



JUDICIARY OF
ENGLAND AND WALES

REGINA v CARL DELTON STANBURY

Sentencing Remarks of The Honourable Mr Justice Edis

The Central Criminal Court

24th February 2020

Carl Stanbury, you are now 36 years old. I now have to sentence you for contempt in the face of the court committed here in the Central Criminal Court on 27th January 2020 at a hearing before another judge, His Honour Judge Foster.

You have some previous convictions which do not aggravate your case, but they do mean that you have some experience of court proceedings and you know how you are expected to behave in a court. You have put this behind you and are living a good life.

You have admitted that you were present on 27th January 2020 at a sentencing hearing at this court. There was unrest and disorder in the public gallery as a result of which police officers were attempting to calm those present and clear the gallery.

You, being aware of this, climbed over the public gallery and jumped down from it into the well of the court. This, as you knew, was a place where you were not permitted to be. You then fought with police officers who were attempting to restrain you, and shouted and protested about the sentences which had been passed, in particular about the sentence which had been passed on Shane Lyons.

At the direction of the court you were served with a Notice setting out these allegations and requiring your attendance here today. You were also served with a statement from Detective Sergeant Walker giving further details of the event. Tuckers, solicitors, were instructed by you to act on your behalf further to the advice in that Notice that you should secure legal representation and that a representation order would be made under the Legal Aid scheme if you did. I have granted a representation order for solicitors and counsel, and you are represented today by Mr. Higbee to whom I am grateful. He has said everything which can be said for you.

The hearing which you disrupted was the sentencing hearing of a number of defendants who had been convicted after a murder trial. The court and public gallery was full and the atmosphere

tense. There had been trouble between defendants during the trial, and a fight broke out in the dock after sentence was passed. This led to serious disturbances in the public gallery. You were grabbed by a police officer who wanted to remove you and you resisted that, and resisted being ejected. You are not a member of a gang, but there were gang members in the gallery who were also causing trouble. You then jumped down from the gallery into the well of the court. You say you jumped because you wanted to get away, and you were in shock. When you were seized after you had jumped you resisted that as well. You agree that you did make comments about what the judge had said about Shane Lyons and this is not consistent with the suggestion that you were simply trying to get away. I do accept that there is no evidence of premeditation, but you were certainly motivated by a desire to protest and not just escape.

The public galleries here at this court are unique in that they have a separate entrance from that used by court users, witnesses and defendants who are on bail, and there is no public access to any part of the building except the public gallery. They are used to keep people on different sides of highly charged cases completely separate. In jumping down the considerable distance from the gallery into the court you were invading a space where you had no right to be, and you knew it. You did this in order to cause trouble and to make the disturbance in court even more serious than it was. Staff in the dock were injured during the fight there. You did not directly contribute to that and you could not get into the dock. That is a measure, though, of the gravity of the incident which you wanted to join.

Any use of violence in a courtroom of any kind is a serious offence of contempt in the face of the court, as well as in many cases involving a criminal offence of violence or disorder. This type of behaviour causes fear and threatens the ability of the court to do justice. Here in the Central Criminal Court the building is well-staffed and designed to cope with this kind of behaviour, but even here an episode of this kind causes serious alarm, distress and, as I have said, injury. The sheer number of people present in a sentencing hearing with a full public gallery creates the conditions for a serious incident. In other courts where the judge, staff, other litigants and public are even more vulnerable the potential for harm is very high indeed.

The court when sentencing for contempt in the face of the court, or for offences committed in the court room or building is not simply seeking to protect the dignity of the court, or even the safety of the judge although both these things are important. The physical safety of staff, witnesses, parties, press, jurors and public is the responsibility of the court which has caused all these people to be present. The court will also protect the system itself, and those who participate in it, from being forced to operate in fear, strain or under duress.

You became involved because you apparently disagreed with the sentence which had been passed on Shane Lyons, the son of your partner. You wanted to protest. Although this has been

advanced as the reason for your conduct, and as mitigation, I do not think it reduces the seriousness of what you did at all. Emotions always run high at the end of murder trials, and often in cases of other kinds too. Those who are disappointed by the outcome of a case are required to exercise self-control in court. They may exercise their rights of free speech anywhere else (at least where the case was a criminal case), but protest, in particular violent protest, in a court is simply unacceptable.

The trigger for this outburst was a lawful sentence passed on a boy who had been convicted, with others, of murder in the context of homicidal gang warfare in London. That conviction occurred some weeks before sentence and it was inevitable that there would be a life sentence with a long minimum term. Grounds of appeal against conviction had already been lodged, which is the right way to deal with a disappointing outcome in a criminal case. There was plenty of time for anyone who wanted to do so to compose themselves before the hearing. Instead, members of the rival gangs attended the hearing intent on causing trouble. You did not attend with that intention, but that is the true context in which you committed your offence.

It follows from all of this that your offence is so serious that only an immediate custodial sentence is sufficient to achieve the objectives of the court in dealing with cases of this kind, and to reflect the culpability involved and harm caused.

In assessing the length of that sentence, I have regard to the very serious incident in which you became involved and to the potential which existed for injury to be caused more widely and more seriously than it was. You accept that you caused real fear and alarm among staff and others in the court.

I also have regard to the admissions which you have made and the apology for your behaviour which you have advanced today. Your previous convictions are old and not of great significance. I accept that the apology is a real one, and I have reduced the sentence because of it.

In this case, the least sentence I can impose on you is one of 7 months' imprisonment. I have given you full credit for your admissions, and I have taken a starting point well below the maximum available.