

**12 MAY 2025**

**TEESIDE CROWN COURT**

**R-v- BENJAMIN CLARKE**

You may remain seated until I tell you to stand.

You have pleaded guilty to three offences:

- (a) Two offences of making threats to kill contrary to section 16 of the Offences against the Person Act 1861.
- (b) One offence of sending an offensive message via public communication network contrary to section 127 of the Communications Act 2003.

I turn to the facts:

On 4<sup>th</sup> July 2024 Mr Rushworth was elected the MP for Bishop Auckland by the 1-3<sup>rd</sup> August 2024 you were sending offensive messages to him.

You did not know Mr Rushworth; but he had previously responded to a query which you raised on social media.

Initially your hatred appears to have been directed to the Labour Party and newly elected Labour Government. However your vitriolic criticism quickly turned, I should make clear without any conceivable foundation whatsoever, to vile personal abuse of Mr Rushworth. Ultimately, you sent a message to Mr Rushworth threatening him by stating;

*“I can’t wait until your next public appearance... you’ll be lucky to leave in one piece!”*

Unsurprisingly and as any reasonable person would Mr Rushworth referred the matter to the Police. The Police attended at your premises and warned you about your conduct. However your harassment of Mr Rushworth did not cease.

You attempted to whip up hatred and boasted about posters going up around town saying "Sam Rushworth is scumbag" and lied to the public online about what had happened,

17<sup>th</sup> September 2024 when you attended an assessment at Mental Health Services at Auckland. You had been referred again due to low mood and excessive alcohol consumption and informed Mr Wharton, who had worked with you in the past you were suffering from low mood and binge-drinking alcohol as a result. You also informed Mr Wharton about your recent contact with the police and said;

*“If I could find the MP, I’d smash his head off the pavement until he dies or I’ll firebomb his office or home, block the doors so I can hear him screaming.”*

Mr Wharton continued with the assessment to try and establish why you were so angry. He asked you about what you had said and you said

*“No, I’m going to do it and it’s just a matter of time.”*

You then went on to say that you intended to take his own life in four years’ time. The assessment ended and Mr Wharton discussed the comments you had made with a colleague. They then reported the matter to the police.

18<sup>th</sup> September you were arrested you stated that you had been drunk when you made the comments and that you intended to make a complaint about the medical centre because the staff could see that you were depressed and struggling. You said in interview that you had a personal grievance towards Mr Rushworth because he had ‘slandered’ you on social media.

On 15<sup>th</sup> November you were seen at Bishopgate Medical Centre with low moods, panic attacks and insomnia. On 30<sup>th</sup> November you were admitted to Foss Park Hospital for assessment and treatment.

On 19<sup>th</sup> December 2024 you pleaded Guilty at first opportunity to making threats to kill and an offence of sending an offensive message. You were released on bail.

On 7<sup>th</sup> January 2025 a Pre-sentence Report (“PSR”) was compiled. The author noted that by your own depiction you were mentally unwell and that there had been a diagnosis of mixed personality disorder with emotionally unstable, anti-social and narcissistic traits. Also a mild, but long-lasting form of depression; also called persistent depressive disorder.

During interview you continued to rant about your hatred for Mr Rushworth saying through gritted teeth that Mr Rushworth was a "piece of shit" who you passionately hated. You stated that you lay awake at night thinking of the things you would do to them" and calling him "evil" and "scum".

The author found your extreme views are of serious concern. During interview you defended your views by claiming to be passionate, however you also admitted that you fixated on those that have "wronged" you. The author expressed serious concerns that you could go on to cause Mr Rushworth, a member of his family or a staff member at the Goodall Centre serious harm. She stated that it was evident that you are an isolated individual who has a very negative self identity. Also in addition to your mental health diagnosis she noted you were a user of cannabis and a heavy drinker (you reported drinking a litre and a half of vodka daily).

It was the author’s assessment that you present a high risk of serious physical harm to the victims.

On 16<sup>th</sup> January 2025 there was a two hour mental health act assessment and you were not detained under the Act. On 22<sup>nd</sup> January the Goodall Centre were unable to identify a mental health treatment need.

On 27<sup>th</sup> February you made threats to kill to paramedics at 5.00 am when they attended at your home after your call as you were struggling with thoughts of self-harm and suicide. During an assessment a paramedic became concerned about comments that you were making. It was apparent to him that you were fixated on Mr Rushworth and you told the paramedic that you were due to attend court in respect of the previous threats you had made.

You went on to say that Mr Rushworth had ruined your life and you blamed him for everything which had gone wrong in your life. You said that you felt like you could kill Mr Rushworth and he specifically mentioned burning down his house. You told the paramedic that if Mr Rushworth's wife happened to be there you would harm her as well. You said that you would not harm his children, and you also referred to the fact that you walked your dog past Mr Rushworth's home most days. These comments demonstrated that you had considerable knowledge about Mr Rushworth's home life. You continued with a diatribe against Mr Rushworth, stating that should you be sent to prison for the previous threats, you would kill Mr Rushworth and then yourself.

The paramedic was so concerned by the threats being made that he contacted his Clinical team leader and then they telephoned the police.

Although you were suffering with your mental health, it was the paramedic's view that you had full capacity in relation the clinical assessment and your decision making.

On 27<sup>th</sup> February you were arrested and said that you had said that you wanted to kill Mr Rushworth not that you were going to do so.

On 28<sup>th</sup> February there was a hearing before Magistrates. The matters were sent to Crown Court for trial but an issue was raised about your fitness to plead.

On 29<sup>th</sup> March 2025 you pleaded guilty to an offence of threats to kill.

Mr Rushworth's victim impact statement has been read out in Court. As the Member of Parliament representing the community he lives in, he understands that he has become a public figure and that with the role comes public scrutiny and criticism; but not threats, abuse and harassment. It is now clear that you have a fixation to kill him for reasons only you know, and while this may be influenced by poor mental health, this is not a reason to assume that he or his family are safe.

As he states his home address is quite widely known and if someone wants to find him they can quite easily do so which is a concern.

I will return to the harm caused to Mr Rushworth and his family in due course.

The case was adjourned to allow preparation of a psychiatric report on the instruction of you solicitors. That report has not been relied upon. It was my judgment, given the

background to these offences, including your admitted struggles with mental health and the irrational and severe hatred you have expressed that a psychiatric report. Was necessary.

I now have the benefit of the report of Dr Neeti Sud of 9<sup>th</sup> May 2025. She records that you started to drink at age 15 and have consistently drank excessively from that age with the only period of abstinence being this prison remand. You drank 1 to 2 litres of vodka in some sittings and varied between daily to binge drinking. You had been using cannabis heavily varying on access and finances but reported almost daily use. You accepted that cannabis makes you overthink and paranoid. She said that you show insight into the role of drugs and alcohol in your risk. However you show little insight into how your personality style impacts your world view and that you struggle to see alternative view points.

In her comprehensive and most helpful report Dr Sud set out an extensive history of interaction with Drs and of expressing anger, hopelessness and suicidal ideation.

She set out in detail your long term and heavy cannabis use and racist and sexist views and negative views of the world.

It is noteworthy that you have threatened to burn the Job centre down in the past and after you attended drug and alcohol services and were abusive and threatening the Police were called.

Importantly Dr Sud recorded that on 25 March 2025, you reported ongoing suicidal thoughts. You raised voice when talking about the offence and stated that you feel angry at the MP. You stated that he had ruined your life and the only regret you had is not killing him stating “if they ever let me out of this prison I will kill him”. On 8 April 2025, Mr Clarke you presented as distressed and angry and stated that you had nothing to live for and that you were always planning to kill yourself but was just waiting for the opportunity. You used a number of expletives to describe the violence you wished to be put on the MP and torture his family. You were asked to consider engaging in prison programmes to change this pattern of threat, making behaviour, but stated that you will stay in prison forever as “I’ll never change”. This information aligns with the information provided by Detective Inspector Bailey following reports from the prison on 3<sup>rd</sup> and 11<sup>th</sup> April.

It is Dr Sud’s opinion that you meets the criteria for a personality disorder.

As for Dangerousness she stated that looking at the concept as understood under the statutes and based on the information available to her, in her clinical opinion there is a significant risk to members of the public of serious harm occasioned by the commission by you of further offences.

It is to be noted no suggestion that a hospital order may be appropriate.

### **Guidelines**

When sentencing an offender every court must follow any sentencing guidelines which are relevant to the offender's case unless the court is satisfied that it would be contrary to the interests of justice to do so. Here the relevant guidelines are those in respect of;

- (i) Sentencing Offenders with mental disorders;
- (ii) Communication Network Offences; Magistrates Court Guideline as this is a
- (iii) summary only offence;
- (iv) Threats to kill;

### **Sentencing Offenders with mental disorders**

This guideline applies when sentencing offenders who at the time of the offence and/or at the time of sentencing have any mental disorder. A Mental disorder is a catch-all term for illnesses and developmental disorders including personality disorders. It is clear that at the time of these offences you had, as you still have a personality disorder.

The Court must make an initial assessment of culpability in accordance with any relevant offence-specific guideline, and should then consider whether culpability was reduced by reason of the impairment or disorder. Culpability will only be reduced if there is sufficient connection between the offender's impairment or disorder and the offending behaviour. The approach to sentencing should be individualistic and focused on the issues in the case.

### **Analysis**

I am going to deal with the second offence of threats to kill as the main offence and the sentence will reflect all criminality.

The prosecution submit that must be considered as it is culpability B under the guideline and Mr Bennett does not argue otherwise. I will return to the impact of mental disorder in due course.

As for harm there is disagreement as to whether it is category 1 or 2.

The first point to note is that the impact of the second offence is greater than the first because of the persistence and the realisation that you have become obsessed with killing Mr Rushworth.

Faced with your threats Mr Rushworth has acted with compassion given his view that you must have some mental health issues and initially did not want you cautioned or charged. How the persistence and escalation of your expressed hatred and intended violence towards him and his family drove him to take action.

In my judgment the harm has obviously been very serious and there has been considerable practical impact on Mr Rushworth.

He has had to take extra precautions to keep himself and his family safe. As he put it, he lives with the threat and is hypervigilant. He has had to install cameras and panic alarms and has a fire proof mail bag. The children are not allowed to answer the door. There has been an additional cost to the public purse as wholly understandably and properly he has required extra security. The impact on Mr Rushworth has been heightened by the fatal attacks upon fellow MPS his friend Jo Cox in 2016 and Sir David Amess in 2021. Mr Rushworth is also a husband and father and has witnessed the effects of these offences on his family. His wife has become anxious, one child has had difficulty sleeping and his children have asked to move home. His teenage children have seen comments on social media. The overall extent of the harm caused must not be underestimated.

In assessing harm I have been careful to exclude the effects of the most regrettable views of others posted on social media and websites which have approved of your criminality or made highly inappropriate comments. Most people know of the attacks of various types that have taken place on MPs and there is a duty on all not to make such irresponsible comments. However these are the comments of others and not you.

Having weighed up all relevant matters I conclude that the harm is category one.

Under the guideline B1 has a starting point of two years. However a starting point is just that; a starting point.

I turning to aggravating factors.

The guideline sets out the mandatory, statutory aggravating factor that the offence was committed against a person providing a public service, performing a public duty or providing public services to the public. Under other aggravating factors in the guideline it is set out that the offence was committed against those working in the public sector or providing a service to the public ; so this last criteria is mentioned under both statutory and non-statutory aggravating factors There is no doubt that your offences have arisen solely because Mr Rushworth is an MP and serving his constituents In my view this the provision of services to the public. It is an aggravating factor and it is academic whether it is statutory or not.

I should make clear that whilst the ability to make measured criticism of political decisions is a vitally important right within our democracy, no MP should ever face personal threats, harassment or intimidation. Democratically elected MPs perform a vital, public role within our society which they must be able to undertake without fear for their own safety or that of their families. If individuals who are elected or are considering running for election as an MP are not properly protected from unlawful threats and harassment the democracy of this country is eroded.

Your offences have also had an impact on others; in particular Mr Rushworth's wife and children ; although it is necessary to avoid double counting given that I have reflected the consequential impact on Mr Rushworth ; they have clearly suffered distress as result of your threats.

A further and seriously aggravating factor is that you were awaiting sentence for earlier threats to kill and an associated offence.

Also at the time of these offences you were drinking excessively (you have claimed to have been drunk) and also using cannabis as you had been for many years. I have no doubt that they combined use had a significant effect on your behaviour and the commission of the offences.

These factors combine warrant a very significant increase from the starting point.

I turn to mitigation.

Firstly you have no previous convictions

Secondly and very significantly you have a personality disorder and long-standing issues with depression. Although it was not argued on your behalf I carefully considered whether both threats to kill offences should be culpability C within the guideline as your responsibility was substantially reduced by your mental disorder. Given the nature and protracted extent of your behaviour despite firstly a clear police warning and then, more significantly, a conviction and also the effects of alcohol and cannabis I concluded this would not be correct. However your mental disorder and mental health struggles provide powerful mitigation and the net effect is that your mitigation cancels out the aggravating features.

As I have said I shall reflect all offending on the second offence of making threats to kill and pass concurrent sentences. In so doing I carefully take into account the guidance as to totality.

For the first offence of threats to kill I will place harm as category 2 and the aggravating features are somewhat lesser in weight; although you had been warned by the police.

As for the communications network offence this is agreed by prosecution and defence to have been higher culpability and in my judgment lesser harm if the effects are taken separately to the effects of the other offences. The aggravating feature is that the victim was an MP and providing a public service and undertaking a public duty.

As for credit for guilty plea you have full credit.

I should add that I am wholly satisfied that the offences are so serious that a community sentence cannot be justified.

I am also satisfied that this is the shortest term commensurate with the seriousness of the offences.

In my view appropriate punishment can only be achieved by immediate custody and also you presents a risk/danger to the public as I shall outline so it is not appropriate to suspend the sentence

### **Dangerousness**

Given the offences of threats to kill it is necessary to consider whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences.

In making that assessment I have taken into

(a) all the information that is available about the nature and circumstances of the offence and the pattern of behaviour

(d) information about the offender. Including that set out in the Pre-Sentence Report “PSR”) and psychiatric report and the recent information from DI Bailey.

In this case I have concluded that you are dangerous. That is the view of both the authors of the PSR; which was compiled before the second offence and Dr Sud. You have entrenched views that others, healthcare professionals, Mr Rushworth and other politicians are to blame for your misfortunes, lifestyle, health and the country’s issues which you view through a racist lens. There is a clear risk that you will not only threaten them but do worse. I note that you profess to have some insight into your condition which has been missing to date, but you have continued through out your time on remand to say very worrying things.

Extended sentences are imposed in certain types of cases where the court has found that the offender is dangerous, and an extended licence period is required to protect the public from risk of serious harm.

Effect is that your sentence does not end when you are released from custody which will be after two thirds of the sentence has been served.

If, when you are subject to licence, you commit another offence or fail to comply with the terms of your release, you are liable to be recalled to custody and may serve the entire sentence in custody.

You shall have full credit for the period of time which you have spent in custody on remand for these offences.

Compensation is not appropriate.

I make a restraining order.

You must pay the victim surcharge.

## **Conclusion**

Please stand Benjamin Clarke, I sentence you as follows:

- Count 1, the second threat to kill there shall be an extended sentence. The custodial element is 18 months with an extended period of licence of 18 months. So a total of three years.
- For the first offence of a threat to kills; ten months custodial sentence concurrent.
- Malicious communication; 21 days custodial sentence concurrent.

The medical report of Dr Dud and the PSR must accompany you to prison and admission staff must be reminded of your threats to your own safety. Very careful consideration must be given to you being monitored.