonment.**

### **Aggravating features**

You were out drunk in the early hours.

The attack was unprovoked. Being in drink is no excuse and as a Member of Parliament, you could reasonably expect robust challenge from constituents and members of the public

You continued the attack whilst the victim was on the ground. This incident may well not have come to an end had the bystander not intervened.

Your conduct would have had impact on others watching on. You continued to rant as you left.

Your reference to being a Member of Parliament in the aftermath, brings negative impact to the office you are privileged to hold. Your profile and position of power as a servant of the people ought to be a role model to others. That is something you to have been mindful of in all that you do.

### **Mitigation**

You are of good character. This is a one off incident in an otherwise unblemished career.

Whilst there is reference to mental health issues. I have received no medical evidence in this case.

You have spent your life in public service.

There may well be impact on your future career. You have served the country in high office but the courts treat all who come before it as equals. My focus is the seriousness of the offence and public protection.

I weigh all the above in my final consideration but am of the view that unprovoked drunken behaviour in the early hours in the streets is too serious to be dealt with by unpaid hours of work, let alone a community order. It is only good fortunate that the victim falling onto the road suffered only minor injuries and that you were stopped from going further by members of the public. I note that you had the benefit of legal advice in the police station and that you argued that you had acted in self-defence. That said, I note your early guilty plea.

I have taken into account all that has been said by your advocate.

**If there had been a trial, my sentence would have been one of 15 weeks imprisonment.**

I am required by sentencing guidelines to consider whether I can step back and suspend the prison sentence.

I am also required to consider relevant case law.

In 2023, the Court of Appeal held that the current high prison population in adult male prisons was, at present, an exceptional factor which could be properly taken into account by a sentencing judge, especially in relation to suspending what would otherwise be a short immediate custodial sentences. The decision did not direct judges to suspend prison sentences but, simply, be mindful of current prison populations.

I have carefully balanced all the above considerations. I also so bear in mind in this case, the probation officer's assessment that you are unlikely to re-offend.

**In this case, however an immediate custodial sentence is, in my judgment, necessary both as a punishment and as a deterrence. The sentence of this court is therefore one of 10 weeks imprisonment.**

**You will serve 40% of that sentence and then be under licence for 12 months. You must attend appointments as directed by the probation service. If you do not, you will be brought back to court.**

You will also pay compensation to the victim in the sum of £200 and costs of £85. You will pay the surcharge of £154. I make a collection order and order the full amount be paid in 28 days.

**Deputy Senior District Judge Tan Ikram CBE DL**

**Chester Magistrates Court**

**24 February 2025**