Courts and Tribunals Judiciary

District Judge (Magistrates' Courts) Briony Clarke

In the Westminster Magistrates' Court

Between

Rex

-v-

Graham Linehan

---

Summary of Judgment

---

**This summary is provided to assist in understanding the decision of the Court. It does not form part of the decision or the reasons for the decision. The only authoritative document is the full judgment of the Court, which will be available from the press office**

**Introduction**

1. It is not for this court to "pick a side" in any matter of public debate. There is a continuing public debate about the rights of individuals and their sex and gender identity. This court is not concerned with that debate and does not have to determine and nor should anything in this judgment be viewed as the court determining any issues in relation to it. The only role that I have is to assess the evidence presented to me, apply the law and make the necessary determinations to enable me to reach decisions in respect of the two charges that the defendant faces

2. Furthermore, I wish to make it clear how parties have been and will be referred to. I am grateful to counsel for agreeing before the start of the trial a use of language document. In summary the prosecution referred to the complainant using female pronouns and/or referring to the complainant as Ms Brooks or "Brooks". The defence, defendant and defence witnesses referred to the complainant with male pronouns and referred to the complainant as Ms Brooks. I will refer to the complainant in this summary and my judgment using gender neutral pronouns and as "the complainant".

**Background and Charges**

3. Graham Linehan is charged with:

    a. Harassment of Sophia Brooks: between 11 October 2024 and 27 October 2024, pursued a course of conduct which amounted to the harassment of Sophia Brooks and which he knew or ought to have known amounted to the harassment of Sophia Brooks in that he posted abusive comments about them on social media, contrary to s. 2 of the Protection from Harassment Act 1997.

    b. Criminal damage of Sophia Brooks' mobile phone: on 19 October 2024, without lawful excuse, damaged a mobile phone to the value of £369 belonging to Sophia Brooks intending to destroy or damage such property or being reckless as to whether such property would be damaged or destroyed, contrary s. 1 of the Criminal Damage Act 1971.

4. It is agreed that the defendant made the relevant posts on social media between the 11th October and 27th October 2024. It is not in dispute that the defendant took and threw the phone of the complainant.

**Issues**

5. In relation to the charge of harassment, the defendant does not accept that his conduct amounted to harassment and asserts that in the particular circumstances the pursuit of the conduct was reasonable. Further he asserts that he pursued the conduct for the purposes of preventing or detecting crime.

6. In relation to the criminal damage charge, the defendant does not accept that Sophia Brooks' phone was damaged by his actions. Further if it is proved that the damage was so caused, then he asserts that he had a lawful excuse as he was using reasonable force to prevent crime, namely the harassment by Sophia Brooks of the defendant and others.

**Burden and standard of proof**

7. It is for the Crown to prove the case to the criminal standard. In relation to the defences raised by the defendant for the charge of harassment, namely that he pursued the course of conduct to prevent or detect crime and that his conduct was reasonable, the defendant has to satisfy the court on the balance of probabilities. In relation to the criminal damage charge, it is for the Crown to satisfy me so that I am sure that the defendant did not damage the phone (if it is proved that he did) whilst using reasonable force to prevent crime.

**Character**

8. The defendant is of good character and is entitled to both limbs of the direction. Good character is not a defence however, it counts in the defendant's favour in two ways. His good character

supports his credibility and so is something I can take into account when deciding whether I believe the defendant's evidence, and the defendant's good character may mean that he is less likely to have committed the offences with which he is charged.

**Prosecution Case**

9. In summary, the defendant posted more than 20 tweets or posts on the social media platform X about the complainant in which he used terms such as (but not limited to) 'sociopath', 'psycho', 'domestic terrorist' and "groomer". The posts also included images of the complainant and the defendant attempted to gain information about the complainant such as where the complainant was studying. The complainant said that they were alarmed and distressed by this conduct.

10. The Crown allege that the conduct was targeted at the complainant and calculated to produce alarm or distress. The Crown allege that these were not merely posts which were irritating or annoying but were oppressive and unacceptable and not provoked by the complainant. The complainant was not engaged with the defendant when the defendant posted about the complainant and they had not met when the posts began.

11. The complainant and the defendant met outside the Battle of Ideas (BOI) conference on the 19th October 2024. The defendant called the complainant a groomer and an incel. Several hours later they met again outside the BOI conference. The complainant approached the defendant whilst filming and asked why he thought it was acceptable to call teenagers domestic terrorists. The defendant threw the complainant's phone and it is the Crown's case that the phone was damaged as a result.

**Defence Case**

12. The defendant admits posting the tweets but denies that this amounts to harassment. The defendant said that he was trying to remove the complainant's anonymity as he believed that the complainant was infiltrating events organised by the gender critical (GC) movement and was causing disruption. He believed that the complainant had released crickets at the LGB Alliance (LGBA) conference.

13. The defendant's case is that the conduct did not amount to harassment, was reasonable in context and that the posts were made for the purposes of preventing or detecting crime.

14. The defendant alleged that the complainant's conduct at the BOI conference was disruptive and intimidating, and whilst he did take the complainant's phone and threw it, he does not accept that it caused damage but even if it did he asserts that his actions were reasonable in the circumstances to prevent crime, namely the harassment by the complainant of the defendant and others.

**Evidence.**

15. I heard evidence from the complainant, DC Wells, the defendant, Kate Harris, Fiona McAnena and Julie Bindel. I also saw a number of video clips and heard audio clips.

16. My judgment provides a summary of the salient evidence given. Having summarised that evidence and assessed that evidence, I have concluded that the complainant was not giving entirely truthful evidence. I do not reject the complainant's evidence entirely and accept it where it is corroborated by audio, video or documentary supporting evidence. **[§47-52]**

17. I have concluded that the defendant was generally a credible witness. Whilst firm in his views in the sex gender debate, he was not seeking to mislead the court and appeared to be a generally frank and honest witness. **[§78-79]**

18. Furthermore, I found the defence witnesses, Kate Harris, Fiona McAnena and Julie Bindel to be credible witnesses. **[§101]**

**Law**

19. In relation to the charge of harassment it is for the prosecution to prove to the criminal standard that:

    a. The defendant pursued a course of conduct
    b. It amounted to the harassment of another
    c. The defendant knew or ought to have known that it would amount to harassment.

20. Harassment is not defined in statute but can be defined as conduct that is oppressive and unacceptable beyond merely unattractive annoying or irritating. **[§105].** It does not follow that any course of conduct which causes alarm or distress therefore amounts to harassment, that would be illogical and produce perverse results. **[§106(iii)]**

21. When considering whether the defendant knew or ought to have known that the conduct would amount to the harassment of another, the defendant "ought to have known" if a reasonable person in possession of the same information would think the course of conduct amounted to the harassment of another.

22. The defendant will have a defence if he can establish on the balance of probabilities that (i) the conduct was pursued for the purposes of preventing or detecting crime, (ii) it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under that enactment (which is not relevant in this case) or (iii)that in the particular circumstances the course of conduct was reasonable.

23. In relation to the charge of criminal damage the prosecution must prove to the criminal standard that:

    a. The defendant damaged the complainant's phone
    b. The defendant intended, or was reckless as to whether the phone was destroyed or damaged

c. The defendant did not have a lawful excuse.

24. The defendant raises lawful excuse as he asserts that he was using reasonable force to prevent crime namely the harassment of the defendant and others.

**Discussion and analysis**

25. I am satisfied to the criminal standard that the defendant pursued a course of conduct **[§113].** However, I am not satisfied to the criminal standard that that conduct amounted to harassment.

26. I do not find that the complainant was as alarmed and distressed as they portrayed themself to be **[§116-118].**

27. I cannot be sure that the conduct was oppressive and unacceptable beyond merely unattractive, annoying or irritating**. [§119].** This is because of the context of the case as a whole and context in which the posts were made **[§120],** the conduct of the defendant viewed in the context of what the complainant was prepared to say about others and to others online **[§122],** and save for one post, the defendant does not tag the complainant in any of the posts he made **[§124].**

28. Whilst I am sure that the messages, when the complainant became aware of them, were probably concerning or upsetting and viewed objectively are deeply unpleasant, insulting and even unnecessary as the defendant could have sought to de-mask the complainant without using that language, I do not find that they were oppressive and unacceptable beyond merely unattractive, annoying or irritating and do not cross the boundary from the regrettable to the unacceptable such that the gravity of the misconduct is of an order which would sustain criminal liability. **[§125]**

29. I therefore find the defendant not guilty of this offence. In light of that I need not go onto consider whether he knew or ought to have known that the conduct amounted to harassment, nor do I need to consider the defences advanced.

30. I am sure that the defendant took and threw the complainant's phone. I am sure that the damage was caused as a result of the defendant's actions. I found this aspect of the complainant's evidence to be credible as supported by photographic and documentary evidence. The phone was not damaged before the defendant threw it. The damage is consistent with being thrown on the ground and damage is clearly visible after it was thrown**. [§129-130]**

31. I am satisfied so that I am sure that the defendant intentionally threw the phone, and I am sure that the defendant must have appreciated the risk of damage to the phone when he threw it on the floor and did it anyway and therefore, I am satisfied that he was reckless**. [§131].**

32. I am satisfied so that I am sure that the defendant was not using reasonable force to prevent crime. There was no evidence that the defendant was aware of what had taken place in the BOI conference at the time. **[§134].** He agreed that he did not feel threatened by the complainant and that the complainant was not committing any crime **[§135].** Even if the conduct of the complainant had amounted to the harassment of the defendant, it does not follow that removing the phone would prevent the crime (as alleged) being committed. Filming was only one part of

the complaint, but the defendant also complained of the complainant following him, asking him to account for his actions etc and removing the phone only removed one part of this. **[§136].** The defendant could have gone back inside the conference centre or walked away. He accepted that he was angry and said, "I guess it feels like surrender so I threw it". The footage shows that just before the phone is taken the defendant is angry and I find that he took the phone and threw it because he was angry and fed up not because he was using reasonable force to prevent crime. **[§137-138].**

33. I am therefore satisfied to the criminal standard that the defendant was not using reasonable force to prevent crime and as such the defendant does not have a lawful excuse to the offence of criminal damage and I therefore find him guilty of this offence.

**Conclusion**

34. I find the defendant not guilty of the charge of harassment.

35. I find the defendant guilty of the charge of criminal damage.

**District Judge (Magistrates' Courts) Briony Clarke**

**25th November 2025**