



JUDICIARY OF
ENGLAND AND WALES

District Judge William Ashworth

In the Thames Magistrates' Court

4th February 2013

Ashley Gill-Webb

Sentencing Remarks

On the 11th January 2013 I found you guilty at trial of 2 alternative offences, contrary to both S.4A and S.5 of the Public Order Act 1986. Both offences charged related to the same incident and simply reflected two different levels of possible culpability. The state of the law on that date indicated that a finding should be returned on both charges despite their being alternatives.

On the 16th January the Divisional Court in the case of R (on the application of Dyer) v Watford Magistrates' Court ruled that where a defendant is found guilty of the more serious of two alternative charges there is no need to reach a finding on the lesser. I therefore reopen your conviction for the S.5 offence which will remain without a formal finding of guilt on the Court file and be reviewed on the 3rd of May 2013. You therefore fall to be sentenced for the S.4A Public Order Act offence.

Your intention was to target the highest profile event of the London Olympics and put off Usain Bolt. The potential harm of triggering a false start was significant. By good fortune alone you failed. You did, however, spoil the occasion for some spectators and tarnished the spirit of the games.

You suffer from bi-polar disorder. At the time of the offence you were in the throes of a manic episode. This made you over-confident and your behaviour risky. I have reduced your punishment to take account of the effects of your illness.

I have read and considered the pre-sentence report. You have one previous conviction from 2006 and otherwise have led a blameless life. You are a family man and the proceedings must have had a profound effect on those close to you. As a result of the charges you lost your employment.

The probation service is content that no rehabilitative work is required from them as you are receiving treatment for your illness. I consider it unlikely that you will offend again.

The purpose therefore of my sentence is one of punishment for your offence.

Bearing these factors in mind and applying them to the Sentencing Council guidelines I consider the offence serious enough for an 8 week community order. There will be one requirement of an electronically monitored curfew for that 8 week period. The hours of the order are from 7pm to 7am daily. Due to the travel time required for you to get home this evening I will start the order from tomorrow.

If you fail to comply with the order, you will be returned to Court and the breach dealt with appropriately.

The case went to trial. Initially you denied being the person who threw the bottle although you later accepted it was you. This forced the prosecution to have to pay for forensic examinations and the expense of booking travel tickets for witnesses from abroad.

I have considered your limited means and the financial impact of a costs order on your family. You will have to pay a contribution to the costs of the prosecution of £1500.00 at the rate of £20 per week from the 11th February and I make a collection order in default of payment.