



JUDICIARY OF  
ENGLAND AND WALES

**Sentencing Remarks**

**His Honour Judge Henshell**

**The Queen**

**-v-**

**Callum Marley**

**Fabrice Bembo Ieta**

**Anderson Fernandes**

**Benjamin King**

**Dean Millers**

**24 August 2011**

**at Manchester Crown Court**

The Defendants before the Court this afternoon were committed for sentence following their pleas of guilty at the Magistrates Court to offences committed during the widespread disorder that took place in Manchester City Centre and Salford over the course of 9 and 10 August. That disorder lasted from late afternoon on 9 August until approximately 4 o'clock the next morning.

The scale of the disorder was enormous, 155 fires were started, 900 police officers were deployed to contain the situation, including officers from 10 other Police areas. There have been approximately 250 arrests made so far with more expected in the coming weeks. Shops, both large and small, were smashed open and then ransacked and approximately 150 premises damaged, some extensively. It is by no means an exaggeration so say that the heart of Manchester was devastated and until order was restored the city centre was being

looted by roaming gangs who were looking for anything that could be picked up and carried away.

It may well be some time before the true extent and cost is accurately established.

Extensive coverage in the media and by means of CCTV film and footage taken from U Tube or mobile phone cameras has permitted the general public to see how these large groups of people rampaged through the City centre, smashing their way into retail premises both large and small and looting them of anything that they could lay their hands on. The cases we have heard today illustrate this with perfect clarity. Items as trivial as ice cream cones, handbags and T shirts. Looked at in isolation the theft or handling of property such as this could be described as low level offending. However, crowds are composed of individuals each playing a part, large or small. This results in others being drawn in and becoming part of the general offending, thereby making the situation worse.

It is only when the acts of these individuals are put into the context of the widespread disorder can they be accurately judged. In the first batch of cases to come before this court, the Learned Recorder of Manchester, His Honour Judge Gilbert QC described in detail the scale and extent of the devastation caused and the number of police officers and members of the Fire Brigade required to control the situation and prevent further damage. He also summarised the range of offences that were committed and the number of people who had up to that time been arrested.

I do not intend to repeat any of what has said by either HHJ Gilbert QC or HHJ Atherton who has also dealt with cases generated by these disturbances save in so far as may be material to the position of the five defendants who are before this court today. The fact that all five defendants appear together is in my judgement entirely appropriate as it demonstrates to the general public and the defendants themselves that these offences were

not isolated acts but were part of the general disorder which both generated them and allowed them to happen.

We have heard this afternoon how five shops and a bakery in the City Centre were attacked and ransacked. Those shops were Cash Generators on Oldham Street, Patisserie Valerie which is in St. Anne's Square, Foot Asylum in the Arndale Centre, Vans Store on Church St, Jessops on Princess St and Star News on Brazenose St.

The five defendants before this court today clearly felt that they were able to do as they pleased because of their perception of there being strength in numbers. No doubt they felt secure amongst a large crowd of which each member in turn felt similar strength and encouragement from those around.

I turn now to the individual defendants.

### **Benjamin King**

He is 20 and pleaded Guilty to Burglary of the Vans Store in Church Street where he stole 2 bags. As with many other shops this one had the shutters forced open and the glass door smashed allowing free access to whoever wished to enter. Footage of these events was played on U Tube and Sky News this clearly showed the defendant coming out from underneath the broken shutters carrying two looted bags. He was wearing a distinctive top with a Batman logo and as with many other trying to conceal his face.

The damage caused to the shop was very considerable, so far estimated at thousands of pounds. The value of the stolen stock was £10,000.

The defendant was arrested after anonymous information was passed to the police. The account eventually put forward by the defendant was similar to many others. He said he

came into the city centre when he heard of the disturbances, not with a view to take part but simply to see what was going on. Then he was swept along with the crowd.

In his case the starting point will be 2 years, therefore the sentence will be 16 months less 9 days for time on remand.

### **Dean Millers**

He is age 21 and has pleaded Guilty to two offences of Burglary. The first at Jessops on Princess Street, a well known camera shop. The second at Star News on Brazenose Street. The evidence linking him to the offences was his fingerprints found on a camera box in Jessops and his blood found on a cigarette cabinet at Star News.

As with many other stores that night Jessops was broken into and ransacked. The damage has been estimated at between £15,000 and £20,000 and the value of stolen stock at approximately £10,000.

The story at Stat News is very similar. There the damage has been estimated at £500, cigarettes and tobacco valued at £2000 was taken along with some cash and confectionary.

The defendant said he heard of the disturbances and came into the city, beyond that he said that he has little recollection of the nights events as he was drunk.

He has no previous convictions but his position is aggravated by the fact that he went into 2 premises that night. The starting point in his case will be 3 years, giving a sentence of 2 years concurrent on each, less 8 days on remand.

### **Anderson Fernandes**

He is aged 21 and pleaded Guilty to Burglary at the bakery, Patisserie Valerie. He had been in the Manchester to attend a hearing at the Magistrates' Court and stayed in the city

centre when he saw the disorder developing. He found himself in St Annes's Square and went into the bakery which had been broken into by others. He helped himself to an ice cream and thought about handing out cones to the crowd.

He also pleaded Guilty to Handling a Dyson vacuum cleaner which was found still in its box at his home. This is unrelated to the current disorder.

He has previous convictions, **Violent Disorder** in April 2009 for which he received a Community Order which he breached in July 2009. **Common Assault and Assault S47** in February 2010 for which he received another Community Order which he breached in May 2010.

The offence itself is at the lower end of the range in terms of gravity but his position is aggravated by his previous convictions. I can find no reason to go below the 2 year starting point in his case. The appropriate sentence therefore is 16 months for the offence of burglary. There will be a concurrent sentence of 3 months for the offence of handling the vacuum cleaner. He will have 9 days credit for his time on remand.

### **Callum Marley**

He is aged 20 and pleaded Guilty to Burglary at Cash Generators on Oldham St. The shutters were forced at approximately 20:00hrs, the front doors were broken down thereby leaving the premises wide open. The property taken included televisions, a variety of electrical goods, and cameras, in fact anything that could be carried away. In the Pre-Sentence Report the defendant told the probation officer that he went into the shop with the intention to get himself something nice. Those sentiments could, no doubt apply to countless others who went into shops that night. He managed to get in by crawling under the gap beneath the broken shutters. Unfortunately for him he cut himself on broken glass and his DNA was found on an ornament inside. He also told the probation officer that he

“got carried along with the crowd.” Once again sentiments that could apply to many others.

For offences of Burglary during the disturbances where the defendant was not one of the persons responsible for the breaking in, the starting point is between 2 and 5 years. In the case of Callum Marley balancing the aggravating and mitigating features the starting point will be 2 years. This will result in a sentence of 16 months. I take no action in respect of Conditional Discharge from January 2011. From this will be deducted the 8 days he has spent on remand.

### **Fabrice Bembo Ieta**

He is 19 and pleaded Guilty to Burglary at Foot Asylum which is in the Arndale Centre. He saw a crowd who he knew were going to Foot Asylum to break in and loot so he joined them. Having joined them he played a significant role, using an iron drain cover to smash the entrance doors. Once the doors were smashed he went in followed by a crowd.

This offence was filmed and the footage was publicised. The result was that there was no hiding place for him and he gave himself in to the police.

He has been described as a well brought up and Church going young man and he has no previous convictions. His offence is the most serious of those before the Court today. He played a central role in the breaking open of the shop and thereby allowed the premises to be looted by many others. Offences such as this merit a starting point of between 4 and 7 years. If there was no substantial mitigation the sentence in this case would have been at the highest end of that bracket. However, he did give himself in to the police after his photograph was publicised. That is greatly to his credit and these courts must do all in their power to encourage others who may be in the same position to do likewise. Accordingly whilst there must be a prison sentence I reduce the starting point to 4 years which will

mean that after credit for his plea the sentence will be 32 months less 9 days for the time on remand.

The five defendants before this court today clearly felt that they were able to do as they pleased because of their perception of there being strength in numbers. No doubt they felt secure amongst a large crowd of which each member in turn felt similar strength and encouragement from those around.

This is why offences such as these fall outside what might be described as the normal context of criminality for offences of dishonesty. Whilst these courts are obliged to follow the guidelines of the sentencing council and decisions of the Court of Appeal, Criminal Division, I am in no doubt that these offences justify departure from those guidelines, the same conclusion has been reached by other Judges in this city who have dealt with similar offences. It is in my judgement of fundamental importance to ensure that the sentences imposed for offences committed during the recent disturbances are both punitive and deterrent whilst paying proper regard to the position of individual defendants within the overall offending and their personal mitigation.