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V.

MATTHEW CRONJAGER

SENTENCING REMARKS

1. On 3rd September this year you were convicted by a jury of engaging in conduct in preparation of terrorist attacks and the dissemination of terrorist publications. At the outset of the trial you pleaded guilty to four counts alleging the collecting of information likely to be useful to a person committing or preparing an act of terrorism. I must now sentence you for those various offences.
2. The primary events in this case took place in the Autumn of 2020. You were born on 11th April 2003, so at the time you were 17. You are now 18.
3. On 29th December 2020 police executed a search warrant at your home address in Ingatestone, Essex. A number of devices belonging to you were seized. When those devices were later analysed a very large quantity of extreme right wing propaganda, images, videos, and documents was found. What all of that information demonstrates quite clearly is your support then for the extreme right-wing cause and your commitment to violence to bring about that ideology.

4. You are someone who, in your own words, had fascist beliefs and wanted to bring about a change of government by violence. In the messages that were found, and in ones passing between you and an undercover officer that you had deleted but he retained, you expressed hatred for people of different coloured skin, for Jewish people, Muslims and those of a different sexual orientation to your own. You expressed a desire to bring about your own revolution based on your own racist ideology. To that end you sought to produce a firearm using a 3D printer, you made plans for the storage of firearms, and provided instructions and funds to others, in order to secure the manufacture of a firearm. Unbeknownst to you, one of those you were communicating with from August 2020 onwards was an undercover officer. You also set about obtaining manuals and other publications to help you prepare for your acts. You downloaded a large volume of extreme right wing propaganda. Some of the material you downloaded provided real and practical guidance to those who would wish to commit terrorist atrocities. In further acts to support your cause, you took part in providing an online library where you and like-minded people could store propaganda and manuals.

5. In the period leading up to the search of your home, an undercover officer, had been deployed to befriend people in a Telegram group you were part of known as the 'British Hand'. The messages you sent and which you were part of show a troubling mind set. At trial you accepted the content of all the messages you sent. You also accepted that you held extreme right wing beliefs and to being part of an extreme right wing group. In evidence you accepted still holding those beliefs in late December 2020. Your defence before the jury was that no terrorist activity was intended and that this was all just words. As the

conclusions of the jury show, they saw through your evidence to the real views and intentions you had expressed.

6. In giving evidence in the trial it was obvious that you are a bright and intelligent young man. In a way that makes the content of some of the messages you sent all the more troubling.
7. In relation to the count alleging engaging in conduct in preparation for terrorist acts (count 1), there are three specific areas of conduct included. These comprise: (i) drawing up plans for a storage bunker; (ii) providing information for the manufacture by a 3D printer of two firearms, one called an FGC-9 and the other a Cheetah; and (iii) transferring funds for the purchase of materials to manufacture those firearms. If one looks at those acts alongside the messages you were sending and receiving, it was in the context of discussions about the arrival into the UK of a substantial consignment of guns in a shipping container and you describing how you had found a ‘target’, Jonathan Raj. On the 18th December 2020 you stated: *“I’ve found someone I want to execute”*. When the undercover officer responds you go on to say in other messages: *“I know it’s an overall target and he’s a sand nigger that fucked a white girl”*. *“In fact I think 3 of them.”* *“I figure we could just “find” a double barrel shotgun and saw it down for things like this.”* *“Two blasts will kill all but the strongest man and there’s no rifling”* *“So no tracking ballistics.”* There are many other messages sent by you that are equally deeply offensive.
8. In a victim impact statement Jonathan Raj says that whereas his initial view of what you said was to brush it off, when the police spoke to him more about it, it broke his heart. He describes the two of you at school

together as best friends. *“I can say that I trusted Matt more than anyone else. Matt was someone that I had never argued with and as far as I was concerned we had no issues with each other”*.

9. He speaks in his statement about how he has been hurt by what you have put in the messages and the impact on his mental health. In January 2021 he felt trapped in his house because of Covid. He had the stress of exams and in addition to those two stressful times he had that feeling of betrayal from you. As the months have passed the long term effects of what you did are still there. He speaks of how he now struggles to trust new people and often holds people at arm’s length. Even today he worries that someone new that he meets could eventually want to do him harm. In his statement he speaks of the real shock realising how much hatred you actually had and specifically your racism. *“I mentioned in my interview that Matt and I shared a strange humour, but I never for one moment thought that he held racist views, especially against me. I think it’s important to explain to the court how much this has had an impact on me, and how this has significantly changed me as a person. The actions of Matt have affected how I trust people or more importantly how I don’t. Everything that has happened has affected my relationships and because of this I have red flags in terms of trust and have literally ended friendships. The police arranged a counsellor for me and that has helped me work through all of these issues. I feel sad, hurt and betrayed by Matt”*.

10. In relation to PDF files and images relating to the firearms, the view of a firearms expert who looked at them, is that whilst the documents on the Cheetah-9 are incomplete, with the missing information acquired, the instructions could be used by a person with the required skills knowledge,

equipment and materials to provide a viable firearm. For the FGC-9 firearm, the expert's opinion was that a person with the required materials, skills and equipment, and 3-D print files, using the information and illustrations in the publication would be able to produce a viable FCG-9 semi-automatic carbine by following the instructions in the publication.

11. In terms of the relevant guidelines for count 1, it is submitted by the prosecution that this falls within level C as to culpability. Mr Forte submits it falls within level D. Having considered with care the facts of this case I find it to come within level C. In that assessment I have focussed on the content of the messages you sent. In my view you are someone who played a leading role in terrorist activity where the preparations were not far advanced.
12. In terms of an assessment as to where this comes for harm in the guideline, there are some aspects of this case that point, submit the prosecution, towards it coming within category 1, and others that suggest category 2. The prosecution in their detailed sentencing note submit that you are on the cusp of the two categories. They refer me to s.63(b) of the Sentencing Code 2020 as to the matters that must be considered, the guidelines themselves as well as a number of authorities that deal with terrorism cases including *R. v. Rashid [2019] EWCA Crim 797* and *R. v. Boular [2019] EWCA Crim 798*. I have considered those authorities. I am also conscious of the need to look at the facts of each case with care.
13. Mr Forte submits that the case falls within category 3, or at the least into category 2, but at the lower end of that bracket. In the helpful sentencing note prepared by Mr Forte and Mr Stradling, various submissions are set

out in support of their analysis. In passing I commend all counsel on their sentencing notes – they are of the highest quality.

14. In my judgment this case falls within category 2. I have to say that categorisation in this case is not an easy exercise, but taking all that I know of the facts of this case, this category best encapsulates the facts here.

15. For an offence falling within category 2C, the start point for sentence for those aged 18 and over is one of 15 years' detention with a range of sentence of between 10 to 20 years' detention. In terms of aggravating factors provided in the guideline, the offence demonstrates some hostility based on religion, race and sexual orientation, although as the guideline itself warns, the statutory definition of terrorism has to be considered and I need to be careful as to double counting. There is also the recent and/or repeated possession or accessing of extremist material. As I need also to deal with you in relation to the material the subject of counts 2 to 5 on the indictment, if this is an aggravating factor for Count 1, I need to be careful so as to avoid any double-counting. In addition on aggravating factors, there are communications with other extremists, the use of encrypted communications or similar technologies to facilitate the commission of the offence and/or avoid or impeded detection, and the fact that you encouraged others.

16. Counts 2 to 5 cover various publications each containing information likely to be of use to a person committing, preparing or instigating a terrorist attack. These include: “*The KGB Alpha Team Training Manual*” which sets out various techniques likely to be effective at incapacitating, had real potential to result in causing death, injury or disability. *Workbench Silencers – The Art of Improvised Designs*”

which sets out, as the title suggests, how to make silencers for guns using household objects. The others are “*Ragnar’s Big Book of Homemade Weapons.pdf*” and “*Expedient Homemade Firearms*” which are similar in nature and the content clear from the titles.

17. For each of these offences the maximum sentence is one of 15 years’ detention. Within the relevant guideline, this case falls within level B as to culpability as you collected material likely to be useful to a person committing or preparing an act of terrorism and you had terrorist connections or motivations. As to harm, it falls within category 2 on the basis that the material provides instructions for specific terrorist activity endangering life, but harm is not very likely to be caused. The starting point for each offences is one of 4 years’ detention and a range of sentence between 3 and 5 years’ detention. There are aggravating features including the fact that the offence was motivated by and demonstrated hostility based on religion, race and sexual orientation, (although again I must guard against double counting); there was a significant volume of terrorist publications; and the deliberate use of encrypted communications or similar technologies to facilitate the commission of the offence and/or avoid or impede detection.

18. I note that the increase in the maximum sentence for this offence has yet to be reflected in the published guideline. I have considered the helpful analysis set out in the prosecution note on sentence as to how this Court should approach the increase in the maximum sentence for offences such as that here with at most, a minimal uplift. As your plea was only tendered close to trial, only a modest amount of credit of about 10% can be given.

19. Count 6 covers the conduct of the service you provided to others so that they could obtain, read, listen to or look at a range of publications through the medium of a Telegram channel called “Exiled 393 library”. A range of extreme right wing and white supremacist materials were available through this medium. In my judgment the conduct covered by this count is separate to the conduct set out in the other counts and it may be that a consecutive sentence should be passed in relation to it.
20. The dissemination of terrorist publications, also carries now a maximum sentence of 15 years’ detention. In considering the appropriate guideline, the offending here comes within A as to culpability on the basis that you were someone who, in the context of the offending, was in a position of authority or influence and that you intended to encourage others to engage in any form of terrorist activity. As to harm, it comes within category 1 on the basis that some of the publications within the Exiled 393 library provided instruction for specific terrorist activity.
21. The start point set out within the guidelines is one of 5 years’ detention with a category range of 4 to 6 years’ detention. There are similar aggravating features as for the other offending here. These include the fact that the offence was motivated by and demonstrated hostility based on religion, race and sexual orientation (again, I need to be mindful of double-counting). Secondly, the factor as to specifically targeted audience (if not already taken into account in assessing harm) – which it has by me. Thirdly, communication with known extremists. Fourthly, deliberate use of encrypted communications or similar technologies to facilitate the commission of the offence and/or avoid or impede detection, and lastly, a significant volume of terrorist publications published or disseminated.

22. As mentioned, the maximum sentence for this offence has been increased from 7 years' to 15 years' detention. As a result, the starting point for the offending here might well be higher than it would otherwise be.
23. I need also to have regard to the guideline on sentencing children and young people. It seems to me that, although you are now 18, and you were 17 and 6 months at the time of the offending, in applying that guideline, I should look to a sentence in the region close to two-thirds of the sentence that would be passed on an adult of maturity.
24. I have also considered the guideline dealing with a condition such as Autistic Spectrum Disorder and the impact that may have on sentence. I have considered in particular paragraphs 9 to 12 and 22 of those guidelines.
25. Having considered the guideline as a whole and what is known about the disorder and its impact on you, in my judgment this is a case where there is some but not any very significant impact on your culpability.
26. The offences here are ones that trigger the need for this Court to consider whether the dangerousness provisions apply. The test is whether the Court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by you of further specified offences. I have considered with care the various principles and authorities on this area, and in particular what was said in *R.v. Lang [2005] EWCA Crim 2864* and *R. v. Chowdhury [2016] EWCA Crim 1341* in respect of the high threshold the test presents, young offenders, age and maturity, and I agree with the assessment of the author of the pre-

sentence report as to a high risk, but not a significant risk and so do not find the test is met in your case.

27. In terms of the length of sentence, as indicated in relation to count 6, the conduct there is separate to that encompassed within the other counts. If a consecutive sentence is to be passed, then I need to have a close eye to overall totality of sentence.

28. In mitigation, through Mr Forte, you express clear remorse and regret for what you did and in particular for the impact of your actions on Mr Raj. Mr Forte urges a balance between the criminality as set out in the facts and the factors relevant to you. He accepts that a sentence of detention of some length is inevitable, he urges that the court should stand back from taking too mechanistic a view of the application of the guidelines. Mr Forte makes observations about the acts that were done including the fact that the sum of money he transferred was very modest. As I indicated in the course of his submissions, one needs to look at that with care as modest sums may be sufficient to meet the aim here.

29. As Mr Forte submits, you are a young man without previous convictions. I note your very positive engagement whilst in custody and that is much to your credit. You have accepted all of the assistance that has been provided to you which is greatly to your credit.

30. I have seen and read a number of character references. I have letters from your parents, from those who have known you over many years. Many of the letters speak highly of your many qualities and the impact on you of this conviction. Some of the letters state that you pose no threat and where there is no victim. I should simply say that those are matters that

are at odds with the evidence in the messaging in this case and with the victim impact statement.

31. I also have a detailed pre-sentence report. I am extremely grateful to Stacey Taylor for the detailed analysis she has carried out in writing the report. I note what is said about risks, and in particular what is said about the dangerousness issue. She makes an assessment of a high risk of serious harm. However, she also refers to the fact that since arrest and remand you are someone who has worked exceptionally well with all support services available to you to understand yourself and the factors that may have contributed to your behaviour, evidencing a desire to change and lead a better life. On remand you have completed your A-levels amongst other qualifications and have received many positive feedback reports.

Sentence.

32. In my judgment on count 1 for an adult after trial where the identified aggravating features are present that would lead to an increase in the start point, but then allowing for the same characteristics as you in relation to ASD, there would have been a reduction and a start point for sentence in the region of 14 years' imprisonment. In the light of your age and maturity at the time, a sentence of 9 years' 4 months' detention in a young offenders institution under s.262 of the Sentencing Code 2020. On counts 2 to 5, allowing for the fact that this material is an aggravating factor for count 1, and that there are 4 counts, for an adult there would have been terms of 6 years imprisonment, reduced from 6 years' 6 months' in the light of late pleas, on each count concurrent to each other and concurrent to the sentence on count 1 and so in your case sentences of 4 years' detention in a young offenders institution concurrent to each

other and concurrent to count 1. On count 6, again taking first the sentence for an adult, and making due allowance for totality a sentence of 3 years' imprisonment to be consecutive to the term of 14 years, and so for you, a sentence of 2 years' detention in a young offenders institution to be consecutive to the sentences on counts 1, and 2 to 5, making a total sentence of 11 years' 4 months' detention in a young offenders institution.

33. With that sentence, once you have served two-thirds of it, the Parole Board will consider your case. The Parole Board will only release you before the end of the custodial term if it is satisfied that it is no longer necessary for the protection of the public that you are kept in custody.

34. Under the provisions of s. 23A of TACT 2000 I direct the forfeiture of property in your possession or under your control, which has been used for the purposes of terrorism or was intended by you to be used for the purposes of terrorism or where it is believed it will be used for the purposes of terrorism unless forfeited as set out in the schedule that is before the Court. Notification requirements apply to all the offences here. In light of the sentences passed, the period of notification is one of 30 years. If the statutory surcharge applies in your case, the appropriate order may be drawn up.

His Honour Judge Mark Lucraft QC
The Recorder of London
Central Criminal Court,
London EC4M 7EH

October 19th 2021.