



JUDICIARY OF  
ENGLAND AND WALES

**IN THE CROWN COURT AT NOTTINGHAM**

**THE QUEEN -V- CURTIS DE JEAN AND OTHERS**

**SENTENCING REMARKS OF**

**HIS HONOUR JUDGE MICHAEL STOKES, QC  
THE RECORDER OF NOTTINGHAM**

**1 JUNE 2012**

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1. On the 8<sup>th</sup> August 2011, following rioting in London and other major cities, violent disturbances broke out in the city of Nottingham. The police had to respond to several incidents as best they could that evening. They acted effectively and with courage by drawing the criminal acts of the perpetrators on to themselves, thereby protecting people and premises. By the 9<sup>th</sup> August they were fully prepared and a formal command structure had been set in place by Assistant Chief Constable Paul Broadbent under the direct supervision of Detective Chief Inspector Griffin. Events on the 9<sup>th</sup> August were to demonstrate the wisdom of such preparations.
2. During the day of the 9<sup>th</sup> August it is abundantly clear that an organized attack was planned. The object of that attack was to be and indeed was, Canning Circus Police station which serves a wide area of the community in central Nottingham. There had been an ineffectual attack with petrol bombs the night before on St. Anne's Police Station. That police station is protected by a high perimeter fence and no damage was sustained to the police station itself. Canning Circus police station is wholly different. There is no protective fence. It is positioned directly on the street and abuts a major configuration of roads in a busy and central part of the city. On the night it was attacked, there were three police officers and three Community Support Officers working within the building.
3. The evidence that this was a planned attack is overwhelming. Messages were sent out and received using modern communications. Some were effectively acting as recruiting officers in order to gather as many as possible to join the action. Petrol bombs were made in preparation and carried to Canning Circus. A gang of at least thirty assembled for the purpose. They met up several hundred metres from Canning Circus, some undoubtedly took possession of petrol bombs that had been prepared and stored at the home address of Curtis de Jean. It is clear that several of those involved carried those petrol bombs quite openly because they were seen by householders as the pack moved towards its intended target. It is difficult to conceive that anyone in that pack could have been unaware that petrol bombs were

present. Others were undoubtedly armed with baseball bats, stones, bricks, knives and other weapons. En route to Canning Circus, several motor vehicles parked in Moorgate Street were trashed, most of them to the extent that they were written off. There can be no doubt about it. This was mob violence of an extreme nature. In short, a calculated defiance of the criminal law and a deliberate attack on the police. The numbers involved, far more numerous than those apprehended, must have caused real fear to decent citizens who witnessed these events or whose property sustained damage during the course of them.

4. While I recognize that the damage occasioned by the throwing of petrol bombs at the police station and, it should not be overlooked, at a bus and a passing motor vehicle, was not, in the event, considerable this, in my judgment, is of limited mitigation. Nine lighted petrol bombs were thrown at or towards the police station. One petrol bomb was thrown directly at the window of the No. 21 bus at which was seated the witness Kaye Challinor. She was absolutely petrified by what she saw and experienced. Fortunately, the petrol bomb bounced off the window and smashed harmlessly on the road surface. Had it broken the bus window the consequences would have been horrific. Another hit the rear wing of a passing vehicle and burst in to flames. Before petrol bombs were thrown at the police station and during the period when they were being thrown, a variety of other missiles were also launched, one such object smashing a window to the left of the entrance. Petrol also seeped under the main door and alighted inside the building. Had the fires not been extinguished by the prompt action of the officers inside, there is no knowing what the consequences may have been. The remark of the first witness to give evidence before the jury said it all. Mr. Sulakhan Singh Lakhanpal was impressed by both the actions of the officers present and the rapid arrival of assistance from other police officers. As he put, "That is why the police station is still there."
5. After the attack was broken off, the pack retreated and crossed the Junction 7 car park, some of them picking up weapons as they did so and proceeded up Holden Street where, as before, cars were damaged, bins overturned and the residents of the many homes in the area traumatized. Some of those homes contained children who were frightened by what they heard. One of the witnesses whose car had been written off in Moorgate Street and who observed the attack on the police station from her veranda described the scene as looking like a war zone.
6. While I recognize that those who participated in these events played different roles, some very much more serious than others, the first consideration that the court must have in mind is the need for deterrence. In *The Queen v. Bradshaw [2011] EWCA Crim 2312*, in which the Court of Appeal considered the level of sentencing in cases arising out of violent disturbances in various parts of the country, the Lord Chief Justice said:-

" Those who deliberately participate in disturbances of this magnitude, causing injury and damage and fear to even the most stout hearted of citizens, and who individually commit further crimes during the course of the riots are committing aggravated crimes. They must be punished accordingly, and the sentences must be designed to deter others from similar criminal activity"

7. Although no-one was physically injured during these events, the fact remains that this was a planned and wholly premeditated attack on the police and the local community. The fact that police officers such as PC Cooney acted with courage in putting out the fire that was licking the front door of the police station and had seeped under that door and ignited, reflects great credit on him not on those who placed him and other officers in a potentially life threatening situation.
8. I make it plain, however, that I shall remain loyal in passing sentence to the distinction drawn in the indictment between those who are guilty only of riot or violent disorder and those who were involved, either on their own pleas or on the verdict of the jury, in actual participation in the possession or use of petrol bombs. As I indicated on the 16<sup>th</sup> April, those who pleaded guilty to riot and are not proved to have been directly involved in the preparation, storage or use of petrol bombs will not receive a sentence longer than 5 years. That undertaking will not apply to those who contested their guilt or are proved to have played a more significant role by involving themselves with petrol bombs.
9. Those involved in making, carrying or using such weapons must and will receive condign punishment. The use of such unstable weapons in a riot situation aimed as they were principally at a police station and those inside it created a substantial risk to life and limb. Once ignited and thrown it is quite impossible to foresee the possible or likely consequences. A particularly lengthy sentence must be imposed where the jury has found, on ample evidence, an intent to endanger life.
10. So far as the offence of riot is concerned, I have had regard to the decision of the Court of Appeal in *Parvais Najeib and others [2003] 2 Cr App R (S) 69*. I have borne in mind the numbers involved, the overall level and nature of the violence used, the damage caused and fear engendered, the length of time the disturbances continued and the degree of premeditation. I regard the fact that this was a planned and premeditated attack on the police and not a spontaneous reaction to other events to be a particularly aggravating feature distinguishing this case from the Bradford riots in 2001. While I bear fully in mind that the Bradford riots persisted over many hours, I must also have regard to the fact that these offences were only one example of numerous other incidents in Nottingham and other cities during a period of almost unprecedented public disorder. Accordingly, the starting point for those who are to be sentenced for riot only and are not subject to statutory restrictions on sentence will be in the region of 6 years imprisonment. Those who have pleaded guilty to violent disorder only will receive correspondingly shorter sentences. Those who are or were at the relevant time under 18 years of age will be sentenced in accordance with established principles with due regard to the requirements laid down by the Sentencing Guidelines Council. Those whose responsibility includes direct involvement with petrol bombs will inevitably receive much longer sentences.
11. Before I turn to individual sentences I must pay tribute to the rapid action and deployment of substantial numbers of police officers. Had the command structure not been in place and deployment been so fast, there is every prospect that most of those arrested would have escaped. I have no doubt that as the pack retreated into Holden Street wrecking cars in their wake, they were taken completely by surprise as large numbers of police officers, police vehicles and police dog Richie barred their path.

12. Tribute must also be paid to many members of the public who telephoned the police even before the rioters reached Canning Circus and to those who, despite the frightening events they witnessed, were prepared to make statements and, where necessary, give evidence before the court.
13. In accordance with the principles laid down by Parliament, those of you who are over 18 years of age will serve one half of the sentence imposed less any period served on remand and half of any period on tagged curfew. In the event of any of the information before me in relation to such credit being inaccurate, upon receipt of the corrected data, that part of the sentence will be altered without the necessity of a further hearing. You will be released at the appropriate time on licence and providing you observe the conditions of your licence and do not commit any further offence, you will not have to serve the balance.

### INDIVIDUAL SENTENCES

#### Curtis De Jean (19)

In my judgment, you played a pivotal role in these events. Most if not all of the petrol bombs used were prepared at your home in Denman Street. You were involved in moving them to Canning Circus. Your intent was manifest. It was to firebomb the police station. You have pleaded guilty to possession of explosives with intent, riot and arson being reckless as to the endangerment of life. You have previous convictions involving the use and threat of violence. Your pleas of guilty were entered at the last moment before the trial began. Your earlier plea of guilty to the explosives charge cannot stand to your credit as you applied in writing to vacate it. It was only on the day the trial was due to start that you withdrew that application and were re-arraigned on the matters to which you had earlier pleaded not guilty. However, you have saved time and public money by pleading guilty in the face of what was in truth overwhelming evidence against you. In particular, the photograph on your Blackberry of the petrol bombs sitting in your shower tray, the scientific evidence that connects you with the wicks placed in some of those devices as well as the violence you displayed when resisting the police. I must and do bear in mind that you pleaded to arson being reckless as to the endangerment of life not to intent to endanger life and to your comparative youth. I have read the report on you and considered the submissions made on your behalf. It is because of your youth and the evidence that you are changing your attitude and abandoning the gang culture you have previously adopted that I have concluded it is not necessary to impose an indeterminate sentence for public protection. But a key role such as yours must be reflected in condign punishment. Anyone tempted in whatever circumstances to plan and put into action a firebomb attack on a police station must appreciate that significant custodial sentences will follow. Credit in your case cannot exceed 15 per cent.

On the explosives count the sentence will be one of 10 years' detention; riot, 6 years' detention and arson 10 years' detention. Those sentences will all run concurrently making a total in your case of 10 years' detention in a young offenders' institute. As you are already serving a sentence imposed for an unrelated but serious matter for which you were on bail at the time of this riot, you could not complain if I ordered these sentences to run consecutively, but having regard to the principle of totality I shall direct that they will commence today. [25 days credit]

Lance Francis (25)

You, in my judgment, were in the vanguard of these events. On the jury's verdict, reached after careful scrutiny of the considerable volume of evidence against you, you were not only an enthusiastic and leading rioter, you were one of those involved in throwing at least one petrol bomb at the police station. The jury has convicted you of arson with intent to endanger life and the sentence I pass must reflect fully the very real threat to life that this firebombing created. You are entitled to no credit. You have not only attempted to lie your way out of responsibility you have also been convicted of attempting to pervert the course of justice, and I must also sentence you for unrelated offences of blackmail, handling stolen goods and harassment. I am satisfied also that your actions on the 9<sup>th</sup> August were prompted by your hatred of the police. I have carefully considered in your case whether I should pass upon you an indeterminate sentence for public protection. While it is possible to regard the events of the 9<sup>th</sup> August as a 'one off' instance of serious crime, you are someone who persistently breaks the law. It is merely your comparative youth and the fact that a lengthy determinate sentence should protect the public from you for a substantial period that allows me to hold my hand on this occasion. Where I to pass appropriate consecutive sentences for all these offences the eventual sentence would be very long indeed. I have had regard to the principle of totality as urged by your counsel and reduced each sentence that I propose to order to run consecutively to a more manageable figure. Nevertheless, the attitude you have shown during this trial and your appalling attitude to other people, particularly young women and the police, when placed alongside your considerable record for serious offending, requires that you should be out of circulation for many years. That is the least your many victims and potential victims are entitled to expect of the court.

Riot - 7 years' imprisonment

Arson with intent to endanger life – 12 years' imprisonment

Those sentences will run concurrently.

For the offence of attempting to pervert the course of justice which I accept did not involve threats of violence – 6 months' imprisonment. That sentence must be ordered to run consecutively as it was intended by you to interfere with the course of public justice by persuading a very vulnerable young woman not to give highly probative evidence against you. The sentence is as short as it is for that offence because in reality she was probably reluctant anyway and your actions merely served to strengthen the case against you.

For the offence of blackmail in which you demanded money with menaces from a vulnerable young man - bearing in mind your plea of guilty – 18 months imprisonment, which will also run consecutively, you being on bail at the time. For the serious offence of handling stolen goods I would normally impose a consecutive sentence of 2 years' imprisonment particularly given the harassment of Holly Wilkinson another example of your abusing a woman for your own ends. However, I have to have regard to totality. For the offence of handling, to which you pleaded guilty, the sentence will be 18 months' imprisonment and for the offence of harassment to which you also pleaded guilty, 12 month's imprisonment. Those sentences will run concurrently with each other and concurrently to the other sentences.

The total sentence in your case therefore will be 14 years' imprisonment.

The period spent on remand will be deducted from the period you must serve in custody. [280 days]

I shall also grant a restraining order without limit of time prohibiting you from having any contact directly or indirectly with Holly Wilkinson. It is quite clear to me that she is frightened of you and with good cause.

Reiss Wilson (21)

You too, in my judgment, played a leading role in these events. You acted as a recruiter of others and you were involved directly with petrol bombs knowing full well what was to be done with them. Whether you personally threw any of them is unclear, but it is clear you had direct contact with petrol bombs and you accept that you were fully part of this enterprise, the object of which was to firebomb the police station. Your mobile phone bears witness to your involvement and key role. No doubt that is why you failed to provide the code so the police could access this information. I regard it as a particularly aggravating feature of your case that you encouraged other to join. You are closely linked with De Jean. You pleaded guilty, at the very last minute to riot, reckless arson and attempting to pervert the course of justice. That latter offence showed how you tried to provide false evidence to explain away potentially damning material against you. Your credit is limited to 15 per cent.

As in the cases of De Jean and Francis, I do not consider it necessary to impose an indeterminate sentence for public protection.

Riot – 6 years' imprisonment;

Arson being reckless as to whether life would be endangered – 8 years' imprisonment. I have reduced this sentence to take account of totality in that a consecutive sentence has to be passed for the drugs offences.

Those sentences to run concurrently.

There will be a concurrent sentence of 6 months for the offence of attempting to pervert the course of justice. Normally that sentence would run consecutively but having regard again to the principle of totality, I shall order it to run concurrently.

On the drugs indictment, your second conviction for dealing in class A drugs, given what can only be considered to be a leading role in a level three case and adjusting the sentence downwards for totality there will be sentences of 4 years on each count to run concurrently with each other but consecutively to the sentence of 8 years on the main indictment.

The total sentence in your case will be 12 years' imprisonment.

The period on remand or period on tagged curfew will be deducted from the period you must serve in custody. [267 days]

Harrison McCalla (21)

You pleaded guilty to riot on what would have been the second day of the trial. You have an unattractive record and a previous conviction for wounding with intent. I have to sentence you for riot alone and I must be loyal to the distinction drawn in the indictment between rioters and those directly involved with petrol bombs. Having heard the evidence during a lengthy trial, however, I find it difficult now to accept that anyone in that pack of trouble makers could have been unaware that petrol bombs were being carried as Canning Circus was approached. Neither do I have any doubt that you were involved in increasing the numbers. It was undoubtedly you who caused Powell and Edwards to join the mob. Credit in your case is severely limited and your previous convictions militate against any further deduction. I have read the letter from your partner, who seems a perfectly respectable young woman who has been placed in difficult circumstances bringing up your daughter alone. Those difficulties are entirely of your making. I give you credit for your plea and impose upon you a prison sentence of 4 years and 6 months

Any period on remand will be deducted. [295 days]

Antany Edwards (24)

You were one of the older members of this group of defendants and have already served a lengthy sentence in the past for robbery. That does not seem to have deterred you from joining in these criminal acts or avoiding the gang culture which undoubtedly played a significant role in these events. You pleaded guilty on the 17<sup>th</sup> April having previously pursued an application to dismiss the charges against you. You cannot be directly connected to the petrol bombs and have pleaded guilty to riot only. There is no evidence however that you engaged in recruiting others to join these events so your credit for plea will be the same but a further reduction will be given on that account. You have also written a letter to me, remarkably, making no excuse for your behaviour. And I have regard to the fact that the delay in sentence following your plea of guilty because you are serving a period of recall effectively increases your sentence, I shall reduce your sentence further. The sentence in your case will be 3 years and 9 months

Ashton Alexander (19)

You have no previous convictions for violence although you have been cautioned for possession of an offensive weapon. You were one of 9 individuals caught on CCTV some distance from Canning Circus. You moved as a group and plainly joined up with larger numbers as you got closer to your objective. Yours was also a late plea of guilty to riot but in your case, I have regard to your age and sentence you to 4 years' detention in a young offenders' institute.

Again any credit due to you will be deducted. [156 days]

Ricardo Cotteral (23)

You very nearly escaped responsibility for your criminal actions. You did escape from the scene and had it not been for the fact that you lost your keys that were linked with you through scientific evidence and the fact that they fitted doors of premises occupied by family members, you would not have been here to pay the forfeit for your behaviour. You also lied to the police in interview. Your particular actions cannot be known and I

sentence you on the basis that you were part of this mob intent on violence but not party to the common purpose of attacking the police station. Yours again is a late plea, not entered until after the jury had been sworn but the Crown has accepted a plea to violent disorder and the sentence must reflect that fact. Giving you limited credit only, I sentence you to 3 years' imprisonment. There can be no additional deduction in respect of either youth or character as you have a bad record for offending.

Any credit due to you in respect of periods on remand will be deducted.  
[146 days]

I now turn to those over 18 years of age who have been convicted of riot after trial.

Callum Powell (20), Shaundre Robinson (22) and Gregory Coleman (20)

No credit can be given for plea. The jury has rejected your defences that you were innocently or co-incidentally present at the scene or nearby and caught up in the aftermath of these events.

Callum Powell, you were on police bail at the time and sought to use that fact to explain your running from the police. In trying to escape, you climbed onto a roof and it collapsed beneath you. You have the worst record of the three. You have a conviction for robbery and possession of a bladed article as well as dwelling house burglary. You have already received a sentence of 3 and ½ years in the past. You cannot be linked to the petrol bombs and the way you were dressed does suggest you were a late recruit. Nevertheless, the evidence discloses you have a strong animosity towards the police and were perfectly happy to join in the common purpose of attacking the police station. The sentence in your case will be 5 and ½ years detention in a young offenders' institute.

No credit due.

Shaundre Robinson, you are very lightly convicted but your explanation for possession of the bandana which matches exactly two others found in the possession of other defendants and is similar to a third was plainly not accepted by the jury, neither was the reason for your presence. In your case, the sentence will be one of 5 years' imprisonment. I have given you some credit for your lack of relevant convictions and I have had regard to Mr. Eckersley's submission that your part in these matters cannot be shown to have been as serious as some of those who have pleaded guilty.

Credit for the period in custody or tagged curfew will also be given. [158 days]

Gregory Coleman, you were also in possession of a bandana and ran swiftly from the police when ordered to stop. You very nearly got away. The jury has rejected any possible innocent explanation for your presence in Clifford Street, the way you were dressed, and your determined efforts to escape the police. You are lightly convicted and I can reduce your sentence slightly on that account. The sentence in your case will be 5 years' detention in a young offender's institute.

Credit will be given for any period on remand or on tagged curfew. [163 days]

Lucas Stapleton (18)



You were still 17 at the time of these events. You are now 18. In accordance with established principle, I have to begin my consideration of sentence in your case with the sentence you would have received had you been dealt with at the time you committed this offence. The maximum sentence available to the court then would have been 2 years detention and training. But, in the words of Mr. Justice Cranston in *The Queen v. B [2011] EWCA Crim 62*, this “is a powerful, but not the sole or determining factor.” You were in the thick of this. You were also in possession of a weapon which you sensibly abandoned when confronted by PC Gough and PC Whitehead. While I have due regard to the principles to which I have referred, the fact that you were a month or so short of your eighteenth birthday is not a sufficiently strong factor to limit your sentence to that of a 17 year old but I do reduce the sentence from what it would otherwise have been. I also bear fully in mind that you were the first of all these defendants to enter a plea of guilty, although to the lesser offence of violent disorder. That plea is now vacated and you have pleaded guilty to riot. In your case, I sentence you to 2 and 9 months detention in a young offenders’ institute.

Appropriate credit will be given for any period on remand or on tagged curfew.

Similar considerations apply in the case of Bobby Muers (18).

You were 17 at the time of these events. Yours was a very late plea. I do not sentence you on the basis that you were necessarily the Bobby heard on the enhanced soundtrack on the I phone film and I bear in mind you pleaded to the lesser offence of violent disorder. You have no previous convictions. You are in a similar position to Stapleton in that you were 17 at the time of these events and the principles I referred to when sentencing him apply to you. The sentence in your case will be 15 months’ youth custody.

Credit will be given for any period in custody or on tagged curfew. [162 days]

I now come to Kaiden Howell (16) and Marcus Wynter (16)

The court’s powers are limited in both your cases to a maximum sentence of 2 years’ detention and training. Both of you have pleaded guilty to violent disorder only. Both have been subject to more intensive monitoring whilst on bail because of your ages and both have been subject to a tagged curfew. Nevertheless, both of you played your part in these events. neither of you has been particularly frank with the authors of the reports before me. You, Wynter had a weapon which was plainly used to trash motor vehicles. Glass was embedded in it. It was not something you simply picked up. Neither does the evidence support the comment by your youth worker manager that you were “very much on the sidelines.” You Howell were dressed for the part with a scarf, obviously to be used to make identification more difficult. You also put in a defence statement which is inconsistent with the evidence against you. When the police tried to detain you, you pushed past PC Hobson, your face was partially covered and when apprehended you had a single glove in your possession. This does not sit well with your account to the representative of the youth offending team. You told him you were simply walking to the shop in Alfreton Road when you came across a group running from the police and decided to run also. If that were true you would not have been guilty of any offence. Plainly it is not true.

In both your cases, I acknowledge that you have since these events demonstrated a more positive attitude that is well documented and supported by your families and others. I

must also ensure, because a detention and training order does not enable any reduction to be made for time spent in custody or on curfew that such credit as is appropriate is given by the court when fixing the period to be served. Applying the guidelines of the Sentencing Council, I must also take a starting point that not only reflects the offence to which you have pleaded guilty but also start with an appreciably lower figure than in the case of someone over the age of 18 when sentenced is passed. Applying those principles and bearing in mind that in the case of Wynter, your plea was indicated in writing at a time when full credit was available, any custodial sentence passed would be very short indeed. In your case, Howell – 6 months' detention and in your case Wynter, 4 months' detention. The question arises therefore whether such short sentences are justified when one of the cardinal principles of sentencing offenders of your age is to seek to avoid custody if at all possible disrupting as it would the courses you are taking and the progress both of you have made. Against that is the fact that you chose to involve yourselves in this large scale violent disorder and the need for even 16 year olds to be deterred by the certainty of custodial sentences being imposed for such serious public violence. Having given the matter the most careful thought, it is that certainty in my judgment that must prevail. The sentences will be short for the reasons indicated. In your case, Howell – 6 months detention and training and in your case Wynter, 4 months' detention and training. You will both serve one half of those periods in custody. The press restriction on identifying you will be lifted. The public is entitled to know the identity of those who commit such offences.