



Courts and Tribunals Judiciary

District Judge (Magistrates' Courts) Briony Clarke

In the Westminster Magistrates' Court

Between

Rex

-v-

Graham Linehan

Judgment

Hearing dates: 4th and 5th September 2025 and the 29th October 2025

Representation:

The Crown Prosecution Service represented by Ms Julia Faure-Walker

The Defendant represented by Ms Sarah Vine KC

Introduction and charges;

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 using gender neutral pronouns and as “the complainant”.

3. Finally, by way of introduction, there are a number of abbreviations that I will use for ease during this judgment. No discourtesy is intended. But their definitions are as follows:
 - a. “BOI” = Battle of Ideas
 - b. “GC” = Gender Critical
 - c. “LGBA” = “LGB Alliance
 - d. “LWS” = Let Women Speak
 - e. “QEII” = Queen Elizabeth II conference centre
 - f. “TA” = Trans activist
4. I will refer to Twitter and X and Tweets and posts interchangeably, as they have been referred to interchangeably in evidence but all of the messages on social media were posted onto X formally known as Twitter.
5. The defendant, Graham Linehan, faces two charges:
 - i. 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.
 - ii. 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 to s. 1 of the Criminal Damage Act 1971.
6. 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.
7. Some of the evidence of the complainant’s conduct might be described as “reprehensible behaviour” within the meaning of Section 112 of the Criminal Justice Act 2003 [“CJA”]. It was unnecessary for me to rule on the admissibility of this evidence as it was admitted by agreement pursuant to Section 100(1)(c) of the CJA.

Issues

8. 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.

9. 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

10. It is for the Crown to prove the case to the criminal standard. In relation to the defences raised by the defendant to 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

11. 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.

Allegations generally

12. In relation to the harassment charge, it is alleged that the defendant pursued a course of conduct, namely posted a number of abusive messages on social media which began on the 11th October 2024, the date of a LGBA conference, and continuing until the 27th October 2024.
13. Following a conference held by the LGBA on the 11th October 2024 at which crickets were released in the venue, and about which I have no evidence of the complainant's involvement, the defendant linked the disruption of the event to the complainant. It is alleged that he made a number of posts on X (formally known as Twitter). On the 11th October 2024 in response to a post about the event the defendant posted "Wasn't Fred Wallace present? Was this guy with him by chance?" with an image of the complainant. Freda Wallace is a person that the complainant has been seen with in the context of activism on transgender rights.
14. It is alleged that after this the defendant posted about the complainant relentlessly. The Crown say that this is harassment, it was conduct targeted at an individual and calculated to produce alarm or distress. The Crown allege that these were not merely posts which were irritating or annoying but rather oppressive and unacceptable. The Crown allege that these posts were not provoked by the complainant. The complainant was not in conversation with the defendant when he posted about them. When the posts started the defendant and complainant had not met.

15. Examples of the messages which the defendant posted on X about the complainant include:

- a. On 11 October, after referring to “this guy” wearing “Posie Parker merch to try and invade let women speak events” (Ms Brooks uses the pronoun “she”. Posie Parker refers to a woman’s rights’ activist) he said, “This is the same tactic the homophobic brats used today at the LGB Alliance conference”
- b. He asked, on 12 October, “Does anyone know this man?”
- c. In a further post, “Listen @metpoliceuk bringing these three men in would save a lot of legwork and hassle for your officers. I could put you in contact with several people who have been harassed or threatened by them.... I believe these three men all had knowledge of the recent homophobic attack on a meeting gay, lesbian and bisexual people. Will they take seriously this example of domestic terrorism, in which I believe some silly children were doing the bidding of some very dangerous men...” (Sophia Brooks being one of the “three men” the defendant was referring to).
- d. On 13 October 2024, he asserted that Ms Brooks was “behind countless episodes of harassment of women and gay men both online and off. He is a deeply disturbed sociopath and I believe he had some involvement in Friday’s homophobic attack”.
- e. On 14 October 2024, he posted, as if quoting what someone had said to him, “Graham, don’t you think you could have softened some of your language with these scumbag, grooming, homophobic, sociopathic, sadists?”
- f. On the same day, he posted, that “Tarquin/ ‘Sophie’ like all malignant narcissists, enjoys boasting about his skillz so much that I would not be surprised if he incriminates himself....”, posting a recorded online conversation of the complainant. Tarquin, here, is the defendant’s term for the complainant. Then later, referring to the complainant as a “sociopathic student”.

16. On the 19th October 2024 the complainant and the defendant met outside the BOI conference. That afternoon the complainant had been inside and was taking photographs or videoing. The complainant was eventually escorted out at about 3.15pm. It is alleged that about 20 minutes later the defendant approached the complainant with his phone recording the complainant and calling the complainant a “groomer” and asking how many kids the complainant had groomed. The defendant called the complainant an incel. A few hours later the complainant was outside near the entrance when the defendant left with others. Whilst filming, the complainant called out the defendant’s name and asked why he had called them a domestic terrorist referring to online posts the defendant had made about the complainant. The defendant responded, “Go away groomer, go away you disgusting incel” and called the complainant a “sissy porn watching scumbag”.

17. The complainant approached the defendant whilst filming and asked why the defendant thought it was acceptable to call teenagers domestic terrorists. The allegation is that the defendant took the complainant's phone and threw it causing damage. The complainant called the police about this incident.
18. Following this conference the defendant resumed the posts about the complainant. Examples include:
- a. On 19 October, "Was interesting to meet Tarquin today. Absolute psycho".
 - b. He re-tweeted his post referring to the complainant as a "deeply disturbed sociopath", and wrote, "This is the psycho posh kid from today...", with an image of the complainant. He said, "We had to literally walk him to a group of policemen outside the House of Commons"
 - c. Also on 19 October, the defendant posted, referring to another person (Freda Wallace) with the complainant, "Couldn't hack it as a gay man, now he's an alcoholic hanging around with a 17-year-old sociopath who thinks he's a girl". The "17-year-old sociopath...." must have referred to the complainant so say the Crown.
 - d. In another post, referring to an image of the complainant, "Watch how Buffalo Bill uses the camera to hide his face."
 - e. In response to a post from "Terfipedia", he said, "here he is defending Fred Wallace's psycho mate Tarquin, who puts phones in peoples faces in the hope of getting footage he can bring to the police."
 - f. He referred to the complainant as Fred Wallace's "sociopath friend".
 - g. On 22 October, he said about the complainant, "He likes to handle people and then complain about being touched himself".
 - h. "Why are you calling a man with long hair 'her'?"
 - i. On 23 October, when another user asked who the person was, Mr Linehan said, "Have you not been following? He's Fred's severely disturbed mate who was harassing people at the battle of ideas."
 - j. In relation to the name, Tarquin, Mr Linehan said, "we named him that". When someone asked, "That his real name?", Mr Linehan said, "No. It's a reference to his poshness".

- k. He posted footage, “Didn’t want people to miss how Tarquin’s evening ended on Saturday”, and posted footage of what he claimed was them walking the complainant to police.
 - l. He tried to get information about the complainant, “We believe Tarquin is studying computer science somewhere in London. If you know him and want to help to stop him harassing people, please get in touch”. He also alluded to a particular university and course.
 - m. In response to a post about the ambit of “harassment”, Mr Linehan said, “Sorry what woman, mate? This is a porn-addicted man, like you.”
 - n. Another user pointed out that Mr Linehan had admitted to throwing a phone of a young trans protestor across the road; the user accused Mr Linehan of “relentlessly stalking her online”. Mr Linehan replied, “Well, the thing you’re leaving out, Aiden, is that Tarquin is a sociopathic misogynist who harasses women. Just like you!”.
 - o. In response to a user asking, “in what world can a 56 year old celebrity speak to a 17 year old girl like this and still get platformed...”, Mr Linehan responded, “He’s been 17 years old for a number of years and was harassing women at a conference. He was also behind the recent attack on a meeting of gay and bisexual people in which thousands of insects were released...”
 - p. In one of several posts said to be mocking the complainant’s gender identity, on 24 October, when an image of a driver’s licence in the name of “Sophie”, born in 2007 was shown, Mr Linehan said, “Well that couldn’t be Tarquin because he’s a bloke and that’s a girl’s name”.
 - q. On 24 October, Mr Linehan wrote, “He’s also a scumbag who harasses women”.
 - r. The same day, Mr Linehan wrote, “If you encounter Tarquin in the wild, try to resist the urge to stick his cameras up his arse. He’s hoping to get you to do something he can report to the police”.
 - s. On 25 October, he repeated the point about the “Tarquin” name he had given the complainant, “Ha no it’s just a nickname because he’s so posh”.
19. In total over the 16 days in the charged period, the defendant tweeted in excess of 20 times about the complainant.

Evidence

20. I heard evidence over the course of three days from the complainant, DC Wells, the defendant, Kate Harris, Fiona McAnena and Julie Bindell. I will not repeat the entire content of the evidence heard but will seek to summarise the salient points.
21. I was also shown a number of video clips, and heard audio files during the evidence. Where relevant they will be referred to during the summary of the live evidence.

Evidence from the complainant

22. The complainant gave lengthy evidence before the court in which they explained the actions at the LGBA conference and the tweets they became aware of after this. They explained attending the BOI conference and the exchange with the defendant outside during which their phone was thrown.
23. The complainant said they attended the LGBA conference on the 11th of October 2024 arriving about 5:00 PM but did not go inside the venue. At this point the complainant had heard of the defendant but had had no direct communication with him on any platform and had not met him in person. The complainant said that they had nothing to do with the release of insects at the venue. The complainant said that they became aware of the posts that the defendant was making about them, as someone told them about the posts or sent the posts to them, but they cannot remember who. The complainant was aware that the defendant had more than 500,000 followers on X.
24. The complainant was taken to a number of posts which they said referred to them and in which they were referred to as 'homophobe' and a 'sociopath'. The complainant said they felt alarmed and distressed by this because they were being branded a deeply disturbed sociopath by a relatively famous person with over 500,000 followers any one of whom could have seen the post and caused grave harm to them. The complainant was taken through posts in which they were called a malignant narcissist and said that they felt alarmed and distressed by this. They said that they became aware of these posts before the BOI conference on the 19th of October 2024.
25. The complainant attended the BOI conference having paid for a ticket and went inside the venue with Freda Wallace. They said that Kate Harris stormed up to them aggressively before which the complainant was taking photographs of the panellists at a distance. The complainant said that they were stood at this point to get a better angle and Kate Harris stormed up to them with the brochure for the event, they believe in an attempt to block the camera. They were aware of five or six people filming them after this. They said they were using a DSLR camera and then they took their phone out. The complainant was escorted out of the premises. The complainant said that 20 minutes later the defendant crossed the street with his phone recording and called them a groomer and said that they groomed kids and asked how many kids they had groomed. The complainant said that they did not do anything at this point. The defendant then walked into the conference calling them an incel and stormed off. They said that they then walked to the rear of the church (the venue for the conference) which was public grounds and took some pictures of some attendees none of whom were the defendant and then returned to the main entrance.

26. The complainant said much later in the evening they saw the defendant again and asked him why he thought it was acceptable to call teenagers domestic terrorists online but he provided no explanation in response. They said that they believed the defendant called them a groomer and told them to go away. They said that they felt distressed because they are not a groomer and the defendant called them a sissy porn watching scumbag. They explained that sissy porn is a genre of pornography where cisgendered males cross dress. They said that they felt alarmed and distressed by this. They said that when they approached the defendant asking him why he called them a domestic terrorist he looked angry and he grabbed the complainant's hand and forcefully ripped the phone out of it, took the phone behind his back and refused to give it to the complainant. They said that they demanded he give it back and after realising they wouldn't relent, he said, 'go and get your fucking phone' and threw it into the road. The complainant said that they approached the defendant to ask him again why he had called them a domestic terrorist because he had not given the complainant an answer previously.
27. The complainant described the damage to their phone as seen in the photograph provided within the trial bundle. They also referred to the e-mail from Apple (dated 7th November 2025) who estimated the repair cost to be £369.
28. The complainant was taken to further posts after the BOI conference and said that they believed that the '17-year-old sociopath' being referred to was them. The complainant said they felt alarmed and distressed by this. In relation to the post at page 30 of the trial bundle in which the defendant posts "We believe Tarquin is studying [subject given] somewhere in London. If you know him and want to help to stop him harassing people, please get in touch" the complainant said they felt alarmed and distressed.
29. The complainant said that their driving licence was redacted and put online and a post from the defendant said that "that cannot be Tarquin as he is a bloke and that is a girls name." The complainant said that these posts made them worry for their own safety because the defendant is a person who is famous with over 500,000 followers, endlessly harassing them posting pictures of them and making claims pretending to be a child, and calling them a sociopath and a domestic terrorist.
30. The complainant was cross examined at some length not only in relation to the posts made by the defendant and the events on the 11th and 19th October but also in relation to tweets posted by the complainant online about others.
31. The complainant said that they had used the term alarmed and distressed repeatedly about how they had felt because that is how they had felt. The complainant said that being referred to in the masculine was rude, but they were not alarmed and distressed about that. The complainant described themselves as a trans activist and as part of this does mostly videography for others and records protests and demonstrations.
32. The complainant denied being thrown out of the BOI conference and said that they were escorted out but asked to leave. The complainant said they spent time outside taking photographs of the building and attendees because there may have been someone famous there. They said that after they were escorted out, Freda Wallace joined them after about an hour. They accepted speaking to someone that day by the name of Robbie Travers and the clip of that conversation was played. The complainant also accepted speaking to someone called

Maria MacLachlan. It was agreed that Maira MacLachlan was previously assaulted and someone was convicted of this. The clip of the conversation was played during which the complainant accused Maria MacLachlan of lying about the assault. It was suggested that the complainant was enjoying themselves during this clip and the complainant denied this. At one point during the clip the complainant asked Maria MacLachlan why she was trembling and it was suggested that the complainant enjoyed seeing her trembling but the complainant denied this. The complainant said that they were not particularly concerned for Maria MacLachlan and the complainant was asked why therefore they were asking Maria MacLachlan if she was trembling and the complainant was asked whether it was to humiliate her for looking weak and vulnerable and the complainant denied this.

33. The complainant was asked about the phone incident. They said that they followed the defendant to where he was speaking to two people perched on a ledge. It was suggested that the complainant put their phone in the defendant's face and they denied this. The complainant said they thought that the defendant would walk off and said he had a clear exit route. It was put to the complainant that they had spent the afternoon harassing women and harassing the defendant and the complainant denied this.
34. The complainant was asked about their phone and was taken to the e-mail from Apple. The complainant described the damage. It was suggested that the phone was old and the complainant agreed but said it is always in a case with a screen protector so it was pristine before this incident. It was suggested that whatever damage there was to the phone they cannot be sure it was a result of what the defendant did and they said that they are certain. They said their phone is kept in a case and they changed out the case earlier that day so had ample opportunity to see the phone and see it was not damaged prior to being thrown.
35. The complainant said that they had not seen any tweets by the defendant until the 11th of October and didn't follow him on X. It was suggested that Lynsay Watson who is a former police officer operating under the X handle Seen police UK alerted the complainant to the tweets and they denied this. The complainant was asked whether the police contacted them at some point after their initial complaint telling them that they were not going to pursue the matter and they said that they did not believe this to be the case. They were asked therefore whether they had no recollection of writing to the police saying they wished for written reasons of the decision to be given or for the case to be reinstated. The complainant said that this was 11 months ago and they cannot recall this. It was put to the complainant that records available showed that they threatened legal action if the police did not comply and the complainant then accepted that they believed that that is correct. The complainant accepted remembering doing that and agreed that the threatened legal action was judicial review.
36. The complainant was asked whether Lynsay Watson had been in contact with them to say that they were worried about the complainant, and they said again they do not recall this because it was 11 months ago. The complainant was asked whether they were aware that Lynsay Watson had complained to the police about the complainant being harassed by the defendant and the complainant said they were made aware of this at a later date but was not aware at that time. Lynsay Watson contacted the police on the 22nd of October 2024 and it was put to the complainant that this was the same day that they had contacted the police to say that they had become aware of a tweet by the defendant in which he admitted to throwing the phone. When asked whether this had anything to do with Lynsay Watson the complainant said they do not

think so and it was 11 months ago. It was put to the complainant that they would know if they were in contact with Lynsay Watson about this incident before either of them spoke to the police and the complainant responded by saying that as they have said multiple times they cannot remember.

37. The complainant was asked, by the time they booked the ticket for the BOI conference how frightened they were about the risks which they say arose as a result of the defendant's posts. The complainant said that they did not remember. It was put to the complainant that perhaps they were not frightened at all and they said that they do not remember. They said that they did not know that the defendant was a speaker at the conference. The complainant said that the defendant's conduct that day as shown in the videos alarmed and distressed them. A clip was played to the complainant during which the complainant says to the defendant "you're the incel". It was suggested to the complainant that the video showed that they were pleased with themselves and that they were enjoying it rather than being alarmed or distressed. The complainant accepted that they were pleased with themselves, denied that they were enjoying it and said that they were alarmed and distressed.
38. The complainant accepted that they made a statement for the purposes of anticipated civil proceedings against the defendant. It was put to the complainant that the statement in these proceedings was made on the 14th of November 2024 which was the date that they were told by the police that the criminal matter against the defendant was being dropped. The complainant said that they did not recall this.
39. The complainant was asked about the green, white and violet scarf they are seen wearing in the photograph from the X post at Page 3 of the bundle. They were asked whether they know that this is something to be associated with radical feminism by the GC movement. They denied this and said that it was a suffragette scarf. It was suggested that whilst that may be its origins it has been adopted by GC feminists. The complainant responded by saying "maybe". However, they said that the flag in the photograph was for suffragettes not for LWS. The complainant however accepted that there were no suffragettes present at the event and the flag of those colourways has been adopted by the GC movement and LWS. It was suggested to the complainant that they went to that event in those colours in order to infiltrate the event and they denied this. The complainant accepted that if they were wearing such a scarf they would potentially be seen as aligned with LWS and did not tell anyone what their politics were or that they were a TA. The complainant said that this is something that they wanted to conceal and said that if they were known as a TA this would possibly result in assaults. The complainant said that the reason they wanted to be there was to supply information to Internet bloggers such as Freda Wallace about further meetups. It was suggested that those meetups are publicly known and the complainant responded by saying that sometimes they are not. It was suggested that they went to this event and wore these colours in an attempt to lull people into the idea that they were a GC supporter, but the complainant said they are not sure what they would stand to gain from that. They denied they did this in order to seek to disrupt the GC activities.
40. The complainant was asked how many X accounts they had at this time and they said they don't remember. They were asked to give a number of how many X accounts and they said they can't remember. They were asked whether it was more than one and they said it was one or two but they can't remember. Three different X handles were put to the complainant each of which they accepted was an account made by them. It was put to them that they used X accounts to make

allegations against people and call them nonces. They said they cannot remember this. The complainant was taken to a tweet of November 2023 in which they have 'quote tweeted' someone calling them a 'fucking weirdo nonce'. The complainant accepted they made that post. They were taken to a further post in which they say "Thames Pilgrim regularly harasses 16 year old girls, obsesses over them online. Thames Pilgrim also attends court to intimidate 16 year old girls." The complainant said that this is a factual post as that person is obsessing over them online and does attend court to intimidate people. The complainant was taken to a fourth X handle in which the complainant posted a picture of someone walking away and they tagged Thames Pilgrim in that post saying "Get your excuses in early eh? This is him, or I suppose potentially you, 'bumping' into me in May of 2023 at a station I used to use every day, I had to change my commute route. Latsot has been both complacent and integral to this harassment campaign." The complainant confirmed that this was a direct reply to something that Thames Pilgrim had said and so he was tagged in it. The complainant was taken to a post of theirs saying in response to another X user "Shut up you weirdo nonce." The complainant accepted posting this.

41. The complainant was asked about their view of male violence against women and they said that it is not OK ever. They were asked about Jean Hatchet and said they recognised the name. It was suggested that this person is a campaigner against violence against women and girls and the complainant said that this did not ring any bells. However, the complainant did accept that they are aware that this person espouses GC views. The complainant was asked about Posie Parker and they said they know who this is and it was put to the complainant that Posie Parker is a high profile gender critic. Whilst agreeing, the complainant said they are 'not so high profile'. The complainant was taken to a tweet by Jean Hatchet with a photograph and a comment made by Jean Hatchet saying "They've thrown soup at Posie again. Shameful" The complainant said that they were aware that Posie Parker had soup thrown on her on 4 occasions. Another X user replies to this post saying, "Thank God it wasn't acid which it could easily have been". The complainant then responds to that tweet by posting "Really wish it was though". At this point in evidence, the complainant rolled their eyes and Ms Vine asked why the complainant was rolling their eyes. The complainant said that Posie Parker has personally harassed them. It was suggested that their post saying "Really wish it was though" in this context showed a lack of empathy. The complainant said that they are perfectly empathetic to people but not those who have harassed them. It was put to the complainant that they must therefore be saying that violence against women is OK as long as that person has harassed them. The complainant said that they did not say that. The complainant said it was not an acceptable thing to say and when asked whether they were accepting that because they had been caught, the complainant denied this and said that it is simply not an acceptable thing to say.
42. It was explored with the complainant that when they contacted the police about the defendant, they were able to give the defendant's full name, date of birth, address and mobile number. They were asked how they got these details. The complainant said that the defendant's home address was publicised because he did an interview with The Telegraph and they took pictures in his flat facing outside which was a distinctive area. The complainant said this was Surrey Quays and the boats could be seen in the picture. The complainant was asked how the complainant got to the house number and the complainant said it was pretty easy to go on Google Maps and pinpoint the address and that is what the complainant did and provided that information to the police. The complainant said that they were supplied with the defendant's mobile number by an anonymous account which has since been deleted. The complainant was asked why they did

not want to tell the police how they had got this information, and the complainant denied this being the case. The complainant was told that in the police reports there is a note of the complainant saying that they do not want to say how they got the information.

43. The complainant was taken to a post on page 16 of the trial bundle in which an audio file is shared and on page 17 a video file is shared. The audio of the video file was played in which the complainant says "Right, so I've, I've got to go now so bye bye. I just want to say one last thing for the terfs that going to listen to this recording because they're too scared to listen to it live. We know who you are and we are cataloguing everything that you do. So don't worry your pretty little head. You will pay. I never lose. It's something that Kellie Jay Keen says. It's not really true for her but it's true for me, good luck." They were asked what they meant and why terfs or feminists might be scared to listen to it and they said "I don't know". They were asked who they were talking about when they said "we know who you are and cataloguing all you do" and the complainant said Kellie Jay Keen. The complainant said they were goaded into that conversation.
44. The audio was played of the audio file on page 17 of the trial bundle. In that the complainant says "I, erm, try to vet them, basically that can include past social media history, addresses, jobs... I obviously never released this but I, I do look for it." The other party to the conversation says "so you can proper like- would you be able to know what my address was?" The complainant responds "The thing that I used got patched, so I can't use anymore. But that's OK...."
45. The complainant was asked what 'patched' meant and they said replaced, altered or fixed. The complainant was asked why they acquired the facility to be able to find details about people and where they live. They said they can't remember. It was put to the complainant that they were wanting to intimidate terfs and the complainant denied this and said no one was listening at the time. The complainant was asked what they meant when they said, "You will pay". The complainant said it was a joke as Kelly Jay Keen says that, so the complainant was mocking that. The complainant was asked to explain the joke and said they didn't know how to, but it's a joke. It was suggested that it was a threat and they denied this.
46. It was suggested to the complainant that the defendant is famous and obviously connected with the GC movement and it was suggested that for them to be able to make a complaint which results in his conviction would be a massive scalp, or medal. The complainant accepted this. It was suggested that that is why they had made the complaint and that they were not remotely alarmed or distressed. The complainant denied this and said they were alarmed and distressed. The complainant was asked where they got that phrase from (alarmed and distressed) and they said that they felt alarmed and distressed. The complainant was asked whether it was simply a coincidence that those are the words used in the Protection from Harassment Act. The complainant said it was coincidence.

Credibility of the complainant

47. I have some concerns about the credibility of the complainant and the answers which they gave the court. I am not prepared to say that they have given evidence which is entirely incapable of belief and in some aspects, accept that they were giving the court honest evidence. However, I am not prepared to find that they have given me entirely truthful evidence. There are a number of inconsistencies or areas of concern which leads me to this conclusion.

48. Firstly, the complainant used the phrase 'alarm or distress' repeatedly. Little further explanation was given as to how the defendant's actions made the complainant feel. This in and of itself may not be something which would go to credibility and may go only to my assessment of whether the complainant was alarmed or distressed by the conduct. However, what does affect credibility is the fact that when it was put to the complainant that it was not just coincidence that these were the words used in the relevant statute, the complainant said it was just coincidence. Given that the complainant was a police cadet at the time and seemed to be in communication with Lynsay Watson a former police officer, it would have been perfectly reasonable for the complainant to have stated that the reason that they were using this phrase was because they were aware of it through these routes. However, the fact that the complainant denied that this was the case is what leads me to have some concerns about credibility.
49. Secondly when it was put to the complainant that on a certain date the police notified them that no action would be taken against the defendant, they denied that this was the case. They were reluctant to accept that this had happened despite the evidence demonstrating that the complainant was well aware of this and indeed was seeking to, in effect, appeal this decision and was threatening legal action if the decision was not reviewed.
50. Thirdly the complainant was very reluctant to accept that they had said to the police when making the complaint about the defendant, that they were not willing to inform the police about how they had obtained the defendant's personal contact details. The complainant said that they did not say this and was not reluctant, however it is quite clear from the police notes that this is what the complainant told the police.
51. Fourthly the complainant was very reluctant to answer how many Twitter or X handles they were responsible for. Initially the answer was "I don't know". They were then asked how many accounts they had and they said, "I don't know", they were asked if it was one or two and they said they don't know. Three Twitter or X handles were then put to the complainant who then accepted that they were responsible for them and then during the course of discussion about a post the complainant had made, a fourth became clear.
52. I am not rejecting the complainant's evidence in its entirety. I accept the complainant's evidence where it is corroborated by audio, video, documentary or other supporting evidence.

Evidence of DC Wells

53. DC Wells gave live evidence as the officer in the case. He confirmed that the defendant was interviewed on the 5th February 2025 by agreement and supplied a prepared statement. Extracts from that prepared statement were provided in the trial bundle and read to the court. Following this the defendant was asked questions and provided no comment.
54. DC Wells confirmed that in relation to the release of crickets at the LGBA conference on the 11th of October 2024 he has looked at the CCTV and compared this to the time that the report was made. He confirmed that the release of insects and the call to police was at 1619, this therefore being before the complainant said they arrived. He confirmed that security were able to detain 4 people and none of those suspects were the complainant. On the 19th of October, the date of the BOI conference, an initial complaint was made to the police, subsequently there was the

complaint of assault by the complainant which is arising from the facts of the phone incident and then on the 22nd of October 2024 a new report was generated in relation to an allegation of harassment. That harassment allegation originated as an online complaint by someone called Lynsay Watson. A complaint was also made by Michelle Louise Burrows.

55. DC Wells was taken to the entry in the police report in which the complainant was said to have obtained the defendant's address but would not disclose how. He also referenced the report entry showing that on the 14th of November 2024 the complainant made contact stating they were unhappy with the report being closed which is the same date that the complainant signed the statement in the civil proceedings. The police reports then show on the 9th of December 2024 the complainant emails the police asking why no further action is being taken and if the report is closed without good reason they will complain to professional standards escalating to the IOPC or judicial review where necessary. DC Wells was taken to the part of the police report dated the 7th of November 2024 in which the complainant says that they are unavailable between certain times because "I am having my mobile assessed for damage that Linehan may have caused when he forcibly removed it from my hand and threw it across the street."

Evidence of the defendant

56. The defendant gave evidence in his defence. He described that he now lives in Arizona and was previously living in Surrey Quays. He said that he is best known as a comedy writer and began registering the issue of the conflict between sex and gender when he started noticing TA's stopping meetings happening or harassing women at meetings and he said he has always had a thing about bullying and hates it so he got angry. He started making public statements on the issue but can't remember exactly when. He said he looked into it and in summary, his concerns about gender ideology and trans activism is the risk that it represents to the protections of women and children and vulnerable young people. He says it has nothing to do with objecting to what people wear. He said that he has been contacted by the police on a number of occasions but cannot express in one sentence the impact that this has had on his life since he became involved in GC activism. He said that when he pointed out the dangers to women and children from gender clinics cutting breasts off, he thought that everyone would flock to support him but it didn't happen and the press instead began beating him up and that's why he decided to leave the country. He said that he has lost his friends and his marriage and work as a result.
57. The defendant was asked when he first became aware of the complainant. He said that he had heard of the complainant but only found out later that the complainant was at an LWS event wearing the suffragette/LWS scarf and could see that they were using their anonymity to get close to GC events and he wanted to destroy that anonymity.
58. The defendant said he posted the first tweet on the 11th of October which was the day of the LGBA conference. One of the pictures he posted was of the complainant in LWS colours. He said that he believed the release of insects at the conference to be a form of domestic terrorism and to him it made sense for the people involved to send "kids" in to do it because there was less chance of arrest. He believed that the complainant may have been involved. He was asked why he described it as domestic terrorism he said that is what he believes.

59. The defendant said that he had roughly 500,000 followers on X at this point, but he had no intention to induce any violent action against the complainant and he said that the violence and toxicity in the debate comes from the TA side. He said that he intended one thing and one thing only and that was to make sure that next time at an event people would know to expect trouble if the complainant was there. He said that he was aware that at the event in which the complainant is wearing the suffragette/LWS scarf the complainant had told people that they were a de-transitioned female. The defendant was asked what his intention was when asking people to get in touch with him about the complainant. He said that they didn't know anything about the complainant's real name and he didn't believe their age and felt that the complainant was able to get away with a lot because they were anonymous with just a Twitter avatar with no connection and wanted the police to be aware of them and wanted to make sure the police were included in the reply so they could not claim ignorance of what the complainant was up to which is why he tagged the Met Police in the post.
60. The defendant accepted that he used the term 'sociopath' about the complainant in the 22nd of October posts and he said that he used the term sociopath because that is what he believes. He was asked about the descriptions in other posts such as 'scumbag' and he said there is "nothing lower than a man who bullies women". He was asked about the term 'grooming' and he said that he believed the complainant has tricked or persuaded women to go into the conference with insects or gave them the idea. He was asked about the term 'homophobic' and he says that TA's are homophobic and think lesbians should have sex with men who identify as women. In relation to the word 'sociopath' he says that he does not see any empathy from these people and thinks they see great joy in destroying people's lives. He used the word sadist because that is what he believes.
61. The defendant confirmed that he tweeted about the complainant in a spurt between the 11th and 15th of October and then there was nothing for four days which then takes us to the 19th of October, the date of the BOI conference. The defendant said he went to both days of the conference and the incident happened on the first day. On the 19th of October the defendant posted a tweet referring to the complainant as an 'absolute psycho'. He said that this is because their behaviour at the event was, he considered, violence against women. In a post later on the same day the defendant refers to the complainant as a 'psycho posh kid' and says he had to walk the complainant to a group of policemen outside the House of Commons. The defendant accepted posting this and said he is kicking himself that he didn't just report the complainant for harassment, but he just wanted to get rid of the complainant to go somewhere private without being followed. On the 22nd of October the defendant posted a list of "socks" (sock puppet account) used by the complainant and Freda Wallace. He said that he did this for the same reason as the reason he posted the picture, so that people could be aware of who the complainant was and he wanted to make people aware of them. In relation to the tweet on the 22nd of October 2024 in which the defendant posts "he likes to handle people and then complain about being touched himself" the defendant said this was bad wording and he meant that the complainant likes to get in peoples' faces. He confirmed that he was not suggesting that the complainant touched anyone without consent and said that the complainant is very clever and never does that. On page 34 of the trial bundle is a tweet in which the defendant says "I'm quite proud that I grabbed his phone and threw it across the road. He was furious." He said that he posted this to show what the complainant does, and he said that he was proud of grabbing the phone because the complainant had been using it as a weapon all day at the BOI conference.

62. The defendant was taken to a tweet of the 22nd of October 2024 when he was replying to a comment someone had made about “knocking someones ballix in” he said that he was not posting this in the hope that someone would do this but was saying as a warning to followers that people should not do this, because that is what the complainant is looking for. The defendant said unfortunately he failed to take his own advice, which I took to mean that he should not have reacted as that is what the complainant wanted.
63. The defendant says that on the day of the BOI conference he saw the complainant outside and took his phone out because the complainant doesn't like being filmed and so he filmed the “stupid argument”. He said when you talk to “these people” your adrenaline shoots and says it was a childish shouting match back and forth. He said he later found out that the complainant had been kicked out of the venue.
64. The defendant was asked whether he saw the complainant interact with others and he said he didn't see much and only saw videos later but didn't want to linger and so had that argument with the complainant and then went inside. The defendant was told why the complainant was ejected from the conference. He did not personally see the complainant take a picture of anyone other than himself.
65. The defendant said that when he left, he saw the complainant. He tried to talk to other people because he had no interest in talking to the complainant. There was an exchange of a few insults and the complainant then went away and the defendant said he thought “thank God that's over” and was not expecting to see the complainant again. He said that when he saw the complainant again, he instinctively grabbed the complainant's phone and put it behind his back. He said the complainant looked furious and he then said, “there you go” and threw it across the road. He described it as skimming it like a stone. He then said that the complainant followed him for 20 minutes until he dropped the complainant off with police.
66. The defendant described that just before he grabbed the phone, he was speaking to people outside of the conference and he was asked if he had a clear exit. The defendant said he possibly did but “what am I going to do run away?” and said that there were people who he wanted to speak to and have discussions with. He said that if he moved away, he felt that the complainant would follow him. He was asked why he grabbed the phone, and he said it was to stop the complainant from filming because it had become incredibly annoying and persistent and he wanted to stop the complainant from doing it to others. When asked why he didn't take the phone with him and he said, “because that would be theft”. He was asked why he did not give the phone back and he said that his adrenaline was up and he was angry and he guessed that that felt like a surrender and so he threw it. He said that he didn't intend to damage it which is why he skimmed it and he immediately knew that he shouldn't have done it. The defendant said he went looking for a police officer and so went to the House of Commons and the complainant followed him. He said he did not think about calling the police because they work for the trans activists and believe all that trans activists say to them.
67. The defendant said that in February 2025 he was invited for interview and attended voluntarily. He said that he gave material to the police. He was advised by a lawyer who was a civil lawyer to say no comment, but he now wishes he'd said something as he felt he had a completely fine defence but followed what he was told and later got a criminal lawyer to represent him.

68. The defendant was cross examined. He denied that he had become obsessed with the complainant. He said that the complainant is dangerous. He said that he has spoken at the BOI conference before. There was a published programme before the event and pictures of the speakers at it. Those images of those speaking at the conference were not therefore considered to be private. He agreed that someone taking a video or a picture is not necessarily in itself harassment but the taking the photos of all attendees might be. He said that the complainant was doing this in a context of trying to ruin people's lives. He said that there may be some attendees at the event who would not want others to know that they were there.
69. The defendant accepted posting the footage of the complainant at the BOI conference and confirmed that within that video is shown Kate Harris and others. It was suggested that it is one rule for 'his mates' and one for trans activists and he denied that this is the case. He accepted that he posted the video which shows what happened within the conference and the defendant agreed that the complainant said that someone took a photo of them. The defendant was initially saying that this was a lie, but having been taken to the photograph which shows Freda Wallace and the complainant sat down at the event, he accepted that it was possible that it may have been true and someone had taken a picture of the complainant. However, he says this cannot be compared to someone taking a phone and taking lots of pictures of people around the room.
70. The defendant was asked what he thinks harassment is and he said that in this case it's taking photos with the implicit threat to use them to dox (searching for and publishing private or identifying information about someone on the internet) or to contact employers otherwise the complainant would just do it in the way that the person who took the picture on page 23 of the bundle did it. He said that when it is put in someone's face it's an implied threat.
71. The defendant accepted that the complainant asked him why he had called the complainant a domestic terrorist and accepted that he then called the complainant a groomer and an incel. He agreed that that is insulting. He agreed that he called the complainant Sissyporn watching. The defendant says he feels a bit of regret over this. He said he has no evidence of this and that is why he regrets it
72. The defendant confirmed that he had 500,000 followers online who he was seeking information from about the complainant. He agreed that he referred to the complainant as a 17-year-old "sociopath who thinks he is a girl". He said that there has always been a debate about the complainant's age because he said there is evidence that the complainant has been in this sex/gender debate for a long time.
73. The defendant accepted that the complainant had a right to ask him to account for what he had said about them online but he said that he had the right not to answer as he does not think that the complainant asks questions in good faith. He agreed that he had called the complainant a domestic terrorist and that is quite an extreme thing to call someone but said it is merited in this case. He agreed that he did not explain to the complainant on the day why he had called them a domestic terrorist. The defendant accepted that, given what he had published about the complainant online and what terms he had used, the complainant had a right to film his response. However, the defendant said that the complainant did not have the right to constantly follow him around and push the camera in his face as that, he said, is aggressive.

74. The defendant accepted that he did not feel physically threatened by the complainant but took the phone and threw it in order to stop the complainant from continuing what they were doing. It was put to the defendant that the complainant was not committing any crime and he agreed and said that the complainant is very careful not to. The defendant was asked whether when throwing the phone, he was aware there was a risk of damage and he said that he did it instinctively. He accepted that he was angry but did not want to damage the phone that's why he skimmed it. The defendant was asked whether he thinks that the complainant deserved to be harassed. He said that the complainant was not harassed. It was put to the defendant that he used his online post as a way to get back at the complainant for what he thought the complainant had done to others. He said that all he wanted to do was make sure people knew the complainant's face so that it meant the complainant could not get into these events. It was put to the defendant that someone can appear argumentative but still feel alarmed or distressed and the defendant agreed but says he does not think that the court has been shown any evidence of the complainant being alarmed and distressed. Particularly when the complainant was delighted to scare Maria MacLachlan and delighted in filming others. It was put to the defendant that the complainant was not goading him online. The defendant said he was not sure if the complainant was addressing him through 'socks' as he does not see replies if people don't follow him, but as far as he is aware that is right and the complainant prefers to bully women.
75. The defendant confirmed that before the 19th of October 2024 he had not met the complainant and didn't call the police or make any crime report because he believes that the police are captured ideologically.
76. The defendant does not remember speaking to Kate Harris about the event on the 11th of October 2024. He did not ask Julie Bindel about it.
77. The defendant was taken through a number of tweets which he accepts posting and after about 6 posts was asked whether by this stage he thought he had done enough in order to remove the complainant's anonymity. The defendant said that he had not because even with his followers the statistics say that only 30% of your followers see what you're tweeting and so he wanted to make sure that all knew who the complainant was.

Defendant's credibility

78. I generally found the defendant to be a credible witness. He was willing to make concessions for example when accepting that he had no evidence to back up his claim that the complainant was a sissy porn watcher and was willing to accept which comments he regretted and which he did not. Further he made a number of concessions which, if he was seeking to mislead the court, in my view he would not have done. For example, but not limited to these examples, he accepted that outside of the BOI conference the complainant was committing no offence but said that the complainant is clever and does not commit offences. He also confirmed that he did not see the complainant harass or take photographs of anyone else outside of the BOI but he found out about this later.
79. The defendant is clearly firm in his views and as I have made clear it is not for me to adjudicate upon whether he is right in those views or not and conversely whether the complainant is right

in their views or not. Whilst robust in his views, I did not find that the defendant was seeking to mislead the court and appeared to be a generally frank and honest witness.

Evidence of Kate Harris

80. Kate Harris gave evidence on behalf of the defendant. She is a trustee of the LGBA an organisation set up in 2019 and she describes how it became a registered charity and how other organisations sought to challenge that decision. She was at the LGBA conference on the 11th of October 2024 and had attended previous conferences at which there had been protests which were relatively minor. At the conference on the 11th of October 2024 they had a guest speaker Jamie Reid, who was a whistleblower who had worked in a gender clinic in Missouri. Ms Harris was on the verge of interviewing Ms Reid before the audience when she heard screaming and saw people running out to the exits. She later found out that thousands of crickets had been released into the audience. About 5 to 10 minutes later six people had been detained all of a similar age, being held in a room by security. She said they looked about 16. She said that after the group had agreed to speak to her, she asked why they did not simply come and speak to her because she had founded the organisation and she would have discussed issues with them. They said that Jamie Reid the whistleblower was dangerous (or words to that effect) and said that they didn't think that she should speak at the conference.
81. She explained that other arrangements were made for Jamie Reid to be able to speak as planned. She said there was nothing about those who had released the crickets which visibly showed that they were TA's and they were not wearing anything indicating any political affiliation.
82. The following week she attended the BOI conference. There was a session about the gender wars which she attended. She now knows the complainant but did not know who they were at the time. She did however know Freda Wallace and recognised them. She saw Freda Wallace at the panel events and saw the person that she now knows to be the complainant, with them. She said she made a mental note of the fact that they were present and her heart sank. She said that the purpose of BOI is for respectful and lively debate promoting free speech. Her heart sank because over the last decade she cannot remember a single person who holds the views that Freda Wallace and the complainant hold, being able to engage in a constructive dialogue and their main methods of communication are malicious illegal action, insults or attacks using a variety of methods such as drowning out meetings or displaying offensive posters.
83. She described that when Fiona McAnena was speaking, she saw what she describes as a large man standing up taking a camera out of a backpack and beginning to photograph in a way which she can only describe as being intimidating and they would not stop and went on and on. She said this person, who she later identified as the complainant, was photographing anyone and everybody and it felt very intrusive and aggressive and felt tinged with violence. She said the disruption was complete and mission was accomplished. She said that Fiona carried on but that the whole audience was aware of this person deliberately intruding into other people spaces and if anyone objected or turned away the person (the complainant) said "don't touch me, don't touch me" and would continue. She was hoping security would come to remove this person but could tell the whole place was disrupted. She said that all she could think to do at the time was to take her programme for the event and hold that in front of the camera lens to try and deflect from other people. Looking back, she describes it as looking a bit pathetic but it was all that she could do. She does not believe that she took any photographs of this person. Freda Wallace was

not engaging in this and she could not see Freda Wallace because she was focused on the complainant but thinks that Freda Wallace was sat in their seat. Asked how she felt about this she said that there was a sense “of will it ever get better?” these are continuous attempts to silence and disrupt these important discussions and she felt tired of it.

84. She was asked, if she had been approached at BOI and asked to debate sex and gender what she would have done. She said she would have asked if they were seriously wanting to have a discussion and if so, would have said let's go and have a cup of coffee and sit down and talk. She said she cannot tell the court the number of times she has tried to debate and discuss with people who opposed her views but every time the door is slammed in their face.
85. She said that after the session she saw the complainant and Freda Wallace outside in the road with a little demo.
86. She was cross examined and said that she knows the defendant well but does not remember speaking to him about what happened at the LGBA event. He had the means to speak to her about this and could have contacted her and she would have told him what happened if he had asked.
87. She said that the defendant was possibly one of the speakers at this event, but she goes to a number of events so isn't sure. She said Julie Bindel was definitely at the event as were other people who were named. It was suggested that all those people named, share broadly her viewpoint and she agreed. It was suggested that no one at the BOI conference held a view contrary to her view and she said that she doubts that there was anyone there with such views but everyone is invited to contribute and debate.
88. She confirmed that the photograph shown in one of the posts is of the complainant sat down with Freda Wallace and that that photograph was taken by someone but she does not believe it was her. It was suggested that Fiona's speech was interrupted for less than 20 seconds, and she said that it was longer than that and that the incident lasted longer than the clip which we have of the incident.
89. She agreed that Baroness Claire Fox was chairing the panel discussion and it was put to her that Baroness Fox, at the end of the conference, gave a big speech with a microphone about what a good atmosphere the conference had been. She said that she does not know and she probably did but she herself may not have even been there at this point. She did say that there is usually a good atmosphere. It was suggested that whatever the complainant did, did not have a significant impact on the conference. Ms Harris said she believes it did as these attacks have cumulative effect and they build and those involved plan how to undermine events or how to silence and so it's not just a short event, one panel, one conference it's part of a campaign of intimidation.

Evidence of Fiona McAnena

90. Ms McAnena gave evidence. She is director of campaigns at Sex Matters. She confirmed that she was invited to speak on a panel at the BOI conference entitled 'Gender wars is the end in sight?'. There was a chair and four or five other speakers. She said that she was told to prepare

5 to 6 minutes introduction as a talk and then questions and answers and interactions from the audience would take place. She said when covering a subject like sex and gender that is not a very long time and it is difficult to pack it all in. She said that she knew Freda Wallace but not the complainant. She said that Freda Wallace was right in her eye line, and she had no concerns initially. She said that she was doing the talk when suddenly she was aware of someone stood up in front of her, two to three rows back shuffling out into the aisle and there was a commotion. This person later identified as the complainant, had a phone up to film which is not usual at all. She said that people will often film and take pictures of these events, but this was disruptive. She said that things escalated and people started to be distracted and the whole thing was a massive distraction.

91. She said that she almost stopped talking when there were shuffling and hubbub and people looking and Baroness Fox said quietly to her “just keep going” and so she did. She was asked how much of her speech was disrupted and she said more than half of it she guesses. She said that it had an impact on her as she felt that people were distracted and were not being given the opportunity to hear and she knows that it had an impact on some people in the room as her husband who was there to support her was distracted. She was aware that the complainant was escorted out after the incident. She is aware of the defendant. She was asked whether she witnessed anything between the complainant and the defendant and she said that she saw a phone land on the ground and that is all.
92. She was cross examined. The clip was played to her of the incident at the conference. It was suggested that the first disruption lasted a number of seconds. She said that her hesitation was a matter of seconds but then Baroness Fox told her to keep going on and she did. The second time she stopped for approximately 18 seconds and then on the clip Baroness Fox can be heard to speak and then she carries on. She said that she carried on until the end but lost half of the audience. She said that she was able to continue talking but doesn't know if people were able to keep listening.
93. She had given evidence that the complainant was filming in Ms Bindel's face, Ms Bindel having a laptop on her lap, but it was suggested to her that this must be mistaken because that cannot be seen on the clip and on the clip the complainant has a camera and then goes back to the rucksack and gets the phone. She said that she could not say for sure. She said she saw the complainant lean over Julie Bindel but what they had in their hands she cannot be sure. She accepted that she could have been mistaken. She confirmed that people do take pictures at these events and there is always an official photographer there.

Evidence of Julie Bindel

94. Julie Bindel gave evidence. She is a journalist and feminist campaigner against male violence towards women and girls. She said that she became involved in the gender debate having written some articles which weren't picked up online in 2003 and then in 2004 wrote for The Guardian magazine about a case in America. She said that after the 2004 piece, there was retribution as she was nominated for journalist of the year in 2008 and 200 trans activists came out to protest against the nomination. She says that she knows the defendant, she saw him on Twitter and she was one of the few who had not watched the programmes that he had written and then met him at public events. She said it is not a friendship, but she has seen him around.

95. She is not a member of the LGBA but attended the conference in October 2024 and had attended previous ones. She said the protests almost came to be expected and so when she saw the demo outside the 2024 event, saw it as usual. She said that on the way into the venue two people shouted her name and were calling to her making remarks that were pretty meaningless. She said that it was Freda Wallace and the complainant who did this. She was asked where she had seen the complainant before and she said that anywhere where lesbians, gays, women's rights campaigners gather for a public event they are there but cannot be specific because it becomes so commonplace. She was asked, other than to shout at her whether she formed the impression that the two of them were there for any purpose. She said that it was to harass the delegates going in and out of the building. She was aware of the crickets being released. She said that she did not see the complainant inside the venue. She was asked whether she made any connection between the crickets and the complainant and Freda Wallace and she said that she assumed that they were involved. She did not see who released the crickets but saw afterwards a group of young people, some masked. She said that she did not ever speak to the defendant about the event.
96. She attended the BOI conference as a speaker on the 19th of October 2024 and attended the panel. She saw the complainant and Freda Wallace there and they were making noises muttering and interrupting. She likened it to if one was in the cinema they would be told to be quiet. She said that during the session she was making notes on her laptop on her knee. Someone tapped her on the shoulder and said that Freda Wallace was tweeting about her. She said that she did not see the complainant get up but heard of a verbal altercation behind her and got up and looked and could see that Kate Harris was trying to stop the complainant from taking photographs and there was a woman who said 'stop doing this' and the complainant was getting very close to the women's faces so she went to join those women to say stop doing this. She said that Fiona was talking at this time. She said the complainant was filming half a dozen women. She said she cannot be sure whether the complainant was filming with a camera or a phone. She said that the complainant targets all women.
97. She said that she knows that the complainant was removed and as she was leaving the conference at the end of the day, she came out into the main road to try to get an Uber and the complainant was there with Freda Wallace shouting and following her closely down the road calling her name. She said that the complainant had the camera phone out pointing at her and it was generally unpleasant harassment. She said she felt intimidated and scared. She said the Uber had given a 2 minute time and then cancelled and so she was waiting for another to confirm and felt quite shaken and considered just leaving the outside area and going away but thought that that might be unsafe because they may follow her. She said that she noticed the defendant was there and he was getting the same sort of treatment from the complainant walking closely to him getting in front of him and waving a phone in front of him. She said that the defendant tried to do what everyone had which was to stop the filming. She described it is very menacing having a phone in your face at a public event. She said that she heard the defendant several times use words along the lines of 'stop' or 'go away' or 'leave it'. She said that she saw something which she could describe as a sweeping motion and saw a phone go flying. She said that at this point the complainant was in the defendant's face and the defendant was repeatedly trying to get them out of his face and to stop the filming. She was shown the footage and was not able to say where she was in relation to this footage at the time. She said that the defendant was his usual friendly self but quickly appeared like a man who had had enough and just wanted the

complainant to go away. She said that she didn't know what the defendant was saying but was using words similar to get out of my face go away.

98. Julie Bindel was cross examined. The words that we know that the defendant used towards the complainant such as 'groomer' and 'incel' etc were put to Julie Bindel and she said that she did not hear them. The video was played to her of the outside area, and it was pointed out that Julie Bindel could not be seen. It was suggested that at that point when the complainant is filming the defendant the complainant could not have been harassing her. She said that she thinks it might have been Freda Wallace at that time. Another piece of footage was shown between the defendant and the complainant and it was suggested again that at that point the complainant was not harassing her. She said perhaps during those few seconds and perhaps she was waiting on the curb for the Uber. She said that she thinks the complainant switches between one person and another. She was asked how close she was to the defendant she said she could see and hear clearly. It was put to her therefore that she should have heard the phrase 'Sissyporn watcher'. She said that she did not recall hearing that. She said that she saw the incident and recalls it very well and it was obviously harassment but had no idea when the complainant put the phone in her face whether the complainant was actively filming or not or whether it was just intimidation tactic. She said she cannot answer why she didn't hear the comments from the defendant, but she was harassed and anxious. It was suggested that she was giving evidence to try and help the defendant and she denied this and said she was horrified that the case is going ahead and this is clearly a case of the defendant being harassed and intimidated inside the venue and outside.

99. Julie Bindel was asked whether the complainant had filmed her when she was sat down on her laptop. She said she had no idea whether the complainant did or not. She was not aware of the complainant putting the camera in her face while she was sat down.

100. In relation to the 11th of October LGBA event she confirmed that while she assumed the complainant was involved in the release of insects, she had no evidence of that apart from her assumption.

Credibility of defence witnesses

101. I found the defence witnesses to be generally credible and have no reason to doubt what they were saying to me. Each are heavily involved in the GC movement and have strong views. Clearly even honest witnesses will recall things incorrectly at times and honest witnesses will often give slightly different versions of what happened to other witnesses, having seen it from their own point of view. There are minor inconsistencies between the defence witnesses particularly for example where it was suggested that the complainant put the camera in Julie Bindel's face while she was sat down with her laptop but Julie Bindel does not recall this happening. It was suggested that Ms Bindel was not giving honest evidence because she said that she was close enough to the complainant outside and the defendant to see and hear what happened but did not hear the unpleasant words the defendant used about the complainant. Having reviewed my notes of the evidence, when asked why she was nearby but could not hear the comments she said that she could not answer that and she did not say that she couldn't hear them but said that she didn't hear them but she was harassed and anxious. It was not in my view a case of witnesses seeking to mislead me or to exaggerate evidence.

Law

Harassment

102. The defendant is charged contrary to Section 2 of the Protection from Harassment Act 1997 [“PHA”] which is the provision which creates the offence and which states:

2 (1) a person who pursues a course of conduct in breach of section 1(1) or (1A) is guilty of an offence.

103. Section 1 so far as is relevant states:

1)A person must not pursue a course of conduct—

(a)which amounts to harassment of another, and

(b)which he knows or ought to know amounts to harassment of the other.

(1A) (omitted as irrelevant)

(2) For the purposes of this section 2 or section 2A(2)(c), the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.

(3) Subsection (1) [F4or (1A)] does not apply to a course of conduct if the person who pursued it shows—

(a)that it was pursued for the purpose of preventing or detecting crime,

(b)that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or

(c)that in the particular circumstances the pursuit of the course of conduct was reasonable.

104. Therefore, to prove offence of harassment the prosecution must prove;

a. The defendant has 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 the harassment of another.

105. What amounts to the harassment of another is not defined in statute but following *Majrowski v Guys and St Thomas’ NHS Trust* [2006] UKHL 34 it can be described as conduct that is oppressive and unacceptable beyond merely unattractive annoying or irritating. “*To Cross the boundary from the regrettable to the unacceptable the gravity of the misconduct must be of an order which would sustain criminal liability under section 2.*” §30. A series of publications about a person, even journalistic ones *can* amount to harassment. (*Thomas v Times Group Newspapers* [2001] EWCA Civ 1233 §15)].

106. In *Hayden v Dickenson* [2020] EWHC 3291 (QB) Nicklin J, summarised the principles extracted from the principal cases on what amounts to harassment at §44. I reproduce those principles relevant to this case, here:

- i) Harassment is an ordinary English word with a well understood meaning: it is a persistent and deliberate course of unacceptable and oppressive conduct, targeted at another person, which is calculated to and does cause that person alarm, fear or distress; “a persistent and deliberate course of targeted oppression”: *Hayes v Willoughby* [2013] 1 WLR 935 per Lord Sumption.
- ii) Behaviour said to amount to harassment must reach a level of seriousness passing beyond irritations, annoyances, even a measure of upset, that arise occasionally in everybody’s day to day dealings with other people. The conduct must cross the boundary between that which is unattractive even unreasonable, and conduct which is oppressive and unacceptable
- iii) The provision in s.7(2) PHA that “references to harassing a person include alarming the person or causing the person distress” is not a definition of the tort and is not exhaustive. It is merely guidance as to one element of it. 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.
- iv) Where the complaint is of harassment by publication the claim will usually engage article 10 of the ECHR. The PHA must be interpreted and applied compatibly with the right to freedom of expression.
- v) Where article 10 is engaged the courts assessment of whether the conduct crosses the boundary from the unattractive, even unreasonable to oppressive and unacceptable must pay due regard to the importance of freedom of expression and the need for any restrictions upon the right to be necessary proportionate and established convincingly. Harassment may also engage the complainant’s article 8 rights.

107. 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 harassment of the other.

108. By virtue of Section 1(3) above, the defendant will have a defence if he can establish on the balance of probabilities that:

- a. It was pursued for the purposes of preventing and detecting crime. This doesn’t require consideration of what a hypothetical reasonable man would have done but for this defence to apply the defendant must have sufficiently applied his mind to the matter and must have thought rationally about the material suggesting the possibility of criminality and formed the view that the conduct said to constitute harassment was appropriate for the purposes of preventing or detecting crime (*Hayes v Willoughby* [2013] UKSC 17)

- b. 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 (this is not relevant in this case)
- c. In the particular circumstances the course of conduct was reasonable.

Criminal Damage

109. Section 1 of the Criminal Damage Act 1971 so far as relevant states:

1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

110. Therefore, the prosecution must prove 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.

111. In this case lawful excuse is raised as the defendant asserts that he was using reasonable force to prevent crime namely harassment of the defendant and others.

112. In this regard Section 3 of the Criminal Law Act 1967 says:

(1) a person may use such force as is reasonable in the circumstances in the prevention of crime or in effecting or assisting in the lawful arrest of offenders, or suspected offenders or of persons unlawfully at large.

Discussion and analysis

113. It is accepted that the defendant posted in excess of 20 posts about the complainant in the period between the 11th October 2024 and the 24th October 2024. Those message included phrases which were deeply unpleasant and unattractive. He used phrases such as 'sociopath', 'psycho', 'domestic terrorist' 'homophobic brats', 'grooming' 'scumbags', malignant narcissists' and 'buffalo bill' (serial killer in "Silence of the lambs"). He also posted pictures online of the complainant, and made reference to obtaining information about the complainant including where the complainant may study. He regularly referred to the complainant with male pronouns, which the complainant described as rude but not alarming or distressing. That undoubtedly is evidence of the defendant pursuing a course of conduct. I find to the criminal standard that the defendant did pursue a course of conduct.

114. The next issue that I have to determine is whether that conduct amounted to harassment. I have to consider whether that conduct was oppressive and unacceptable beyond merely unattractive annoying or irritating. I remind myself that to cross the boundary from the regrettable to the unacceptable, the gravity of the misconduct must be of an order which would

sustain criminal liability under section 2. Much was made before me as to whether or not the complainant was alarmed or distressed by the conduct, but I remind myself that it does not follow that any course of conduct which causes alarm or distress amounts to harassment.

115. However, it is an important factor to consider. I do not find that the complainant was as “alarmed and distressed” as they portrayed themselves to be by these messages and this course of conduct. That is for the following reasons.

116. Firstly, the complainant did not describe the effect that this conduct had on them in any way other than to simply say that they were “alarmed and distressed” and they used this phrase repeatedly. I accept that the complainant was 17 at the time, 18 at the time that they appeared before me and a young witness. I accept that it is sometimes difficult to articulate oneself when appearing before a court and that is a stressful experience. However, it was striking that no matter what was asked of the complainant, this was the answer. I counted at least eight occasions in their evidence in chief when they were asked how they felt in response to an action of the defendant and that was the answer that they gave. On occasions they were able to explain why that was and one of the answers was that the defendant had a large following and they were concerned that anyone could see the post and cause grave harm to them.

117. Secondly, despite expressing such concern, the complainant attended the BOI conference on the 19th October 2024 where they must have known that there would be a large number of people in attendance who held opposing views. Furthermore, whilst the complainant may not have known that the defendant would have been present, having seen the defendant was present, they approached the defendant on more than one occasion, filming the defendant, engaging with the defendant, responding to the defendant’s unpleasant comments to them, calling him an incel too. In one of the videos in which the complainant films themselves and the defendant whilst calling him an incel, the complainant in my view looks visibly happy and not distressed. These in my view are not the actions of someone who was alarmed and distressed in the way that the complainant sought to portray.

118. Thirdly, the complainant did not report the posts immediately and when they were reported, it was not by the complainant. The complainant’s evidence was that by the 11th October 2024 they were aware of the posts of the defendant about them. Yet on the 19th October 2024 after the BOI when the complainant does contact the police, they report what is described as an assault, what I have described as the phone incident. The complainant does not report for example that this man has also been harassing them online and they are upset, harassed, alarmed, distressed (or whatever form of words might be chosen) about that. In fact, the first person to report the harassment was not the complainant at all. It was reported by Michelle Louise Burrows and Lyndsey Watson. It was only later that the complainant then engaged with the police about the harassment allegation.

119. Of course, whether the complainant was alarmed or distressed, is not the sole determinative factor. However, I cannot be sure that that conduct was oppressive and unacceptable beyond merely unattractive, annoying or irritating for the following reasons:

120. Firstly, context is key in a case such as this. It is right to view the messages in the context of what was taking place at the time and the reasons for the posts. The defendant’s case is that he was seeking to “de mask” the complainant or destroy their anonymity as in the defendant’s

view, the complainant was responsible for the release of insects at the LGBA conference, infiltrated other GC events and was causing disruption. His evidence was that he wanted to warn others in the GC community of the complainant's identity to prevent the complainant from being able to take such action. There is no evidence that the complainant released the insects at the LGBA conference. However, for whatever reason, logical or otherwise, the defendant took the view that the complainant did have involvement in this. I accept the defendant's evidence in this regard. He may have been wrong about this, but I accept that he genuinely believed the complaint was involved. He was not wrong however, that the complainant had attended a GC event purporting to be aligned with that movement. There is a photograph of the complainant at a LWS event. The complainant is wearing a scarf which, whilst the complainant was reluctant to accept this initially, was associated with LWS and the GC movement. The complainant accepted that they did not make their opposing views known when attending this event. Whatever the complainant's motives for this, the defendant was not wrong about this, and further I accept his evidence that he believed that the complainant was deliberately infiltrating GC events.

121. Some of the messages posted by the defendant whilst seeking to "de mask" the complainant were deeply unpleasant, and he could have achieved the same result without the insulting comments that accompanied those messages. However, it is clear that he was gathering information about the complainant and with a view to taking it to the police as evidenced by his post of 13th October 2024 at page 12 of the trial bundle "GC peeps I'm preparing a document on this guy to give to the police. In the meantime block all these accounts they are all him".

122. Secondly, I view what the defendant was posting about the complainant in the context of what the complainant was prepared to say about others and to others online. It is relevant to consider the world in which the complainant was living virtually, what they were prepared to say to others. In *Hayden v Dickenson* [2020] EWHC 3291 (QB) Nicklin J said that the court can reasonably expect a person who is the subject of unwanted communications to engage in a degree of self-help before seeking to obtain a harassment injunction from the court. The first step is self-resilience. This is all the more important if a person intends to engage in public debate. The complainant was engaging in such a "debate" if calling someone a 'nonce' can be considered a debate. But Nicklin J said that even outside the arena of debate most people will encounter occasional online comments which are offensive and upsetting. I accept that *Hayden* was decided in the context of a civil injunction, but the court in *Hayden* was considering section 1 of the Protection from Harassment Act which is what I am considering. As such it is important to consider the sort of interactions that the complainant was having online. The complainant called one X user a "fucking weirdo nonce" and in a post asking about an X user said "does anybody have any information on this shameful terf? She took a photograph of me exiting a court room in connection to the QRT which is a crime". A post seeking information about someone similar to the way in which the defendant sought information about the complainant. The complainant also referred to Thames Pilgrim and said they "regularly harasses 16 year old girls and obsesses over them online. Thames Pilgrim also attends court to intimidate said 16 year old girls.". The complainant posted a picture of what seems to be Thames Pilgrim making comments about them and tagging them into the post. Posting a picture of Maria MacLachlan the complainant says "I keep a record of absolutely everything, including your deranged and obsessive tweets. Now baiiiii! Go lie about your assault more". As outlined above,

the complainant responded to a post about Posie Parker having soup thrown on them, which someone says “Thank god it wasn’t acid” and the complainant said “really wish it was though”.

123. Part of the allegation against the defendant is that he was seeking details of the complainant in the posts that he made. However, the complainant, as above was doing the same of others and in relation to the defendant, was able to find the defendant’s name, address, date of birth and phone number. The complainant provided an explanation as to how they did this yet in a recorded audio with an unknown person was heard to explain that they had a facility to enable them to find such information before it was “patched”. I am not suggesting that two wrongs make a right, however, this is something which goes to resilience and therefore is relevant.

124. Thirdly, I bear in mind that in all bar one of the posts by the defendant, he does not tag the complainant in the post. He must have tagged them in the post in which he listed their “socks” as he described them. However, all other posts made by the defendant did not tag any of the accounts which the complainant was responsible for. It was the complainant’s evidence that they did not become aware of the posts until another unnamed person either told them about the posts or sent the posts to them. Therefore, whilst the conduct was targeted in the sense that the messages over this charged period were all about the complainant, they were not targeted directly at the complainant, and he did not direct them specifically to the complainant.

125. Therefore whilst I am sure that the messages when brought to the complainants attention probably were concerning and upsetting, and viewed objectively are deeply unpleasant and insulting and even unnecessary in the sense that the defendant could have sought to de mask the complainant without using such unpleasant 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.

126. As a result of these findings, I cannot be sure to the criminal standard that the course of conduct amounted to harassment.

127. As such I do not need to go onto consider whether the defendant knew or ought to have known the conduct amounted to harassment, nor do I need to go onto consider the statutory defences advanced. I find the defendant not guilty of harassment.

Criminal Damage

128. There is no dispute that the defendant took the complainant’s phone and threw it on the floor. The issue is whether I am sure that the phone was damaged as a result of the defendant’s actions, and if so, whether I am sure that his actions were intentional or reckless. If I am sure of both, I then need to consider whether the defendant has a lawful excuse.

129. I am satisfied so that I am sure that the damage was caused as a result of the defendant’s actions. The evidence from the complainant, is that the phone was undamaged just prior to the defendant throwing it on the floor. They had just changed the phone case shortly before this happened, and there was no damage to the phone. After the defendant had thrown the phone,

the complainant's evidence is that the damage was caused. I have seen that damage in the photograph and seen the supporting email from Apple valuing the damage.

130. I found the complainant to be credible in relation to this aspect of their evidence. I can clearly see a damaged telephone. The complainant's evidence is supported by the video evidence in which it does seem that the phone case had been changed. Furthermore, the damage in my view is consistent with a phone being thrown on the floor, even skimmed as the defendant described. It is a common-sense conclusion that a phone being thrown on the floor, in this manner, would sustain damage. I am satisfied so that I am sure that the defendants actions caused damage to the property of the complainant.

131. I then must consider whether the defendant damaged the phone intentionally or was reckless. The issue is whether he intentionally or recklessly damaged the phone, not whether he intentionally or recklessly threw the phone. I am satisfied that the defendant intentionally threw the phone. On his own evidence it was "surrender". On his own evidence he was angry. He chose not to return it, explained why he did not keep it, and instead threw it on the floor. I am satisfied that the defendant must have appreciated the risk of damage to the phone when he threw it on the floor and did it anyway. I am therefore satisfied so that I am sure that the defendant was reckless.

132. I am satisfied so that I am sure that the defendant did not have a lawful excuse. He has raised section 3 of the Criminal Law Act and asserts that he was using reasonable force to prevent crime. That being to prevent the harassment of himself and others.

133. I am satisfied so that I am sure that the defendant was not using reasonable force to prevent crime for the following reasons.

134. Firstly, whatever took place inside of the BOI conference, there is no evidence that the defendant was present and was aware of any of that conduct. Indeed, he was asked about seeing the complainant interact with others on that day and he said that he only saw the complainant interact with people outside and did not see much and did not want to linger. He said that he became aware later of what happened inside when he saw the videos. He cannot therefore have been aware of what was going on and as such cannot seek to suggest that he was aware that the complainant was harassing people inside of the venue. It is not for me to determine whether the complainant was committing an offence of harassment, and the complainant is not on trial. I have to consider the crime being prevented, how his actions prevented such a crime and how they were reasonable in the circumstances

135. Secondly, whilst the defendant asserts that he was using reasonable force to prevent crime, he agreed that he did not feel threatened by the complainant, he accepted that the complainant was entitled to ask him to account for what he had said about them online, and accepted that the complainant was not committing crime and said "he is very careful not to".

136. Thirdly the force that the defendant used was not reasonable force to prevent crime. He was approached by the complainant more than once, which was no doubt annoying and irritating, even if that had amounted to harassment by the complainant of the defendant, it does not follow that removing the phone would prevent that crime from being committed. Filming using the phone was part of the complaint, but the defendant complained of the complainant

following him, asking him to account for his actions, not leaving him alone, calling him names etc. Removing the phone only removed one part of this.

137. Fourthly, the force that he used was not reasonable in the circumstances. The defendant could have gone back inside the conference centre, he could have walked away and left the scene and called a cab. He could have walked away (even with the complainant following him) and report it to the police (as did in fact happen when he walked away with the complainant following him and he on his evidence led the complainant to officers outside the House of Commons whilst the complainant was also on the phone to the police). There were a large number of options available to the defendant. When he was asked if he had a clear route of exit (at the time when the complainant had approached him and just before he took the phone) the defendant said, “possibly but what am I going to do run away?” That is exactly what he should and could have done.

138. Fifthly I do not accept that the defendant was seeking to prevent a crime when he took and threw the phone. The defendant accepted that he was angry. When asked why he didn’t give it back he said, “my adrenaline was up and I was angry I guess that feels a surrender so I threw it”. In my view it is clear from the footage just before the phone is taken that the defendant is angry. The defendant stated in evidence that after he threw the phone, he immediately knew he should not have done it. In my view the defendant was angry and fed up and that is why he took and threw the phone, not because he was using reasonable force to prevent crime.

139. I am therefore satisfied so that I am sure that the defendant was not using reasonable force to prevent crime.

140. I therefore find that the defendant does not have a lawful excuse to the offence of criminal damage and therefore find him guilty.

Conclusion

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

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

District Judge (Magistrates’ Courts) Briony Clarke

25th November 2025