Judiciary of England and Wales

IN THE WESTMINSTER MAGISTRATES' COURT

Rex

-v-

Kieran KYLE

SENTENCING REMARKS

1. Ms Kemi Badenoch is the leader of the Conservative Party and Member of Parliament for North-West Essex. Her husband is Mr Hamish Badenoch. Neither victim has met or knows YOU.

2. You sent malicious communications from a personal email address, 'KIERANJKYLE82@ICLOUD.COM' to Mrs Badenoch's parliamentary email address and Mr Badenoch's personal email address. The email address for Mrs Badenoch is in the public domain. Mr Badenoch's email is, however, not a matter of public record.

3. Ms Badenoch was sent these communications between April and May 2026. The head of her parliamentary office, Ms Cheryl Bacon, received and viewed 3 emails.

4. The first email, sent at 17:49 on 2nd May, read 'SENT FROM MY IPHONE'. The subject of the email read 'NIGGER IM EX IRA SO BLOODY SUNDAY REFERENCES FROM YOU ARE GONNA GIVE YOU TROUBLE, COIN'.

5. The second email, sent at the same time, had the subject line 'MILK DID, IM EX IRA TO BLOODY SUNDAY REFERENCES FROM YOU ARE GONNA GIVE YOU TROUBLE'. The content of the email was the same as the first.

6. The third email, received at 17:52, read, 'WHEN I WAS WITH THE IRA, I WOULD'VE SHOT YOU FUCKING DEAD. SENT FROM MY IPHONE'.

7. Ms Badenoch read these emails after logging into her parliamentary email account and was also made aware of emails sent to her husband, Mr Hamish Badenoch.

8. On 29th April 2026, Mr Badenoch received an email to his personal email account from the offender. There is no text in the email; however, the subject line read 'YOUR WIFE IS A DIRTY JEMIMA MONKEY WITH A BIG MOUTH – PUT A LEASH ON HER YOU EUNUCH CUNT'. This email was forwarded onto Ms Badenoch's parliamentary office so it could be forwarded onto the police.

9. On 2nd May 2026, a second email was received from the offender. There was no subject line. The content of the email read, 'YOUR PET MONKEY MISUSING BLOODY SUNDAY S A NEW LOW. PRAY SHE NEVER ENDS UP IN BELFAST COS SHE'LL BE LEFT FACE DOWN IN A DITCH WITH A BULLET IN HER HEAD, NOT BY ME BUT LOADS OF O TO RT WILL QUEUE UP. SENT FROM MY IPHONE'. This email was also forwarded on to Ms Badenoch's team.

Sentence

10. The maximum sentence for a malicious communications offence is two years' imprisonment. However, for summary offences, the maximum is 12 months' imprisonment or a fine (or both). The Prosecution submits that the Magistrates' Court is perfectly able to sentence the offender in this case.

11. There is no specific sentencing guideline for this offence. Therefore, the general guideline shall be used alongside principles derived from the relevant authorities.

Relevant Authorities

12. In ***Ladbrook [2022] EWCA Crim 113*** **[18]**, the Court held that the guideline on the improper use of a public electronic communications network offered little assistance. Instead, the Court looked at the guideline that addressed controlling and coercive behaviour and the guidelines that relate to harassment. Particular attention should be drawn to "*conduct intending to cause maximum fear and distress*" as a high culpability factor.

Culpability

13. The general guideline draws reference to the amount of planning when assessing culpability. In your police interview, you admitted to sending these messages using the most distressing language possible. You also admitted to sending these messages to cause the most distress possible. Some degree of planning must have been used to decide what language would cause the most distress and for you to obtain Mr Badenoch's personal email address. The act was deliberate and at the highest level of culpability in my assessment. You have tried to distance yourself in interview from that culpability by suggesting you did not know Mrs Badenoch's identity at the time and did not believe the emails would be ready. I find this is not credible in light of the fact you emailed Mrs Badench's parliamentary office email and managed to locate her husband's personal email address which is not a matter of public record. It is suggested these emails were an impulsive reaction to your own personal anger and material you had read. Impulsiveness may explain a single email but not the several that you sent. It was targeted.

14. I note that the offences were, however, limited in scope and duration.

Harm

15. The general guideline references harm on a scale from '*Very serious harm to individual victim(s) or to wider public/environment etc to 'Low/ no harm caused OR high-risk significant harm'*. This assessment of harm can include psychological harm.

16. Ms Badenoch has been profoundly impacted by these offences. She describes in her witness statement being stressed and alarmed for her family. Ms Badenoch

also describes the concerns she has for those she works with, given they have also read these emails. Ms Badenoch was particularly concerned with threats to her life, including threats of her being shot in the face and to racial terms used like '*Nigger*'. She is also concerned about the impact these events have had on her husband.

17. Mr Badenoch has also been impacted. He describes being concerned with how Mr Kyle acquired his personal email address, given this is not in the public domain. He dreads to open his emails through fear that Mr Kyle would have contacted him again. The racial element of these messages is also particularly distressing.

18. Mr Badenoch also fears for his own safety and his wife's, especially given the death threats made to Ms Badenoch. This fear manifests itself as a fear of physical harm as well as psychological harm.

19. I assess this as very serious harm, but also in considering harm I have regard to the wider impact of your behaviour and how it undermines the democratic process and how politicians run their day-to-day lines.

20. I must also have regard to my purposes of sentence. In this case punishment and reduction of crime by way of deterrence.

Aggravating and Mitigating Factors

21. Mrs Badenoch was providing a public service at the time of the offence as a Member of Parliament and as leader of the Conservative Party. This puts her in a position of performing a public duty at the time of the offence.

22. There was also harm to a third party. Ms Cheryl Bacon, the head of Ms Badenoch's parliamentary office. She described reading the emails as 'alarming and distressing' and their content as 'disgusting'.

23. The Prosecution submits that this sentence should be uplifted due to its racially aggravated element. I find your offending is aggravated by racial hostility and therefore in accordance with s. 66 of the Sentencing Code treat this as an aggravating factor. Racial aggravation played a significant role in the offending.

24. You have no previous convictions and are of good character. You have expressed remorse and admitted to sending the messages during his police interview. I have considered your medical notes. They disclose anxiety and depression which was exacerbated by the loss of your teaching career in 2025. However, your emotional state at the time of these offences cannot minimise personal responsibly. The decision to send these emails remained within your control. This was not just an isolated email. It was several emails to Mrs Badenoch's offices and to her husband over a short period of time.

25. I have considered your personal references and also have regard to your personal family circumstances and the impact any sentence may have on your wife and 9-year-old son.

26. Weaponising emails to intimidate, abuse, or terrify elected officials undermines the democratic process. People who harass individuals in public life and particularly targeting their religion or race must expect deterrent sentences. Albeit your actions may be described as short lived and not a campaign, your actions were deliberate and the language used designed cause fear. MPs must be allowed to carry out their public duties without being subjected to actions that threaten their safety, their family's safety and causes profound distress

Reduction for Guilty Pleas

27. Finally you pleaded guilty to both charges at your first appearance. The appropriate credit is one-third.

Totality

28. As the Court is sentencing the offender for more than one offence, the Court must impose a sentence that:
    (i) reflect all of the offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors relating to the offences and those personal to the offender; and
    (ii) be just and proportionate.

29. I consider these offences are so serious only a custodial sentence can be justified.

30. I am treating the offence relating to the emails to Mrs Badenoch as the lead offence, but I am considering totality and ensuring the overall term is just and proportionate.

31. I take as my starting point a provisional sentence 20 weeks imprisonment. Taking into account the aggravating factors, the fact Mrs Badenich is an MP serving the public and the additional harm that role attracts as well as the significant aggravating factor in relation to the racial aggravation I would make an upward adjustment to this provisional sentence. I acknowledge the offending was limited in duration, and I also take account of your good character and your personal mitigation to balance a downward adjustment, however the balance upwards is not outweighed by the mitigation in your case. Before plea, the appropriate sentence would be one of 30 weeks. Giving you credit for your guilty plea this would be reduced to 20 weeks. In relation to the offence relating to Mr Badenoch, there will be a concurrent term of 15 weeks.

32. As you have been convicted after the 22nd March 2026 there is now a presumption that any custodial sentence not exceeding 12 months will be suspended unless I am of the opinion there are exceptional circumstances relating to the offence or to you which justify not making the order. This presumption does not apply if one of the statutory exclusions applies. None of those exclusions apply in your case. Exceptional is a strong word chosen by Parliament and should not capture circumstances which are commonly encountered before the Courts. However, exceptional circumstances can be found if the culpability of the offender and the harm caused or intended was exceptionally high and the nature of the offending may require a degree of exceptional deterrence. As I stated from the outset, those who should deliberately target public servants in particular Members of Parliament to cause fear undermines the very fabric of the democratic process and impacts on how politicians may conduct their day to day lives both professionally and personally. Your emails including threats to kill and were racially aggravated. Your culpability as I have found was at the highest level albeit your actions were short lived. The harm you caused to Mrs Badenoch was significant as well as to her husband and at a secondary level to her staff. Such offending calls in my assessment any sentence to be a deterrent to a degree which is exceptional and the seriousness of your offending and any punishment, despite your good character and remorse can only be achieved by an immediate custodial sentence. It is for these reasons I find exceptional circumstances for imposing an immediate custodial sentence.

33. You will serve these terms of imprisonment immediately. You will normally be released on licence once you have served up to half of your sentence and prisoners may qualify for early release before that period. The Prison Service will advise you of your release date. Your licence will continue until the end of your sentence and if you are convicted of a further offence, or breach any of the other requirements of your licence, you may be returned to prison

34. Restraining Order will be imposed for a period of 5 years. - You are to have no contact directly or indirectly with Mrs Kemi and Mr Hamish Badenoch or Mrs Badenioch's parliamentary office.

35. In view of the immediate custodial sentence. I make no financial orders, save the surcharge of £154

District Judge (Magistrates' Courts) Sam Goozée

9th November 2026