

## **R v Kyle Shaw sentencing remarks**

### **Kyle Shaw**

1. Since 2017 you have engaged in persistent, unwanted online contact with Shirley Ballas and her family. You did so because your mother told you that Shirley Ballas' late brother was your biological father. On the basis of everything I have read, I am satisfied that your motive for this offending was a desire to seek to connect with people you genuinely believed were your family. Whether in fact there is any truth in that belief is difficult, if not impossible to determine. However, whatever your motives may have been, once it was made clear that they wanted no contact with you, you then embarked upon a persistent campaign of contact, utilising different methods of contact, involving implicit threats and affecting not just Shirley Ballas, but her immediate family and those closely connected with her.
2. At an early stage, in 2017, it is suggested you were asked not to contact Ms Ballas. You did not follow that advice because by 2018, you were seeking to contact Ms Ballas and her family members and by 2019 that level of contact was causing a substantial adverse effect upon her.
3. You repeatedly sent messages via various platforms in an effort to contact her. In particular, you sent unpleasant messages seeking to blame her for her brother's death. This caused great upset and distress. You set-up social media accounts in her late brother's name, thereby adding to the distress caused.
4. Ms Ballas' mother, who is now 86 years of age, also received messages from you – at least originally, asking where your dad was. She initially ignored you. However, in around 2019/2020 you approached her in a supermarket in Liscard and sought to speak to her about her late son. Understandably she felt scared and uneasy. She felt you continued to follow her around the shop.
5. In October 2020 you sent a message to Ms Ballas via Instagram asking "Do you want me to kill myself Shirley". She was sufficiently concerned about your mental health that she contacted the police, but this equally caused her distress and alarm as she was concerned about what you might do if you were unstable.
6. It appears there then followed a period in which you deleted your social media accounts.
7. However, in October 2023 you posted an image of her home on Twitter coupled with the message, "You ruin my life, I'll ruin yours and everyone elses around you". This was a menacing threat against her and her family and involved intrusion of her privacy. This caused her real concerns for her own safety. Understandably she was concerned you may attend her home, all this in the context of her harbouring concerns you were mentally unstable. As a

consequence of your actions, she had to increase her security both at work and home. She describes being constantly worried and looking over her shoulder.

8. Later that month you contacted her via Twitter and made reference to attending her scheduled book signing in Merseyside. Security had to be increased out of concerns you may attend and behave erratically or even violently. You again sent a message about ruining her life – this was from a profile in her late brother's name.
9. In November you managed to obtain her partner's telephone number and called him. You asserted you knew where they both lived – this was obviously an implied threat – and you described what you knew about her movements. In particular you referenced not attending Ms Ballas' book signing event as you were scared what might happen. This was understood to be a threat. This caused particular distress and again the police were called.
10. Your comments and threats caused serious alarm and distress to Ms Ballas and her partner. She had to change the way she travels, has suffered sleepless night, with particular distress being attributed to the suggestions you were making about her late brother's death. Her driver describes the visible distress and concern he witnessed.
11. You also contacted other family members, including Ms Ballas' niece, Mary Ann Assall. Again you were making enquiries about her siblings and encouraging her to contact you.
12. I have read and taken into account the victim personal statement prepared by Shirley Ballas. She describes investing in more extensive CCTV equipment, how she felt it necessary to relocate her mother to London to live with her to ensure her safety, how she ceased using public transport and varied her travel patterns to ensure her safety. She has had many sleepless nights. The police investigation caused her anxieties to be heightened. She lives in fear of what you might do.
13. Mary Ann Assall (Ms Ballas' niece) has also provided an impact statement. She describes the stress and anxiety caused by your behaviour (at one point being signed off work). She states, even if it were discovered you were related, she would want nothing to do with you due to the way you have conducted yourself over the last decade. She simply wants you to stop. She describes concerns for and impact on others in the family.
14. You were arrested in December 2023. This was when you were found in possession of a large amount of cannabis which is accepted is consistent with personal use. When you were arrested you said "If she'd have answered nothing like this would have happened". When your phone was analysed, data was obtained which established you had been contacting other

celebrities and work colleagues of Ms Ballas indicating she was refusing to engage with you and making derogatory comments about her and her family.

15. When interviewed by the police you claimed your contact was only to seek to obtain information about your family. You fully admitted the offence of possession of cannabis.
16. You are 37 years of age and of previous good character.
17. I have read and taken into account the contents of both the pre-sentence report and Dr Mirvis' psychiatric report. In your interview with the probation officer you continued to express your belief that Ms Ballas' brother is your father, something you were told when you were 18. It was your mother who told you that you that. You acknowledged that your behaviour would have caused stress to Ms Ballas. You state you have no intention of contacting the family again.
18. You told the probation officer that you have various diagnoses – ADHD, OCD, ASD and EUPD, together with depression and anxiety for which you receive medication. The psychiatrist has confirmed the significance of each of the four disorders. There are clearly long-standing mental health issues with repeated attempts on your life from a very young age. These conditions have acted as a barrier to you maintaining your employment – with you last working about 8 years ago. I have also read about how you were the victim of serious offending as a child. Your GP has referred you for therapy and further assessments, with your medication being changed recently.
19. Although there have been periods during which you have been homeless, you are now settled in supported accommodation with assistance being provided to try and secure a long term tenancy. You have the support of family members who have attended court.
20. You are a long term user of cannabis which you use to self-medicate for health conditions.
21. The Probation Officer has assessed you as posing a medium risk of reoffending with a medium risk of serious harm towards your victims in this case. They have identified that you have engaged in a period of reflection, expressing some understanding of the impact of your offending. Through your barrister, you have acknowledged that Ms Ballas and her family want no contact with you and that any further contact would be entirely inappropriate.
22. I apply, as I must, the offence specific guidelines to assist me in determining the appropriate sentence.
23. In relation to Stalking involving serious alarm or distress I find that this is an

offence of High Culpability (Category B) as it involved persistent action over a prolonged period of time and a high degree of planning (you contacted multiple people via various platforms and in different ways and identified telephone numbers and addresses). It is an offence properly categorized as category 1 harm. This is because your victim was caused to make considerable changes to her lifestyle to avoid contact (changing the way she travelled, avoiding various public events, moving her mother from Merseyside to London to ensure her protection and changing her security arrangements). The guideline therefore give a starting point of two and a half years imprisonment, with a range of one to four years.

24. The offence is then aggravated because multiple family members and colleagues were affected by your behaviour.
25. There is however, significant mitigation in this case. First, your previous good character. Second, your mental health conditions which when coupled with your genuine belief as the motive for this offending undoubtedly reduces the seriousness of this offending from other stalking cases involving high profile victims – this was not an offence driven out of delusional beliefs, some physical attraction or simply an obsession with a celebrity. Thirdly, you have committed no further offences or breached your bail conditions since December 2023.
26. You are then entitled to a reduction in your sentence because you pleaded guilty. You gave no indication in the magistrates court and ultimately pleaded guilty at an adjourned Plea and Trial Preparation Hearing. Ordinarily this would lead to a 25% reduction. However, it is clear that your lawyers were raising significant concerns about your fitness to participate. As soon as the psychiatric report was obtained and this issue was resolved, you pleaded guilty. Applying exception F1 in the relevant guideline, you are entitled to a reduction of one third
27. Turning to ancillary orders.
28. I order Forfeiture and destruction of the cannabis recovered from you.
29. In order to protect Shirley Ballas and/or Daniel Taylor from further harassment you will be subject to Restraining Orders in the following terms:
30. You are not to contact Shirley Ballas, Audrey Rich, Mary Assall or Daniel Taylor by self, servant or agent, by any means whatsoever, including electronic and social media.
31. This means that you must have absolutely no contact with any of those people whatsoever: for example, you must not speak to them if you were ever to see them anywhere and there must be no phone calls, no Facebook

messages, social media messages or emails (either from you or anyone passing on messages from you).

32. Exceptionally, given the persistence in your offending and the fact the basis for you having contacted these people previously will never go away, you will be subject to these restraining orders for life.
33. You will, in due course, be given full details of these orders and I must warn you that if you were to disobey these orders you would be committing a further offence, punishable with up to five years' imprisonment.
34. This offending is so serious that only a custodial sentence can be justified. The sentence I am about to impose is the least possible sentence I can having regard to the aggravating and mitigating features of this case.
35. For the offence of Stalking involving serious alarm or distress, the appropriate sentence after trial would have been 30 months imprisonment, that is reduced for your guilty plea to a sentence of 20 months imprisonment
36. For the offence of Possession of cannabis, bearing in mind the principle of totality, there will be no separate penalty.
37. Given the length of that sentence, I apply the Imposition of community and custodial sentences guideline to assist me in determining whether that sentence should be served immediately or whether it can properly be suspended. This is obviously not a case where immediate imprisonment will significantly impact others, although I bear in mind what I have read about you and it is clear, given your mental health conditions, that incarceration will impact you more greatly than many others. Offences of this type with the harm caused which I have described are ordinarily of such seriousness that appropriate punishment can only be achieved by an immediate custodial sentence.
38. I bear in mind that your bail conditions over the last 15 months or so seem to have worked to prevent any further offending and to cease your conduct towards you victim. There is here no history of breaches of court orders. Indeed the fact your bail conditions appear to have had some success gives the court reason to proceed on the basis that further protective measures can work to avoid any future offending. I conclude that there are reasons to believe there is a realistic prospect of rehabilitation given your behaviour over the last 13 months, the fact you present as motivated to engage with rehabilitative work which has been identified, the fact you are now in settled accommodation, and the fact you are working with the medics. I also conclude that your mental health conditions, coupled with your good character and the matters set out in the reports about your personal circumstances amounts to strong personal mitigation. These factors would indicate that the court could suspend this term of imprisonment.

39. I have given this issue very careful thought. In particular I have borne in mind the principles of sentence which include punishment, deterrence, rehabilitation and protection of the public. I have concluded that the principles of sentence will be better achieved if this sentence is suspended. In short, the protective orders I have imposed, coupled with the requirement for you to work with the professionals to deal with your issues and the causes of this offending will best protect your victim and the public generally moving forward. I therefore do not conclude that, in the particular and unusual circumstances of this case, that appropriate punishment can only be achieved by an immediate custodial sentence.
40. The sentence of 20 months will be suspended for 20 months. If in the next 20 months you commit any offence, whether or not it is of the same type for which I am sentencing you today, you will be brought back to court and it is likely that this sentence will be brought into operation, either in full or in part. Also for the next 12 months of that order you will be subject to a rehabilitation activity requirement of up to 20 days. You will also be required to complete a 12 month Drug rehabilitation requirement.
41. These conditions mean that you must meet with the officer supervising each requirement as and when required and you must attend and co-operate fully with any activities arranged by them. If you fail to comply with either requirement you will be in breach of this order, which means that you will be brought back to court and you will be liable to serve the sentence, either in full or in part.
42. Given your financial means, I make no order for costs or compensation.
43. If this is a case to which the victim surcharge applies, it will be drawn up in the appropriate sum with a collection order attached.

HHJ Woodhall  
Liverpool Crown Court  
1 April 2025