

R v Michael Reader and Stephen Welch
Contempt proceedings in respect of
Youth A
and
Youth B

These proceedings are subject to a prohibition on the publication of anything that would lead to the identification of the two persons dealt with for contempt pursuant to section 45 of the Youth Justice and Criminal Evidence Act 1999. The prohibition on the publication is subject to any application by the Press to lift the prohibition on notice and will be considered in any event at the conclusion of the trial.

1. On the 9th of September 2020 the defendants were before the Crown Court at Northampton on trial for murder. The trial had commenced and legal argument was ongoing. The trial was being conducted in social distancing arrangements as a result of the Covid-19 pandemic. This meant that the public gallery was limited and the proceedings were transmitted by CVP to another courtroom controlled by an usher accompanied by a security guard.
2. The court was informed that two youths who had been in the court has disobeyed the instructions of the usher to switch of their phones and were seen fiddling with them in the course of proceedings. When this was brought to the attention of the court, a police officer was instructed to investigate. Both youth A and B were arrested on the 10th of October and brought before the court.
3. The investigation revealed that in fact each youth had taken a photograph of the court. Youth A had taken a picture of one of the defendants in the dock through the court door. Youth A had sent a copy of the image to another through Whatsapp. Youth B had taken a picture of the court but not of any person.
4. Both youths were issued with a notice of postponed contempt hearing and advised to obtain representation when they attended court for the Contempt Proceedings on the 5th of October 2020. They were prohibited from attending

the public gallery again in the course of the trial in order to ensure the orderly conduct of proceedings. In fact, the trial was adjourned for other reasons unrelated to the alleged contempt on the 10th of September 2020

5. On the 5th of October 2020 the trial recommenced and the youths attended, unrepresented. They had handed into court a note admitting the contempt and apologising in remorseful terms. Both confirmed in open court that they admitted the contempt but were very sorry and would not disobey an order again. Both informed the court that they had no income and no savings.

6. Both youths were reprimanded by the court in clear terms but no other penalty was imposed. The court took into account the age of the youths. It was clearly a piece of spontaneous foolish behaviour that had not, in fact, resulted in any harm nor had it impeded the trial process. A penalty beyond a verbal reprimand in open court was not necessary in this case. A clear warning was given to the public gallery about taking photographs in the trial. The youths were permitted to continue attending the trial provided that they showed the usher they had switched off their phones and did not switch them on again in court.

HHJ Lucking QC

Crown Court at Northampton

5th of October 2020