

IN THE CROWN COURT

AT READING

R V PHIL APPLETON

SENTENCING REMARKS

Introduction

1. The Defendant was originally charged with Stalking involving serious alarm or distress to the aggrieved Anna Friel between 1.1.22 and 11.12.24 under s.4A of Protection of Harassment Act 1997. That offence if tried on indictment has a maximum penalty of 10 years imprisonment. He first appeared on 6.2.25 and on 10.3.25 he entered a not guilty plea in the Crown Court and the matter was listed for trial on 28.7.25. That trial was unable to proceed due to late service of psychiatric opinion raising possibility of a defence of insanity. Before a new date for trial was fixed the defence wrote to the Crown offering a plea to the lesser offence of stalking under s.2A of the Act. The Crown deemed that plea acceptable and on 7.8.25 the defendant entered that plea to that lesser alternative offence.
2. The offence of stalking simpliciter is a summary only offence which does not require proof of serious alarm or distress. A person guilty of an offence under this section is liable on summary conviction to a maximum of 6 months imprisonment. Section 2A defines stalking as a course of conduct which amounts to harassment. Examples of acts associated with stalking include following a person, contacting or attempting to contact a person by any means, or loitering in any place (whether public or private).

Facts

3. Anna Friel is an actress well-known for her roles on TV, in film and on stage. At the time she was living in the Windsor area as were you and it is possible that you may have come into contact briefly on a couple of occasions through mutual acquaintances but if so Ms Friel had no recollection of such meetings. In late 2022 you approached her on the Long Walk on Windsor as she was walking with her daughter. You addressed her in a familiar manner, claimed that you had worked on TV sets and asked for her number. She gave you an email address which you subsequently used to send messages to her. It is plain from your email to your friends that you had already developed an obsessive interest in Ms Friel and were seeking their advice as to how to draft an email to her expressing your true feelings.

4. Your email to your friends is revealing in that you were aware that if you did so you might “be on the radar of the authorities, possibly via the Fixated Threat Assessment Centre’ and that with your history of mental health issues you were fearful of being accused of being a stalker and a weirdo.” Despite that early acknowledgement as to how your behaviour might be perceived, and the assurance in your draft letter that you would ‘keep your distance appropriately’ you did not keep your distance. You sent her a series of emails which swiftly escalated into detailed plans for a wedding that you proposed should take place between you, followed by inappropriate photos showing your bare chest and lower torso.
5. You then joined the Health Club where she was a member, hoping I am quite sure to get the opportunity to meet her there. Your behaviour at the Health Club was disinhibited and your membership was revoked. By January 2023 your emails to Ms Friel had become more explicitly sexual. On 4.1.23 you told her you were naked in bed thinking of her and on the following day you sent her a naked image of yourself. She reported you to the police and you were arrested and warned that your behaviour was unwanted. Ms Friel did not make a statement at that time or seek a prosecution thinking that a warning would be sufficient and out of concern for your mental health. In March you approached the Health Club seeking to rejoin – your request was refused. You were further warned by an officer in June 2023 that you must not contact Ms Friel and that if you did that could result in prosecution.
6. Nevertheless, in late 2023 you turned up at Ms Friel’s home address wearing a dinner jacket. It is unclear how you had identified where she lived. Ms Friel’s daughter Gracie answered the door and you told her that you were there to take her mother to the Runnymede Ball. You had emailed Ms Friel to invite her to the ball and telling her that you would collect her. She had ignored you, not expecting you to actually attend her home address. Her daughter told you to leave. In December 2024 you purchased some artwork from one of Ms Friel’s friends in Windsor and then sent her disappearing WhatsApp messages relating to your proposed wedding to Ms Friel. The following day you sent Ms Friel a message on Instagram reading ‘J t’aime’.
7. On 9th December 2024 you again attended her home address. Ms. Friel was at home with her daughter when they saw someone looking in through the lounge window. When Gracie opened the door you asked if her mother was home. She said she was alone and asked you to leave. You handed over a packet of cigarettes for her mother and left. CCTV showed that you had been at the property for 20-30 minutes before you were seen, performing for the CCTV camera which you had evidently noticed but it did not deter you. The following morning at around 9am you were back at her address. You picked up a parcel which had been delivered to the address and stood holding it at the door. Gracie was alerted by the dog barking. She answered the door and again told you she was alone and asked you to leave. You had an empty packet of cigarettes and a wooden ring which you asked Gracie to give to her mother. She

told you to leave it on the ground. Again CCTV showed that you had been loitering at the address for some minutes before the dog started barking.

8. Ms Friel reported the matter to the police but before you could be arrested you returned to Ms Friel's address for the third time in 48 hours. She heard knocking and opened the door and was shocked to see you. She screamed, shut the door and called the police. You were arrested that evening and the following day you were admitted to hospital for treatment where you remained for several weeks. You were discharged on 3rd Feb and interviewed the following day. In essence you sought to justify your behaviour by suggesting you had met Ms Friel on a number of occasions and believed that you had developed a connection. You said that your visits to her home were not threatening and you were only seeking to make a connection. You suggested that she would not have been distressed or threatened by your visits.

Victim Personal Statement:

9. 12.12.24 statement: "As a woman in the acting industry where there have been lots of cases relating to stalking, it has still shocked me when this has happened to me. However, when it affects my 19 year old daughter, as a mother I don't feel comfortable with this. It is a huge intrusion of our privacy and I feel very unnerved by what he has done...particularly when he was at the house."
10. 21.2.25 VPS: This case has made me feel very threatened and makes me feel like I am having to look over my shoulder all the time. It is scary thinking about the fact that someone was on your property for over an hour several times unwanted and at the time we didn't realise he was there. When my daughter is put in danger that changes the seriousness and this made us feel unsafe in our own home. This whole case is incredibly time consuming at a time when I want to put my full focus in work. I don't want to feel like a victim in my own home and a neighbourhood I've lived in for years. I am very disappointed that he was given a warning the first time around and it didn't stop him. I wonder how that could escalate in the future. My biggest concern is whether there are mental health issues and if he is not medically ok where does that leave me and my daughter's safety. He is very unpredictable and that makes me feel so uncomfortable and really scared. He has created turmoil, anxiety, the fear of the unknown and a wonder where it will end. I try and keep my personal life private and he has invaded that.

Mental Disorder

11. You were originally remanded in custody on the ground of a likelihood that you would commit offences on bail given the persistence and extent of your attempts to contact the complainant. However your presentation in custody deteriorated to the degree that the Ministry of Justice ordered your transfer from prison to the

Psychiatric Intensive Care Unit at Prospect Park Hospital under s.48 MHA. That transfer took place on 9.6.25. It was there that you were assessed by a Consultant Psychiatrist Dr Kumar who prepared a report on behalf of the defence.

12. Dr Kumar outlined the medical history which included your recent admission under civil sections s.2 and s.3 MHA to the Cygnet Hospital in Harrow following your arrest in December 2024 until your discharge by tribunal on 03.02.2025. Dr Kumar noted that you had refused medication during that admission and when on remand at Bullingdon. You were said to lack all insight into your condition. Following his assessment Dr Kumar concluded that your presentation supported a previous diagnosis of a mental disorder namely 'bipolar affective disorder' that was mild in degree but relapsing and remitting in nature. Dr Kumar additionally diagnosed 'erotomania' which he explained as a further rare delusional disorder in which there is a persistent delusional belief that someone is secretly in love with the individual, often without evidence.
13. Dr Kumar considered that your disorder can cause "impairment of individual's ability to plan and act in a rational or coherent manner, control impulse, function socially, make judgements based on reason and consequences." He opined that at the time of his assessment "he currently does not present with acute features of either disorder although his insight remains poor and continues to harbour hope that she might consider friendship with him but accepting that she may not and he would not be contacting her again." However Dr Kumar was unsure if your feelings will completely subside given that lack of insight. He noted an improvement in your mental state with the anti-psychotic medication risperidone and considered that the addition of a mood stabiliser may help to prevent future relapses if you comply with your medication. Dr Kumar notes that you will require close monitoring by mental health professionals for desired response and potential side effects.
14. Dr Kumar's recommendations were somewhat opaque. He left open the possibility that you might in fact have a defence of insanity to the charge, hence the decision of the court to allow time for the defence to obtain a further report. In fact, with no further report served and an acceptable plea having been entered, I must proceed on the basis that you were sane and criminally responsible for your actions. Dr Kumar also seemed to be recommending a potential hospital order under s.37 MHA but was asked to clarify whether it was indeed his opinion that your mental disorder was of a nature and degree that makes it appropriate for you to be detained in hospital for medical treatment. His response in an email dated 2nd Sept stated that although he had considered a section 37 order to be the 'clinically more suitable alternative for treatment of his condition' he had now been informed by Dr Shah who had been treating Mr Appleton at Prospect Park that "he has been discharged from hospital following recovery from mental disorder, in which case my recommendation becomes irrelevant and not applicable anymore." There is therefore no recommendation for a disposal under the Mental Health Act.

Guidelines

15. I am required to follow any sentencing guidelines which are relevant to the offender's case unless satisfied that it would be contrary to the interests of justice to do so. In this case I have had regard first to the offence specific guideline for stalking. High Culpability factors include 'High degree of planning and/or sophisticated offence' and 'Persistent action over a prolonged period'. Lesser culpability factors include cases where the offender's responsibility substantially reduced by mental disorder or learning disability. The stalking has taken place over a prolonged period, albeit it is sporadic rather than consistent and cannot be described as sophisticated. In December 2024 it became undeniably persistent, with 3 unwanted visits to Ms Friel's home address within 48 hours. At times there has been a high degree of planning such as the drafting and redrafting of emails, the attempt to join Ms Friel's health club, and the arrangements made to try to take her to the Runnymede Ball. Dr Kumar's report as to the potential impairment resulting from your bipolar affective disorder is capable of substantially reducing your culpability although there is still a significant degree of residual culpability evident from your acknowledgement that your actions could be perceived as that of a stalker. In my judgment the culpability falls within the medium category B which is appropriate where there are factors of both higher and lesser culpability.

16. The Guideline also requires me to assess harm. Having considered Ms Friel's victim personal statement this is plainly not a lower culpability case of limited harm or distress. Ms Friel's words make it plain that there was some significant distress caused to her and I am satisfied that the case falls within category 2 while falling short of the most serious harm envisaged by the factors in category 1. I am satisfied that the offending falls within category B2 which has a starting point of a medium community order and a range of a low community order to 12 weeks custody. None of the specific aggravating features identified in the guideline are present although I do consider that there is significant aggravation in your failure to heed the warnings in 2023 and your re-targeting of Ms Friel in 2024 despite her unwillingness to see you prosecuted at that earlier time. Her daughter was also affected.

17. There is a powerful mitigating factor in that you have reached the age of 71 without any previous convictions recorded against you. Your character references from family and friends speak warmly of you and the settled and positive life that you can lead when you take your medication. I do not detect any significant remorse or victim empathy and the mental disorder has already been taken into account in the reduced assessment of culpability at step 1. The aggravating and mitigating factors balance out so that the appropriate sentence after trial would be a medium community order. There is a small degree of credit available for the plea prior to the

fixing of the new date for trial. While it is right to say that it was only at this stage that the Crown indicated a willingness to accept the lesser plea, you had not offered that or any alternative plea at any earlier stage and indeed the original trial date was vacated to allow a further exploration of a possible defence. Some modest credit, in the region of 10 per cent, remains appropriate. While I do not consider that the custody threshold is passed on the guideline given the nature of the offending, the mental disorder and the lack of previous convictions, I do consider that the case is certainly serious enough for a community penalty.

18. The second guideline I have considered is the overarching guideline applicable to sentencing offenders with mental disorders. The guideline makes plain that the fact that an offender has an impairment or disorder should always be considered by the court but will not necessarily have an impact on sentencing. Culpability will only be reduced if there is sufficient connection between the offender's impairment or disorder and the offending behaviour. Here, in the light of Dr Kumar's report I have accepted that there is a connection between your bipolar affective disorder and your ability to exercise appropriate judgment, to make rational choices and to understand the nature and consequences of your actions. This was taken into account when assessing culpability in the offence-specific guideline.
19. The same guideline indicates that community orders can fulfil all the purposes of sentencing and consideration should be given to all the available options including MHTRs. For offenders with mental health issues such orders may result in reductions in offending compared with short custodial sentences. Where the offender's culpability is reduced by their mental state a MHTR may be more appropriate than custody. A community order with a MHTR may be appropriate where the offence is not serious enough to cross the custody threshold. Alternatively an RAR can offer targeted work with the individual and may be more appropriate than a MHTR.

Time on Remand

20. Due to fears of further offending, you spent nearly six months on remand or detained in hospital following transfer. Following your plea on 7.8.25 I was invited to pass a short custodial sentence which would have been deemed served by that remand time. I resisted that invitation, convenient and pragmatic as it might appear. Punishment is not the only purpose of sentencing. Section 57 of the sentencing act list the punishment of offenders as one of five purposes, the other four being the reduction of crime, the reform and rehabilitation of offenders, the protection of the public and the making of reparation by offenders. I am required by s.30(2) of the Act to obtain and consider a PSR before forming an opinion unless in the circumstances of the case I consider it unnecessary. Given all the circumstances of this case I considered that there was a duty on me to obtain a PSR to assist me in identifying the most suitable way of dealing with you.

21. Section 209 of the Sentencing Act provides that any conditions must be the most suitable for the offender and that conditions must include at least one requirement imposed for the purpose of punishment unless there are exceptional circumstances which would make it unjust in all the circumstances.
22. Section 205 of the act provides that ‘in determining the restrictions on liberty to be imposed by a community order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with the offence and this includes time when the offender has been transferred to hospital.’
23. In this regard I referred counsel to the decision in *R v Raqib* [2011] EWCA Crim 870 in which the Court of Appeal contrasted the mandatory wording of section 240 CJA 2003 that a court *must* make a direction that days spent on remand will count towards any sentence of imprisonment with the wording in section 149 (now section 205) which gives the court the *power* to ‘have regard to’ time spent on remand when determining the restrictions on liberty to be imposed by a community order.
24. At para 38 the court said *“In some cases, the fact that an offender has served a significant time on remand may be sufficient for a court to consider that no further punishment is required, and nothing further (in terms of a community order, for example) would be appropriate. But, even when an offender has served time on remand at least equivalent to the maximum custodial term that could properly be imposed for that offence, in our view, the 2003 Act gives the sentencer a discretion to impose a community order, even if that order includes substantial restrictions. The value of such an order, in terms of the rehabilitation of the offender and/or protection of the public, may yet make such an order an appropriate sentence. That may particularly be so where there are great potential benefits for an offender himself, and for the public, in the offender obtaining the support, training or courses that may form part of a community order.”* The court considered that this approach was consistent with para 1.1.38 of the Definitive Guideline on Overarching Principles.
25. Mr Bloomer urges against any additional sentence, given the time on remand, and relies upon the recent decision in *R v Hawe*. I do not consider that this establishes a principle contrary to *Raqib* which is not considered or referenced in the judgement. In any event para 14 on which he relies states that “we accept that where a defendant has already served a period of custody which fulfils punishment by in effect already serving the proposed identified sentence, it would be wrong to impose further punitive, or indeed *in some instances* [my emphasis] rehabilitative conditions in a community order. Each position exposing the offender to the risk of punishment for culpable breaches of any conditions.”

26. I agree that given the period on remand it would be inappropriate to impose further punitive conditions on you. In the wording of section 209 I consider that there are exceptional circumstances, given the time on remand, which would make it unjust to include any requirement imposed for the purpose of punishment. However I consider that in the particular circumstances of this unusual case, the other purposes of sentencing require the imposition of a community order. I have in mind the duration of the stalking and its persistence, particularly in December 2024, the apparently long but relapsing nature of your obsession with Ms Friel, your previous failure to abide by strong warnings by the police, and your lack of compliance with medication in the very recent past. The PSR demonstrates an element of self-justification and continued delusion and I note Dr Kumar's expression of doubt that your feelings will completely subside given your lack of insight. The author judges that you present a medium risk to a known adult and to other women with whom you become fixated and continues "the risk is minimised for so long as he takes his medication and is accountable for his actions to the police and probation services, and would rise to high in the event that those protective measures should break down." I do not consider that the protection provided by a restraining order and/or conditions of post sentence supervision are sufficient to reduce the risk posed by you which can be further reduced by monitoring by Probation.

Requirements

27. The PSR recommends a 24m community order with 10 RAR days, GPS trail monitoring and exclusion requirement for 24m and a residency requirement for 24m to keep you residing in Essex. A Mental Health Treatment Requirement is not recommended given that you express no wish to engage in Mental Health Treatment and have expressed disdain for previous mental health practitioners who have tried to assist you. Although RAR days are recommended, following consultation with the national lead for stalking, it is thought that in your case these should be directed to monitoring your compliance with your medication regime and any restrictive measures imposed by the court rather than engaging in discussions about your offending behaviour which is likely to feed your obsession with the victim.
28. The author of the report considers that an exclusion requirement with GPS trail monitoring can bolster a Restraining Order. It is suggested that knowing that your movements are being monitored may engender an internal locus of control in you and may offer some reassurance to the victim. I do not consider that general GPS whereabouts monitoring is appropriate but I do consider that monitored compliance with an exclusion order is necessary. I emphasise that in adding an exclusion requirement with electronic compliance monitoring I am not doing so as any form of punishment but to protect others, reduce the risk of further offending and to aid your rehabilitation. I consider that to keep you away from Windsor and require you to remain in Essex with your elderly mother would be amount to a punishment and a disproportionate restriction on your liberty. I also consider that to require you to

wear a tag for as long as two years could be seen as amounting to further punishment. However, if you are to return to Windsor Ms Friel and her family are entitled to feel safe and not restricted in their own enjoyment of their local area. For that reason I consider that a restraining order is necessary but I also consider that it is necessary to bolster that restraining order, and give confidence to the victims, by ensuring that you are subject to an exclusion requirement mirroring the restraining order but which is electronically monitored for the initial period. This should also, as envisaged, assist you in your own rehabilitation and avoidance of further offending by engendering an internal locus of control. In setting that period I am also seeking to reflect a degree of credit for the guilty plea. Once the exclusion order with electronic compliance monitoring comes to an end some protection will continue to be provided by the restraining order.

29. Your offence is serious enough to require a community order for 24 months

There are two requirements:

Firstly you will be subject to an exclusion order for 12m compliance with which will be electronically monitored for that period. The exclusion covers the area of Kings Road, Windsor and the section of the Long Walk from Park Street to Albert Road as shown on the map.

Secondly you will be subject to 10 RAR days during which you must meet with your supervisor and cooperate with them.

If you breach the order you will be brought back to court and you could be fined or given further requirements.

In setting those conditions I have had regard to the period of time that you spent on remand and to all the purposes of sentencing, as well as the guilty plea.

Restraining Order

30. A Restraining Order is available under s.360 where it is necessary for the purpose of protecting the victim or victims of the offence from conduct that amounts to harassment or will cause fear of violence. The terms must be proportionate as well as necessary. To this end I will impose a restraining order with the following prohibitions:

Phil Idson Appleton is prohibited from the following: -

- 1. Approaching, following or contacting directly or indirectly Anna Friel and Gracie Friel, this includes via a third party.**
- 2. Attending the area of Kings Road, Windsor and the section of the Long Walk from Park Street to Albert Road as shown on the map.**
- 3. Attending the Fairmont Hotel and spa, Windsor Park.**
- 4. Attending any location where you know or believe Anna Friel to be.**

Although no objection is made to an indefinite order I am aware that such orders require justification. Given the age of Mr Appleton I consider that a restraining order for 15 years, by which time he will be over 85 years old, will be sufficient and proportionate.

Breaches can attract a maximum sentence of five years in custody

Given the lengthy period on remand I am not going to impose any costs however the statutory surcharge will be drawn up in the appropriate sum.

**HHJ Alan Blake
Reading Crown Court
18.9.25**