

In the Liverpool Crown Court

R v Joseph Barton

Sentencing Remarks

1. You are to be sentenced by me today for a total of six offences of sending electronic communications that were grossly offensive, your purpose or one of your purposes being to cause distress or anxiety, contrary to s.1(1)(b) of the Malicious Communications Act 1988. You were unanimously convicted of these offences - Counts 2, 4, 6, 8, 9 and 10 – by a jury on 7 November 2025, following a trial before me. You were acquitted of six other related counts.
2. These offences arise from a series of posts you made in January 2024 on the social media platform X (formerly Twitter), where at the time you had more than 2.8 million followers. You used that very large public platform to target three individuals: Ms Eniola Aluko and Ms Lucy Ward - both highly experienced former professional footballers and respected broadcasters, and Mr Jeremy Vine - a well-known television and radio presenter.
3. Before turning to the particular facts of your case, it is right that I say something about the nature of these offences in the context of a modern, liberal democracy that rightly places a high value on the principle of freedom of expression, including freedom of speech. As the jury was directed, such a freedom is a cornerstone of our society. It guarantees the right of every person to exchange information, debate ideas, and express opinions — even those that are controversial, unpopular, or offensive. In a mature society, we must recognise that allowing people to express ideas that others find

offensive is one of the costs of this precious freedom. The mere plea of "feeling offended" by comments about one's choices or competence can never justify limiting free speech; to do so would undermine the liberal and democratic foundations of our country. However, that freedom is not unlimited. It does not extend to communications which, judged objectively by the standards of a reasonable, fair-minded, and informed person in our contemporary, open, just, multi-racial, equal, and diverse society, go so far beyond what is tolerable that they are properly described as grossly offensive. The criminal law intervenes only where that high threshold is crossed — where the message is so extreme, degrading, or dehumanising that it exceeds what a free and democratic society can reasonably be expected to tolerate, and where the sender's purpose, or one of their purposes, is to cause distress or anxiety to the recipient or others to whom they intend the content to be communicated.

4. In this digital age, social media platforms like X amplify voices exponentially, allowing public figures like you to reach vast audiences instantly. This power brings responsibility. Robust debate, satire, mockery, and even crude language may fall within permissible free speech. But when posts deliberately target individuals with vilifying comparisons to serial killers or false insinuations of paedophilia, designed to humiliate and distress, they forfeit that protection.
5. As the jury concluded, your offences exemplify behaviour that is beyond this limit, amounting to a sustained campaign of online abuse that was not mere commentary but targeted, extreme, and deliberately harmful. These convictions represent a clear rejection of your assertion that your conduct was merely "robust debate" or "provocative observation".

6. Counts 2 and 4 concerned your online attacks on Ms Aluko and Ms Ward. On 5 January 2024, in response to a clip of Ms Aluko providing analysis during ITV's coverage of a men's football match, you described her footballing talent as pathetic and said: "Get them off the men's football. Only there to tick boxes. DEI is a load of shit. Affirmative action. All off the back of the BLM/George Floyd nonsense." This was a racially charged and sexist attack sent to your audience of millions. It asserted that a Black female broadcaster held her position not through merit but solely due to her race.
7. A short time later, you published an image in which the faces of Ms Aluko and Ms Ward had been superimposed onto a well-known photograph of the serial killers Fred and Rose West – effectively equating two respected professional women with notorious murderers. This grossly offensive comparison was designed to provoke outrage, humiliation, and fear.
8. Counts 6, 8, 9 and 10 related to a three-day sequence of posts directed at Mr Jeremy Vine after he criticised your earlier posts about Ms Aluko and Ms Ward. Between 8 and 10 January 2024 you repeatedly and deliberately labelled Mr Vine a "bike nonce", falsely linked him to known or alleged child sex offenders including Rolf Harris and Jeffrey Epstein, suggested he might have visited "Epstein Island", and urged the public to telephone the police if they saw him near a primary school. One post explicitly told followers: "If you see this fella by a primary school call 999...". By any measure, these messages amounted to a deliberate and escalating campaign that falsely portrayed Mr Vine as a paedophile and actively encouraged others to regard him as an immediate risk to children.
9. All of these posts were obviously grossly offensive, and it is plain that each of your victims experienced very substantial distress and anxiety as a direct

consequence of your actions. Each has provided a detailed victim personal statement setting out in clear terms the profound impact of your conduct.

10. Ms Aluko, an England international capped 104 times, an experienced broadcaster, and a senior football executive, describes your posts as misogynistic and racist abuse that unleashed a torrent of hatred towards her. She experienced fear, disgust, and profound distress, cancelling engagements, hiring security, and fearing for her family's safety, with lasting harm to her professional confidence. She is clear that your attacks were at least partly racially motivated, targeting her as a Black woman and inviting others to echo that hostility.
11. Ms Ward, a pioneer in women's football with more than 25 years' experience as a player, mentor and commentator, describes acute humiliation, emotional harm, and professional undermining. Your dismissal of her expertise as "tokenistic" and your comparison of her to Rose West caused psychological injury, loss of work and a heightened sense of vulnerability for her and her family. She questions why her gender should be used to diminish her achievements and highlights the wider harm that such conduct inflicts on women working in sport.
12. Mr Vine's statement details the terror of being falsely labelled a paedophile to millions, fearing for his and his family's safety, and enduring reputational harm from your sustained insinuations. He recounts months of disturbed sleep, an inability to enjoy his work or social interactions, and a pervasive fear that your statements had contaminated his reputation among people he had not yet met, forcing him into the humiliating position of feeling he needed to "correct" what others might now believe about him. The psychological toll was accompanied by a significant financial one: the huge cost of pursuing civil proceedings simply to stop these defamatory allegations.

13. The maximum sentence for each of these offences is two years' custody. I am required to determine the seriousness of your offending and in particular to assess your level of culpability and nature of the harm you caused. There are no definitive Crown Court guidelines for this type of offence, though the Magistrates' guidelines for communication network offences provide useful assistance in identifying potentially relevant culpability factors.
14. Those applicable in your case include that the communications formed a campaign as demonstrated by wide distribution, were targeted to maximise their impact, and in certain instances were motivated by hostility on the grounds of race. In my judgment, these factors place your case in the higher culpability category.
15. There is also clear evidence, as indicated earlier, of greater harm having been suffered by all three victims.
16. In terms of aggravating factors, and taking care to avoid double counting, I am satisfied that the offences against Ms Aluko were aggravated by hostility based on race. I therefore state, as required, that these offences are racially aggravated, and the sentences on Counts 2 and 4 will be increased accordingly. In addition, your overall offending is made worse by the fact that you targeted three people, you actively encouraged others to join in the abuse, and you failed to desist even after public condemnation. You are not a man of previous good character. You have previous convictions for violence, but I do not regard them as particularly relevant to the current offending.
17. I have considered the Pre-Sentence Report. You are 43, you live with your wife and four children at the family home, and you describe the relationship as supportive. You now appear to accept the jury's verdicts and acknowledge that you crossed clear boundaries, although the report notes that some elements of minimisation remain. It records your long-standing difficulties

with alcohol which you say has contributed to poor judgment in the past, your history of childhood trauma and adult depression, and the link you draw between those experiences and your tendency to respond to any challenge with aggression.

18. You also told the author of the report that you have recently taken steps to moderate your online behaviour. Only time will tell whether this resolve endures, or whether your desire to present yourself as some sort of social commentator — or perhaps more straightforwardly, your desire to drive engagement and subscriptions to your podcast — will lead you to repeat conduct of this kind. Ultimately that will depend on your willingness to exercise restraint and to recognise the responsibility that comes with the platform you hold.
19. Given the gravity, persistence, and impact of this offending I have no doubt that neither a fine alone nor a community order can be justified and that the custody threshold is crossed.
20. There will be concurrent terms of imprisonment for each of these associated offences, the sentences for each reflecting your overall offending and recognising the principle of totality.
21. However, applying the Imposition Guideline and carrying out the required balancing exercise, I am satisfied that it is not necessary for those custodial terms to be served immediately. In light of the steps you have taken, I am persuaded that there is some prospect of rehabilitation, that an immediate custodial sentence is not required to protect either the public or the victims, and that a suspended sentence order may itself operate as a deterrent against any future offending.

22. For each of these offences, I impose a suspended sentence order of 18 months' duration. On Counts 2 and 4 — the racially aggravated offences — there will be custodial terms of 6 months, and on Counts 6, 8, 9 and 10 custodial terms of 4 months, all such terms to run concurrently and all suspended for a period of 18 months. If, during that 18-month period, you commit any further offence, whether or not of the same type, you will be brought back before the court, and it is likely that you will be required to serve some or all of that total 6 month period.

23. That is not an end of the matter. For the next twelve months:

- you will be subject to a rehabilitation activity requirement of up to 20 days; and
- you are required to complete 200 hours of unpaid work in the community.

This means that you must meet with your supervising officer as and when required, attend and co-operate fully with any activities that are arranged, and attend for work when and where you are directed.

If you fail to comply with these requirements, you will be in breach of this order, which means that you will be brought back to court and may be given further requirements, fined or made to serve some or all of the custodial period.

24. In my judgment it is also necessary to impose separate restraining orders in the case of each of your three victims to protect them from future harassment by you. These orders will last for a period of two years and will prohibit you from:

- contacting or attempting to contact Ms Aluko, Ms Ward, or Mr Vine, whether directly or indirectly and by any means whatsoever; and
- from publishing, or causing to be published, any reference to them on any social media platform or broadcast medium.

25. I have considered whether, in the cases of Ms Aluko and Ms Ward, I should order you to pay compensation. However deserving the circumstances, the law does not allow me to make such an order in the absence of clear evidence of personal injury or financial loss directly attributable to the offences. As for Mr Vine, you have already substantially compensated him in the two related defamation actions.

26. You will, though, pay the Prosecution's costs in the sum of £23,419.80 – that sum to be paid within 56 days. You must also pay the appropriate surcharge in the relevant sum, and I make a collection order.

HHJ Andrew Menary KC

8 December 2025