

IN THE READING CROWN COURT

REX

-v-

JACOB POWER

SENTENCING REMARKS

I have to sentence you for a series of burglaries and acts of criminal damage that you carried out at the White Hart pub in Hamstead Marshall on 3 separate occasions in November 2024.

In total, you stand to be sentenced for 1 offence of burglary of a dwelling, 1 offence of attempted burglary of a dwelling, 1 offence of burglary with intent to do criminal damage, 2 offences of non-domestic burglary and 2 offences of criminal damage. I also have to sentence you for possession of cannabis.

The offences were all committed at a time when you were having on-going mental health issues by which had started in your childhood but which had intensified as you grew into adulthood and were made worse by your addiction to cannabis. You were experiencing vivid and increasingly intensive thoughts of harming yourself and others by the use of extreme violence, including torture and death. In evidence you stated that the thoughts had become more intense, that they were affecting your work, and that the line between fantasy and reality was becoming blurred. You were subsequently to tell a psychiatrist, Dr Mark King, that '[in October and November 2024], I was at my worst. I thought about violence the most, and planned the most. I was living up to what I thought I was. I felt numb and psychopathic. I lost control.' In October 2024, you were referred to the Crisis Team, and in November to a psychiatrist, Dr Kumar. It was the day after seeing the psychiatrist that you committed the first series of offences. Indeed each of the 3 occasions upon which you committed offences was either the day after, or in the last case immediately after you had seen a medical professional.

You subsequently disengaged from the mental health services which caused concern both for your welfare and the welfare of your mother with whom you lived, as a result of which the police attended your home address to carry out checks in February 2025. When they did so, on entering your bedroom they found multiple physical items and written notes indicating that you planned to break into the White Hart pub close to your home address, and to torture and murder people at that location.

As well as notes and plans referring to the White Hart, the police also found room keys for bedrooms at the White Hart, and a CCTV recorder box, which was subsequently found to have been removed from the White Hart, and which contained footage of you outside and inside the White Hart on 7th November. Subsequent enquiries with the owner of the pub and tenants who lived in a flat at the White Hart revealed that the pub had been burgled on 3 occasions:

On 7 November, you sprayed paint onto an external CCTV camera, broke into the pub, located, disabled and stole the CCTV recording box as well as room keys, and broke into the residential flat

where a refugee family from Ukraine were living. From that room you stole, money, jewellery and cigarettes.

On 14 November, you returned to the pub. You broke in once more and stole more room keys.

On 28 November, you returned for the 3rd time and tried unsuccessfully to break into the residential flat, damaging the door lock in the process.

Before you disabled the CCTV system on 7 November, you are captured on film creeping around the inside of the pub. You are dressed in dark clothing from head to foot; you are wearing gloves and a balaclava and are wearing a rucksack. When giving evidence at trial, you admitted that you were dressed in the same way and carrying the same rucksack on each of the 3 occasions. When you were arrested some months later in February, the police found the same rucksack which at that point contained a belt with pouches, knife sheath and knife, a mask, gloves, 2 balaclavas, a bike lock and key, crowbar, binoculars, zip ties, and knives.

It was the prosecution case at trial, that you broke into the pub on each of the 3 occasions in November intending to put into effect a plan to torture and to murder at that location. They based that on the thoughts that you had at that time as admitted to medical professionals on each occasion immediately before one of the burglaries; on the detailed notes and plans that you had written setting out how you would do this; on your appearance and actions as shown on the CCTV on 7 November, and as could be inferred from evidence relating to the other 2 occasions; from the number of concerning items to be used in a murder that you ordered at around the same time, and from the contents of the rucksack as found that you were wearing in the CCTV. You were accordingly charged with, and stood trial for, offences of aggravated burglary. It was the prosecution case that an inference could be drawn from all the evidence that on each occasion you took a knife with you intending to use it if necessary or the opportunity arose to incapacitate or injure someone; and that you intended to cause a person on the premises really serious injury.

You denied that you had a knife with you on any occasion, and denied that you intended to cause anyone serious injury. You maintained that you went to the White Hart to carry out what you described as urban exploring. You said that you had never done this before, but friends had and you were bored. You said that you dressed in black and wore a balaclava and gloves because that is what urban explorers wear. You denied that you had any knife or other weapon in your rucksack; it was your evidence that apart from the addition of a can of spray paint on the first occasion, the only items you had in that bag were another pair of gloves, and some water because even though it was November, it was hot and you were thirsty.

You stated that you did not know that anyone lived at the pub until you broke into the flat, and that the reason why you were creeping about was because there was a building site across the road, and you didn't know how far sound would travel.

You denied that you had any intention to cause anyone any harm. You denied that there was any connection whatsoever between your violent thoughts, your written plans describing what you would do at the White Hart and your repeated visits. Even though you admitted that between the 2nd and 3rd burglaries you had started to think about carrying out an act of violence at the White Hart, you maintained your account that you would not actually have done so, and insisted that the break ins were wholly unconnected to such thoughts.

The jury found you not guilty of all offences of aggravated burglary.

I have gone into the background to these burglaries in some detail, because I have to decide the factual basis for sentence. Your reasons for committing offences, the likelihood of re-offending, the prospects of rehabilitation, are all important matters for a sentencing judge to consider. In all cases, judges have to determine the culpability of the offender with reference to the offender's role, level of intention and/or premeditation and the extent and sophistication of planning; and the harm caused or intended to be caused by the offence or offences committed. Further the judge must consider the purposes of sentence, which are: punishment, the reduction of crime, reform and rehabilitation, the protection of the public, and reparation to those affected by the offence.

The context in which you committed these offences and the factual basis for sentence, are all therefore important matters for me to have in mind.

The prosecution have submitted that your explanation for these burglaries and for the criminal damage caused in the course of them, is simply incapable of belief, and that the only realistic explanation consistent with the verdicts is that you carried out the offences pursuant to a fantasy of torture and murder, not intending to carry out that fantasy, but to bring you closer to it and to make it more real. They submit that I can be sure that in accordance with that fantasy and looking at all of your actions in context you would have taken a knife with you, albeit – in accordance with the jury's verdicts, without any intention to use that knife to harm anyone.

The defence have submitted that it would be wrong for me to reach such a conclusion as it would be to draw inferences from the evidence that the jury were not prepared to do.

The jury could only convict you if they were sure that you had a knife, that you carried that knife intending to use it to incapacitate or injure if necessary or if the opportunity arose, and that you intended to inflict some really serious injury to a person who may have been in the premises.

The verdicts do not reveal whether the jury found each of these necessary elements had not been proved, or just some of them.

However, as the jury could not have convicted unless they were sure of all 3 elements, it would not be inconsistent with the jury's verdicts for me to find that you did have possession of a knife on each of the occasions as the prosecution urge, if I could be satisfied to the criminal standard that you did so. If I cannot be sure to the required standard, then I must sentence on the basis most favourable to you.

In this case, I make it plain that I do not accept your account or the reasons you gave for being at the White Hart. With everything that is known about you, your thought processes at that time, the sequence of events including the correlation between your actions, the increasingly intensive thoughts you were having, your written notes and plans, the flurry of orders for weapons and other items of concern during the same time-frame, your appearance and movements as shown on the CCTV, and your actions – clearly premeditated – to disable the CCTV system, all give the lie to your account of a sudden and never before evinced desire to embark on urban exploring. I agree with the prosecution that such an explanation is entirely incapable of belief, and I am satisfied that you lied in putting forward this account. I am also entirely satisfied that it is untrue, that all you carried with you was water, a pair of gloves and - on one occasion a can of spray paint. In my judgment it is extremely likely that you had with you a knife or other object or tool. You had, after all, gone to the premises with the specific intent on any view of breaking into a building. You cut the CCTV cables. On the 3rd occasion you used something to damage a metal lock. And if this was all part of the fantasy, and given the risks you were already taking, it would in fact have been extremely odd if you had not taken a knife. Furthermore, I note from your accounts given to the psychiatrist Mark King, which

were not disclosed before the trial, that you admitted to him that you frequently carried razor blades and on occasions a knife. However, although I am sure that you did have a knife, I agree with the defence that to sentence you on that basis would be impermissible as on this particular issue, it is arguable that I would be straying into the jury's territory by reaching conclusions on the evidence that were for the jury to reach, and substituting my own conclusions for theirs.

In any event, I make it plain that although it is a required part of my task to determine the context and factual basis for sentence as I have done, I can only and will only sentence you for the offences for which you have pleaded guilty.

When sentencing, I must apply the sentencing guidelines. In respect of each count of burglary I find that this was at the top of Category B given the level of planning and the fact that you were equipped for burglary (gloves and spray paint); as agreed by both prosecution and defence, I find that this was harm category 2

For the domestic burglaries – that is Counts 9 and 15 – the starting point is therefore 18m with a category range of 6m to 3yrs

In respect of the non-domestic burglaries – that is, counts 4, 6, and 12 – the starting point is 6m with a category range up to 1 year.

The only aggravating factor listed in the guidelines that is applicable for each of these offence is the use of cannabis.

The mitigating factors applicable are your previous good character, in respect of which I take into account the references given at trial on your behalf, your young age, and your mental health.

You are entitled to 25% reduction in sentence for Counts 1, 4, 6, 7, 9 and 17; and 10% reduction in sentence for Counts 14, 15 and 16

But sentence isn't merely a mathematical exercise as I have already indicated. I have to reflect the fact that this was a series of offences carried out over successive weeks; I have to ensure that the total sentence is appropriate and just – it is not simply a question of adding up individual sentences for individual offences. And as I have already stated, when deciding not just on length but on the type of sentence, I have to have in mind the aims of sentencing.

Because of the context in which these offences took place, this is a difficult sentencing exercise. I have never come across a case quite like this one, and I suspect neither has anyone else who has been involved in it. The context in which these offences were carried out was deeply disturbing and in my experience, un-precedented.

I have however been assisted not just by the submissions of the prosecution and defence, but also by the lengthy and detailed PSR and the psychiatric reports authored by Dr Mark King. Dr King, whose reports I commend for their clarity and frankness, notes that you are a troubled and disturbed young man, but you are not considered to have a mental disorder, such as a schizophrenia or other enduring psychotic illness that would warrant treatment under the MHA 1983. You were a heavy user of cannabis that had a detrimental effect on your mental health and is likely to have contributed to your offending and disturbed thinking. You have some insight into the abnormality of your behaviours, and are said to have accepted that you need support; but it is of some concern that you sought help before, but then disengaged; have not it would seem accessed support in custody when offered; and you discontinued medication because you felt you didn't need it. I share the concerns of the author of the PSR that based upon your previous behaviour you will not be able to recognise

when your mental health potentially fails again despite your assertions that you will engage with professionals as required; and both the probation officer and psychiatrist are concerned about the risks should you revert to using cannabis.

The author of the PSR assessed that you pose a high risk of serious harm to members of the public based on the nature of the offences and the notes and items retrieved from your home address. The concern is that if your mental health declines significantly and you again disengage with appropriate help and support in the community, you could pose a physical risk of violence to the public. It is the probation view that the risks you pose are not currently manageable in the community, and that when you are released you will require a very robust risk management plan and licence conditions.

Dr King is of the opinion that you currently present a low risk of violence as you are contained in a highly restricted and observed environment. He notes that it is encouraging that you remain open to future psychological interventions to try to address your maladaptive ways of coping, however you have not yet sought out this help. He states that he cannot say with certainty that you would not have acted on your violent thoughts if you had not been caught, and similarly, without further interventions and testing of your response, he cannot say that you would not resort to your markedly maladaptive ways of coping with challenging situations in the future at which point your risk to yourself and others would increase.

It is clear from all the foregoing that only a sentence of immediate custody can be passed in this case; both due to the number of offences, the nature of those offences, the context in which they were carried out and the inappropriateness of a non-immediate custodial sentence given the unique circumstances of this case.

Having said all of that, I am bound to sentence you and do sentence you only for what you did, not for what you might have done or may do in the future if appropriate safeguards fail. Neither can I increase sentence artificially in order to keep you in custody beyond the appropriate total time which, on the sentencing guidelines, these offences deserve, because of fear about what may happen some time in the future should your disturbing thoughts re-emerge.

There are different ways in which I could sentence. I could sentence as 3 separate incidents with consecutive sentences for each group of offences, or impose an increased sentence on Count 9 (domestic burglary) to reflect all offences, and pass concurrent sentences for the other matters. It is agreed by both parties that I should take that latter course. Having done so, and allowing reduction for your previous good character, young age and the effect of your mental health condition in my judgment the appropriate total sentence before credit for your Guilty pleas is 40m. Allowing a further reduction then on the lead offence of 25% for your guilty plea results in a sentence of 30m

The sentence I pass is therefore 30 m imprisonment made up as follows:

Count 9 (domestic burglary) – 30m

Counts 4, 6 (non-domestic burglaries) – 6m

Count 12 (non-domestic burglary) – 5m

Count 15 (attempted domestic burglary) – 27m

Cts 1, 7, 16, (criminal damage) and 17 (possession of cannabis) – no separate penalty

S.51 – possession of a Samurai sword in a private place – 2m

All sentences to run concurrently.

