R v Russell Brand

Sentencing Remarks

Mr Justice Bennathan

9TH November 2026

1. About 20 years ago, Russell Brand, you were becoming famous. You were clever and, in many people's eyes, funny and charismatic. You had also become a sexual predator. Your status protected you until 2023 when journalists collected and published the allegations that were broadcast as a Channel 4 documentary and in articles in the *Times* newspapers. Those public declarations that you were a sex offender empowered a number of women to come forward and tell their stories of your activities many years before. I now have to sentence you for the crimes you committed against four women between 2004 and 2009.

2. I start by reminding anyone hearing or reading these remarks that there is a strict legal prohibition on making public the names of any of the women complainants in this case, either by actually naming them or by revealing enough details about them that their identities can be deduced. For that reason alone, I will simply refer to them as the victims of the different counts.

3. In deciding on the punishment in any case, Parliament has decreed that a judge must follow the Sentencing Council guidelines unless satisfied it would be contrary to the interests of justice to do so. The relevant guidelines here are for the offences of rape and sexual assault, for historical sexual offences, and for totality. The last of those, totality, directs me to ensure, when passing several different sentences, that the overall result is just and proportionate. In practice that guidance means I should not make all four sentences consecutive to one another, and I should consider reducing one or more of the individual terms of imprisonment. I will, of course, follow that guidance but you committed sexual offences against a number of women over a five-year period: If I were to make all

the sentences concurrent or greatly reduce any of them, that would not do justice to the overall gravity of your criminality.

4. I have also been referred to decisions of the Court of Appeal in which the guidelines have been discussed, and I particularly have in mind the judgements in cases called *Forbes* [2016] EWCA Crim 1388 (about what constitutes "severe psychological harm"), and *AWA* [2021] EWCA Crim 1877 (which deals with what amounts to being "particularly vulnerable").

5. My conclusions on the facts of these offences require me to apply the criminal standard of proof, in other words I need to be sure. I make clear that I disregard the allegations in the documentary and the allegations in the recent trial of which the jury were less than sure, and found you not guilty.

6. Your victim in count 3 was a professional woman at the party of a man you both knew. It was July 2004, and she had seen you on the television and wanted to be introduced you, as she thought you were funny. You were told there was a woman who wanted to meet you. That was all you needed to feel entitled to grab her breasts as she sat talking to you. In your trial you said you had never touched a woman sexually without her consent, and that included this woman. In the light of the jury's verdicts, that was one of a series of lies you told. The effect on her had her wandering the streets of London, phoning a friend in the middle of night, tearful and distressed. I accept I need to be cautious in assessing her reaction, as the jury acquitted to you of a later attack on the same woman, but something caused her that great upset. In her victim impact statement, which she read to the court this morning, she spoke of being extremely upset and traumatised, feeling vulnerable every time she went out for the evening, and feeling sick on the many occasions she saw you in newspapers or on the television. In terms of the relevant guideline that offence falls into category 3B. It displayed your casual, arrogant disregard of any woman's right to say "*no*" to you. In my view the degree of upset caused to the victim is significantly above that which would normally follow from a sexual assault in the 3B category, so this is an occasion where I am satisfied it

would be contrary to the interests of justice not to go above the prescribed sentencing range.

7. Around the same time, the victim in count 5 was doing her job as a newsreader at a London radio station. You appeared with an entourage of a woman and two or three men. In the trial, the victim gave an account which I accept without reservation. She said:

> He said "aye, aye", and grabbed me by my face and started to kiss me. He was pushing his body against mine, walking me backwards so my back was against the wall. The three men and a woman were stood there. He was just kissing me, he was very frenzied, no greeting no time for me to understand what went on, this was a perfect stranger who just grabbed me and ran his hands over my body while I had my back against the wall.
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> The kiss was hard and sloppy, he kissed me all down my neck, his hands were at that same time all over me. He touched my bum and my breasts, with his other hand just pinning me against the wall with his body was pressed up against me, so I was not able to move. It was rough, very very rough. He touched my breasts hard, he squeezed my breasts. I was in shock.
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> The others did nothing. I looked at the woman, I looked at her she didn't say anything nor did the men, they did not move. It was the middle of my working day. There was a point where I somehow managed to put my hand and I pushed him and told him to "*fuck off*", quite loud, then he kind of stumbled back and he made like a sound like it was funny, and there was a guy by the door, he started to laugh.

8. No doubt your companions thought it was outrageous laddish behaviour that only you could get away with: It was outrageous and possibly laddish, but also a criminal sexual offence, and as it turns out you haven't got away with it.

9. In her victim impact statement she wrote of being startled every time she heard your voice on the television, of the incident damaging her relationship with male colleagues, and of suffering from stress at least some of which, she implies, was caused by your assault on her. That offence falls into upper part of category 2B as it was sustained, there was the added humiliation of you assaulting her in front of an audience and the laugher afterwards, and the violence used to pin her to the wall was beyond the force that any sexual assault will involve.

10. In spring 2009 you raped the victim in count 6. She was 21 you were 33. She was a huge fan of yours, which you were happy to exploit. She had willing consensual sexual activity with you after your show. You took her phone number and if anyone still needs any demonstration of your contempt for your casual sexual partners, you stored her number under "*T*" for "*tart*". You invited her to your house a few days later. There you put on a condom at her request and had vaginal sex, to which she consented. You then flipped her over, removed the condom and, without asking, forced your penis into her anus, causing her great pain. She asked you to stop, then asked you again loudly. You replied, and I quote, "*I want you to feel my cum*". You ejaculated. She was distraught and in severe pain. The bed was heavily soiled by blood, sperm and faeces. You told her it was her mess, and made her try to clear it up. Shortly after, you went off to get ready then went to work. She was driven to a nearby underground station by your driver who for some reason had tissues ready, to hand to her as she wept. She was left distraught, in pain and terrified she might have contracted HIV.

11. In her victim impact statement she wrote of struggling to eat and sleep, of taking two to three months off from work and of abandoning the career she had embarked upon. Although the rape was 17 years ago, she still finds it affects her ability to form new friendships and to know when she can trust people. From her evidence at trial I also know she developed an alcohol problem, partly as a result of your attack on her.

12. Ordering your victim to clean your sheets was an additional, even if brief, humiliation. I will not detail the victim's lengthy mental health and addiction problems here as they might have a tendency to identify her, but the harm was significant and long lasting. It could be seen as "severe" though she told the police, with an openness that characterised her evidence, that there had been other issues in her life that contributed to those later difficulties. The combination of that damage and the humiliation, place this count squarely into category 2B of the guidelines. There are two serious further aggravating factors, overlapping but distinct, in your removal of the condom without her agreement, and you ejaculating into her which led her to months of fearing she might have HIV. Those aspects must raise the sentence to two years above the starting point, before I consider such mitigation as you have,

13. Count 7 shows yet again your staggering arrogance, and it shows how your entourage indulged your dreadful behaviour. Towards the end of 2009 you were making an advertisement for a DVD of your work. You were there with two men who were your friends or associates. The victim was a woman working for a major television company, helping produce the advertisement. You got into a bad mood and she was then told by one of the men with you, that you would not continue unless she gave you a massage. She was taken aback but felt she had no choice. You then entered the room and placed your face in her lap, positioned so that when you told her to get on with it, she could feel your breath on her vagina. She reluctantly pressed her thumbs into your shoulders, then exclaimed how bony you were, leading your acolytes to laugh (possibly at you rather than her), and you to leap up and start insulting her with childish but sexualised comments about whether she had a "*fanny*". Those insults, in front of an audience, said after the assault amount to an additional humiliation. The whole episode reeks of casual disrespect and your belief that fame meant you could act how you liked, when you liked, unhindered by the rules by which decent people live. Your victim for that offence wrote, in her impact statement, of being left upset, losing her trust in people and not feeling safe in her workplace: That count falls into category 2B of the guidelines, and her words are a reminder that even in crimes which, under the

guidelines I have to follow, are not the most serious, the consequences for the victim are profound and lasting.

14. In their written submissions the prosecution have pointed to a number of aggravating features under the guidelines. I have accepted some. My reasons for not accepting others are as follows:

(1) The prosecution suggested, on count 7, that you acted "*with others to commit the offence*" because your associates named as Jack and Gareth were present and told the victim of your demand for a massage. Both men should have told you to behave yourself when you told them to pass on that demand, and they should have intervened when you thrust your face into the victim's groin, but I cannot be sure either man knew what you were planning.

(2) The prosecution suggested your offending in counts 5 and 7 were an abuse of trust as you were, by now, a famous man in the victims' workplaces. The term "*abuse of trust*", however, has a defined meaning under the guidelines, and being a celebrity is not within it.

(3) The prosecution also suggested your fame should be taken as an overarching aggravating factor, both as it made the harm greater because the women could not avoid seeing mention of you afterwards, and as it allowed you to commit these offences. I have taken the first aspect into account in assessing the harm you caused but I regard the second as an intrinsic part of each offence. I also need to be careful I am not punishing you more because you are famous.

(4) Lastly, the prosecution suggested that the victim in count 3 was "*particularly vulnerable*" as she had had a few drinks, and they say the same of the victim in count 6, because she was 11 years your junior and she admired you. In your trial I saw both women give evidence at length. They were both accomplished women who took perfectly reasonable decisions to go to a party and have a few drinks, or to go to your house for one type of consensual sex. They were no more or less vulnerable than any adult woman making those choices. I pause to add and stress at once, the fact they did so in no way shape or form diminishes your culpability for sexually assaulting one and raping the other. Whatever women wear, wherever they go, indeed whatever they drink, they

retain the right to say no and to demand justice from the criminal courts when sexual predators like you, Russell Brand, act without their consent.

15. The mitigation in your case is the fact you had no significant previous convictions, and the 17 years that have passed since the last of these offences, and the life you have led since, doing good work and especially in assisting those wrestling with addictions, often by funding treatment. The statement in your support by Dean Osgood was particularly impressive as he wrote of you giving him your time not just your money. I am also very conscious that your imprisonment will deprive your children of the presence of their Father: That sad loss to them, however, is caused by your serious offending. The guidelines to which I have repeatedly referred write, of rape: "*In the context of this offence, previous good character/exemplary conduct should not normally be given any significant weight and will not normally justify a reduction in what would otherwise be the appropriate sentence*." The guidelines for sexual assault make a similar point, "*The more serious the offence, the less the weight which should normally be attributed to this factor.*" The guidance for judges passing sentence for historical sexual abuse states that, "*Where there is an absence of further offending over a long period of time, especially combined with evidence of good character, this may be treated by the court as a mitigating factor"* but the guidance then goes on to add, "*The more serious the offence, the less the weight which should normally be attributed to this factor".* All that guidance might suggest I should make no reduction for the two matters stressed in mitigation. Further, treating you as man of good character by the time of the rape is at least tempered because by then you had committed two sexual assaults**.** Nonetheless, in my view it would be wrong to disregard your mitigation all together, so I will reduce the sentence I would otherwise have imposed for the rape by a year.

16. I have not ordered a pre-sentence report nor did your lawyers seek one. Reports are needed when a judge has in mind a non-custodial sentence or a finding of future dangerousness: These crimes are far too serious for anything other than immediate custody, and given how long ago these offences were committed and

the evidence of your wife, I accept there is no sound evidential basis for me to conclude you pose a risk for the future**.** Reports can also be very useful in telling a judge more about an offender but in this case I have heard you give evidence, heard character evidence and your legal team, I am confident, have been able to tell me anything more about you that I need to know.

17. Finally before passing sentence, I pause to pay tribute to the determination and bravery of all the women whose evidence I have been recounting. I do not increase your punishment because of it, but all those women had to face being confronted and being told they had lied, or twisted the truth and, or, they had agreed to your sexual demands: that was all done because of you, on your instructions. I also commend the Metropolitan Police for their hard work in gathering evidence and taking great care of all the women who testified.

18. I pass a sentence of imprisonment for 9 months for count 3, 18 months for count 5 (reduced from 2 years to allow for totality), and 8 months for count 7: Those sentences are all concurrent to one another to further allow for totality, but consecutive to the sentence for rape. The sentence I pass for Count 6, rape, is 9 years' imprisonment, so the total sentence is one of 10 years 6 months. The few days you have already served will count. You will serve two thirds of that sentence then be released on licence and will be liable to be recalled into custody if you breach its terms. On your release you will also be indefinitely subject to the notification requirements under the Sexual Offences Act 2003.

Joel Bennathan

9.11.26