



IN THE CROWN COURT AT NEWCASTLE

REX

V

DANIEL GRAHAM

ADAM CARRUTHERS

SENTENCING REMARKS

Mrs Justice Lambert DBE

Facts

1. Daniel Graham and Adam Carruthers, during the late evening of 27 September 2023, you set off from your homes in the Carlisle area, travelling together in Mr Graham's Range Rover to the carpark below Sycamore Gap. You went with the intention of felling the sycamore tree which had grown in the dip in Hadrian's Wall near Crag Lough in Northumberland for well over a hundred years.
2. As experienced tree surgeons, you took with you the tools which you needed for that task: a chain saw with a long blade of sufficient size for the girth of the trunk and a can of spray paint to mark the outline of the wedge in the trunk which you intended to cut.

3. It was a dark night and the weather was stormy. During your journey of around 40 or so minutes you travelled through Brampton and along the military road towards the Twice Brewed Inn and then turned left up to Steel Rigg Car Park. You arrived there shortly before midnight. From the car park you both walked for about 15 or 20 minutes to the tree. You set about your task.
4. Mr Carruthers, you marked the trunk with spray paint to assist in cutting out a wedge from the trunk to create a hinge. You felled the tree, a process which lasted no more than 2½ to 3 minutes from start to finish.
5. Mr Graham, you had taken up a viewing point a short distance from the tree and recorded the felling of the tree on your mobile phone. The jury were shown the enhanced footage from that phone, created at 00.32. It showed the outline of Adam Carruthers using the chain saw, pausing to lift the wedge out of the trunk, the further cutting and the tree crashing down over Hadrian's Wall.
6. Having done what you set out to do, you both returned home, retracing your journey down from the carpark at Steel Rigg towards the military road at 00.58. You took with you the wedge of trunk which had been cut from the tree as a trophy.
7. During the journey home at 01.30, Mr Carruthers, your partner sent you a video of your new born baby being bottle fed. You responded with the message: *"I've got a better video than that."* Only a few minutes later at 01.39 Daniel Graham forwarded to Carruthers' phone, no doubt at his request, the video of the tree being felled. In its unenhanced state, this video showed nothing. When you returned to Daniel Graham's yard at around 2 am, you took images of the boot of the Range Rover containing the chainsaw and the wedge of trunk which you had taken from the tree. The timing and location of these images have been confirmed by expert analysis of Mr Graham's phone and the images themselves have been examined by experts who confirm that the objects were in the boot of Mr Graham's Range Rover and that the wedge was taken from the sycamore tree. Neither the chain saw nor the wedge of trunk have been recovered.

8. Early the following morning, the damage to the tree and to the wall was discovered. PC Borini was the first officer on scene. He recognised immediately that the tree had been deliberately felled. He noticed the spray paint on the stump and suspected that a wedge had been cut out of the trunk. He looked for the wedge but could not find it.
9. News of what you had done spread quickly. Shortly after 9.35 am, you, Adam Carruthers, sent Daniel Graham a photograph of the felled tree on WhatsApp. Mr Graham, you responded: *"here we go."* Later that morning as you followed the story on social media and on mainstream news you both revelled in your notoriety. You, Mr Carruthers, commented: *"someone there has tagged like ITV news, BBC news, Sky news, like News News News, I think it's going to go wild"*. Later, you said: *"it's gone viral, its worldwide. It will be on ITV news tonight"*.
10. During the day, you exchanged images of the tree and screenshots of conversations on social media. At one point during the morning, a man made the comment that the person who felled the tree must have been weak. In mock indignation you, Mr Graham, responded with a voice note, saying: *"Weak, fucking weak? Does he realise how heavy shit is"*. A moment or so later you, Mr Carruthers, sent a voice note to Graham that you would like to see him *"launch an operation like we did last night."* You continued to follow the news coverage over the next days, exchanging messages and sharing screenshots. You followed the coverage of stories of the arrest of a teenager who was charged with the offence and later of an older man who was arrested.
11. You were both then arrested on 31 October 2023.

Offences

12. Daniel Graham and Adam Carruthers, on 9 May 2025 the jury found you guilty of two counts of criminal damage. The first count concerns your felling of the sycamore tree; the second, the damage to Hadrian's Wall caused by the sycamore tree falling on to it. I now sentence you for these offences.

Sentence

13. I have set out the facts of which I am sure. I have taken into account not only the evidence which I read and heard during the course of your trial, but also the accounts what you have each given more recently to the probation officers who interviewed you for the purpose of the pre-sentence reports.
14. At the trial in May, neither of you accepted any involvement in the tree felling. In your recent interviews with the probation officers, although seeking to minimise your culpability, you have both admitted being present and involved. It is on the basis of these accounts that I can now be sure that you, Adam Carruthers, were the person who felled the tree whilst you, Daniel Graham, assisted and encouraged him, by driving there and back and, not least, by filming the crime on your phone.
15. The Sentencing Council has published offence specific guidelines for criminal damage (other than by fire), value exceeding £5,000. Those guidelines have been in force since 1 October 2019. The Sentencing Council made clear in its response to the consultation before that guideline was introduced that its aim was to ‘*ensure that all sentences are proportionate to the offence committed and in relation to other offences.*’ Under section 59 of the Sentencing Act 2020, the court is required to follow sentencing guidelines relevant to the offender’s case unless satisfied that it would be contrary to the interests of justice to do so. I must impose a sentence which is within the “offence range” specified in the guideline unless it would be contrary to the interests of justice to do so. The offence range specified in the relevant guideline is discharge to 4 years’ imprisonment.
16. If I determine that a term of imprisonment is necessary, then the term of that imprisonment must be the shortest term commensurate with the seriousness of the offence. Where a case falls within the guidelines will inevitably be fact specific. Comparison with previously reported cases is unhelpful, it is for me to decide where the appropriate level of sentence falls for this offence committed by you both having regard to the culpability and harm factors set out in the guideline together with any adjustment for aggravating and mitigating factors.

17. The guidelines require me to identify the offence category by reference to your culpability, or blameworthiness, and by reference to the harm caused.
18. I make the following findings and observations therefore concerning your culpability.
19. First, I am sure that the offence in count 1 involved a high degree of planning and preparation. I can't be sure when you made the plan and I accept that it may only have been made earlier that evening. But the venture required thought and preparation. You had to work out how you were going to get to the tree, and had to ensure that you had the necessary equipment with you, including a long blade of the correct dimensions for the trunk and spray paint. This took effort. The venture involved a round trip of some hours travelling at night during Storm Agnes. You had to carry the equipment from the Steel Rigg Carpark up to the tree and fell the tree in the dark and during the storm. You then had to carry the equipment and the wedge of wood taken from the trunk back down. You, Mr Graham, remarked the next day, in response to a comment on social media, that the author of the comment did not know "*how heavy shit is*".
20. Second, it follows that I am satisfied that you intended to destroy the tree. Whether, when you set off you intended to cause damage to the wall is less clear. I do not believe that you had focussed on the wall and to that extent the wall was collateral damage. However, as experienced tree surgeons, you would have known that the angle of the wedge you cut and the direction of the wind that night meant that the tree would inevitably fall over the wall. It was fortunate that more damage was not caused because the wall was protected by the canopy of the tree.
21. Third, whilst your motivation for felling the tree is not clear in every respect, I am satisfied that you are both equally culpable. Mr Carruthers, you told the probation officer that you had no idea why you had carried out this crime and could offer no explanation for your actions. You blamed drink, saying you had drunk a bottle of whisky after a tough day and everything was a blur.

22. Mr Graham, in your interview with the probation officer, just as at trial, your main focus seemed to be to heap as much blame as possible on your co-defendant. You now accept that you were present but blame him for what happened that night. You have provided me with a witness statement from Mr Paul Fox. The statement takes the form of a character testimonial. However that statement repeats the contention that you were not the instigator of the offence and that your good nature has been exploited. Referring to Mr Carruthers, you told the probation officer that it was “*his dream*” and that it was “*his show*”, which you just went along with. You said that you went with him that night, not thinking that he would go through with the plan and that you were shocked when he did. You described him to the probation officer as a fantasist who had on other occasions damaged property to mark significant personal events or milestones. You say that the wedge was taken by Mr Carruthers as his trophy.
23. Although there may be grains of truth in what you have each said, I do not accept that your explanations to the probation officers are wholly honest or the whole story. Mr Carruthers, your account that you had had so much to drink that you have no memory of what you did that night is not plausible. The tree felling demonstrated skill and required deliberate and co-ordinated actions by you. As Mr Graham commented the next day having seen a photograph of the tree, you did not get a “bad angle” on the stump and the job seemed “professional.” This was not the work of someone whose actions were significantly impaired through drink. Nor, Mr Graham, do I accept that you just went along with your co-defendant. You filmed the whole event. You took photos of the stump and chain saw in the boot of the Range Rover. The next day you appeared to revel in the coverage of your actions in the media. This is not the behaviour of someone who is shocked or horrified by something that has happened.
24. I am confident that a major factor in your offending was sheer bravado. Felling the tree in the middle of the night and in the middle of a storm gave you some sort of thrill, as did the media coverage of your crimes over the following days. You revelled in the coverage, taking evident pride in what you had done, knowing that you were responsible for the crime which so many were talking about. Whether bravado and thrill-seeking provide the complete explanation for what you did, I do not know. However, as I say, I am quite sure that you are both equally culpable for the destruction of the tree and for the damage to the wall.

25. As to the harm which you caused, I have received expert reports from the prosecution and from the defendants attempting to place a financial value on the sycamore tree. But no one submits to me today that the precise financial value matters. It is common ground that the tree is valued at more than £5,000, which is the relevant threshold for the purpose of identifying the sentencing range for this offence.
26. I have read the statement made by Mr Andrew Poad of the National Trust, which owned the tree. I note the cost to the National Trust, a charity, associated with the broad-ranging work which the various teams have had to undertake following the tree felling. The cost to the charity in removing the tree and the subsequent care of the site currently stands at over £30,000 with a further £20,000 committed to be spent in 2025.
27. But when considering the harm caused by your actions my focus must be upon the social impact of the offence. The contents of Mr Poad's statement and the examples of heart-felt messages from members of the public he has provided, reflect my own impression from media accounts of the public's reaction, which was one of widespread shock and bewilderment.
28. For those who live in Northumberland or love this county, the tree had become a landmark: a symbol of the beauty of its untamed landscape, featuring prominently in local art, and local tourism. For others, the tree had become a place of special personal significance, where marriages were proposed and personal tributes to loved ones were left.
29. It was, as Mr Poad observes, a place of peace and tranquillity to which people returned year after year. But the public reaction has extended far beyond those who had visited the tree or for whom it had a personal resonance. Mr Poad describes the outpouring of emotion as unprecedented in the experience of the National Trust. He describes the sense of loss and confusion across the world when the news broke that a thing of natural beauty had been destroyed in a mindless act of vandalism.

30. Following the guidelines, the first step that I must take is to identify the offence category. It is common ground between your barristers and the Crown that the offence in Count 1 falls into the highest categories for both culpability and harm. It falls into the highest culpability category for two reasons: first, because the decision to fell the tree involved a high degree of planning and premeditation; and second because you intended to destroy the tree and thus intended to cause very serious damage to property. It falls into the highest harm category because of the social impact of the offence causing serious distress to many people. This yields a sentence range of 6 months' to 4 years' custody with a starting point of 1.5 years' custody.
31. On Count 2, the prosecution submits that the criminal damage to Hadrian's Wall falls into category B (medium culpability) on the basis that you were reckless as to whether your actions would cause very serious damage to the wall. I accept this categorisation. I also accept that the damage to the wall, unlike the damage to the tree, is capable of financial valuation and that the costs associated with repairing the wall including the staff costs to the National Trust amount to just under £7,500. For an offence of medium culpability and harm falling within category 2, the sentence range extends from a medium level community order to 9 months' custody with a starting point of a high level community order.

Count One

32. Under the guidelines, the starting point for an offence of criminal damage falling into the highest bracket of culpability and harm is a sentence of 1 year and 6 months' custody. However I must then consider adjusting that starting point upwards or downwards as may be necessary to reflect the particular features relevant to culpability and/or harm in the particular case.
33. I have no doubt that the starting point of 1 year and 6 months' custody must be adjusted upwards in your cases for a number of reasons. First, because there are two factors, each of which bring your offending within the highest culpability bracket. More significant, however, is the extraordinary social impact, which I have described, of your offending. I have no doubt that these factors justify an increase in the starting

point to the very top of the guideline bracket for this offence before consideration of aggravating and mitigating factors.

34. The guidelines then require me to take into account any aggravating factors. One aggravating factor specified in the guideline is the fact that damage has been caused to a “heritage and/or cultural asset.” However, I accept that I must be cautious not to double count aggravating factors. I have already substantially uplifted the starting point to reflect the very widespread distress caused by the felling of the tree. This reaction is in part linked to the tree’s status as part of the landscape and part of our natural heritage. It would be wrong to uplift the sentence still further for what is essentially the same reason.
35. Mr Graham, you have four previous convictions: two for battery and two for public order offences. Your previous offending was linked to relationship difficulties and in each case you received a financial penalty. I do not regard your previous convictions as relevant to the sentence which I must pass today and do not regard them as aggravating factors.
36. However, there is a further aggravating factor not specified in the guideline which justifies an increase in the sentence. You appeared to savour the fact that others, including a teenage boy, were investigated for the offences which you had committed. This additional aggravating factor leads me to the conclusion that, before mitigation is considered, the sentence falls over the top of the guideline bracket of 4 years’ imprisonment.
37. I am then required under the guidelines to take into account mitigating circumstances.
38. I have read detailed pre-sentence reports and, in your case, Mr Graham, a Mental Health Assessment Report prepared by the Crown Court Mental Health Liaison Team and a further expert report prepared by a consultant forensic psychiatrist, Dr Steve Ramplin.
39. Daniel Graham, you are now aged 39. You have worked for most of your adult life. I have read testimonial statements which, amongst other things say that you are hard-

working, polite and generally helpful. In the recent past you have been self-employed, living in a caravan, sited on land which you own. The author of the pre-sentence report focusses upon your relationships and linked mental health problems. You had a turbulent childhood, suffering physical and mental abuse from your mother. You had a close and supportive relationship with your father however and his suicide in 2021 affected you profoundly. Dr Ramplin explains that you have experienced mental health problems throughout your adult life and those problems have included depressive episodes of marked severity. Since your father's death, you have attempted to take your own life on a number of occasions, most recently in December 2024 when you required treatment, including treatment in the ITU, for several weeks. When discharged you were remanded in custody for your own protection. I am informed that you have been given a diagnosis of "Recurrent Depressive Disorder currently in Remission."

40. Mr Carruthers, you are now aged 32. The pre-sentence report records that you have two children with your long-standing partner. One has special needs. You have worked hard throughout your adult life and you are, or were, financially secure, having been employed at Cumbria Turf for many years. The author of the report describes you as demonstrating "emerging remorse" although still struggling to accept responsibility for your actions or to recognise the impact of your actions on others. You have no previous convictions.
41. As I have remarked, I must take into account in your favour any mitigating factors. I have considered Mr Graham's background mental health problems carefully. However it appears from the report of Dr Ramplin that you, Mr Graham, do not regard those problems to be relevant to your offending. Nor do I. Your offending that night was not in any way caused by or linked to your mental health. Further, according to the report from Dr Ramplin your depressive illness is currently in remission. You reported to him suffering no significant depressive symptoms and no suicidal ideation. You demonstrated reasonable function both in interview and in prison. You are coping well in prison. Whilst acknowledging that your mental health history is informative background, there is nothing in the material available to me today to suggest that a custodial sentence will weigh more heavily on you by reason of your diagnosis or your mental health history. I have also read and understand the testimonial evidence served

on your behalf and take into account that your caravan has been damaged and you have received hate mail as a consequence of your conviction for these offences. I am afraid I do not regard these as mitigation either.

42. I have taken into account Mr Carruthers' personal circumstances. I accept that Mr Carruthers is an active care-giver to his children, including one with special needs, but I am told that that child is coping well in mainstream school and that your partner is able to care for the children. In short, whilst acknowledging again that your personal background is informative, it does not in my judgement afford a basis for reducing your sentence.
43. I accept that, in the case of Mr Carruthers, there is some modest mitigation in the form of an absence of previous convictions which justifies a discount. Mr Graham, you have previous convictions, but for very different offences to those which you face today. I have considered carefully whether I should afford only Mr Carruthers a degree of credit to reflect his character. However, this is a case in which I have an overwhelming sense that both defendants should receive the same final sentence. Mr Carruthers, will receive the benefit of the modest discount for having no previous convictions. Mr Graham, you will receive the same discount, although you do in fact have convictions, but they are not for my purposes today relevant convictions.
44. I am required to pass a sentence which falls within the offence range set out in the guideline unless I am satisfied that it would be contrary to the interests of justice to do so. Considering count 1 on its own, I am satisfied that the guideline offence range is sufficient. The Crown accepts that the offence in count 1 is properly dealt with as being in the most serious category covered by the guidelines, without the need to go outside the guidelines. As I have already said, the guideline range for a Category 1A offence extends up to 4 years' imprisonment.

Count Two

45. As I have remarked, the starting point in the guidelines for count 2 is a high level community order.

46. Again I must consider whether there are factors in your cases which justify an adjustment of that starting point upwards or downwards before consideration of aggravating and mitigating factors. There are no such factors but the offence in count 2 is, in my judgement, significantly aggravated by the fact that you caused damage to a heritage asset, Hadrian's Wall. The actual damage to the wall was relatively modest comprising only of spalling and fracturing of some of the stones, but it is a World Heritage Site and a Protected Monument. As Mr McFarlane of Historic England has stated, the wall is a major archaeological site and an important tourist draw to the region. I am satisfied that a short custodial sentence is appropriate for Count 2.
47. I have had regard to the Sentencing Council Guideline on Totality. Counts 1 and 2 arise from the same facts. In these circumstances it is appropriate that I impose a sentence on count 1 which reflects your overall criminality and impose on Count 2 a sentence which will be served concurrently. When considering the sentence to be imposed on count 1 in these circumstances, it is not a simple arithmetical exercise of adding one sentence to the other. The sentence which I pass must be just and proportionate. The sentence on count 1 will therefore incorporate a part of the sentence on count 2, but not the whole of it. I have made a reduction to the sentence to be imposed on count 1 to reflect in Mr Carruthers' case the absence of convictions and in Mr Graham's case the absence of relevant convictions. The increase which I make to the sentence in count 1 to reflect part of the sentence in count 2 has the effect of cancelling out that reduction.
48. Finally, I am satisfied that the term of imprisonment which I pass is the shortest term commensurate with the seriousness of your offending.
49. I make deprivation orders in respect of Mr Graham's Range Rover and Mr Graham's mobile phone, both of which were used for the purpose of committing or facilitating the commission of offences. The victim surcharge applies.

Stand Up

50. Mr Daniel Graham, Mr Adam Carruthers: I pass the same sentence in respect of each of you. The sentence is:

- a. On Count 1, 4 years' and 3 months' imprisonment.
- b. On Count 2, 6 months' imprisonment but to be served concurrently with the sentence on count 1.

51. Daniel Graham you have been in prison since 21 December 2024. Adam Carruthers you have been in prison since 9 May 2025. The days that you have served will count towards your sentence.
52. I have imposed a sentence of four years' and three months' imprisonment. You will be released no later than 40% of the way through the sentence and the remainder of the sentence will be served on licence in the community. You must comply with all the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.