

**WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.**

**This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.**



IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT GREAT GRIMSBY

HHJ WATSON KC 16XL0139324

CASE NO 202401759/A5

NCN: [2024] EWCA Crim 1253

Royal Courts of Justice  
Strand  
London  
WC2A 2LL

Tuesday 3 September 2024

Before:  
LORD JUSTICE MALES

MRS JUSTICE MAY

MR JUSTICE BRYAN

REX  
V  
JACK STANDLEY

Computer Aided Transcript of Epiq Europe Ltd,  
Lower Ground, 46 Chancery Lane, London WC2A 1JE  
Tel No: 020 7404 1400; Email: rcj@epiglobal.co.uk (Official Shorthand Writers to the Court)

MR C LOWE appeared on behalf of the Appellant.

J U D G M E N T

MRS JUSTICE MAY:

1. On 19 February 2024, in the Crown Court at Great Grimsby, the appellant (then aged 30) pleaded guilty to two offences of sending an electronic communication with intent to cause distress or anxiety, contrary to section 1(1)(a) of the Malicious Communications Act 1988 and one offence of harassment, putting people in fear of violence, contrary to section 4 of the Protection from Harassment Act 1997. On 22 April 2024, at the same court, he was sentenced by the Recorder of Middlesbrough to 6 months for each of the communications offences, the sentences to run concurrent with each other but consecutive to a sentence of 18 months for the section 4 harassment offence, resulting in a total sentence of 2 years. The appellant appeals that sentence with limited leave on one ground granted by the single judge. The remaining grounds are not sought to be pursued further before us.

***The facts of the offending***

2. The offence of harassment was committed against the appellant's former partner, Alicia Hasselby. The couple had a daughter together, who was 9 months old at the time of sentence. On 5 January 2024, the appellant had been released from prison having been recalled on licence. On 8 January 2024, he telephoned Ms Hasselby from an unknown number. Her mother answered the call and told the appellant to leave her daughter alone. The appellant continued to telephone Ms Hasselby repeatedly, which led her to block the number.
3. On 9 January, the appellant left a voicemail on Ms Hasselby's mobile telephone in which he said she was a "fat slag on Only Fans". He also told her that he would do all he could

to have her children removed from her care. The appellant left messages on Facebook begging Ms Hasselby to allow him to see their daughter. He suggested that she was “evil” and in a further voicemail message told her “karma” would catch up with her. He also said: “Everything I did to Tyler, you deserve 10 times over. I know where you live, I know where your mum lives, and I haven’t done anything about it.”

4. On 15 January, Ms Hasselby was at her mother’s address when she received numerous telephone calls from a private number. She was sent messages on Facebook which said that the appellant was at her home address. On 17 January, the appellant made 24 telephone calls to her and left 17 abusive voicemail messages.
5. The malicious communication offences involved the appellant’s mother, Joanne Vaughan, and his sister, Jordan Standley. On 9 January 2024, the appellant telephoned his mother, who told him that she did not want to speak to him and hung up. The appellant continued to ring her. Jordan Standley eventually answered for her mother who had become upset. The appellant threatened to go to his mother’s address, smash the door in and take his daughter. He threatened to go to Jordan Standley’s place of work and to attend Joanne Vaughan’s address and “poke her eyes out.”
6. On 17 January, the appellant telephoned his mother eight times. She answered the last call and told the appellant that she did not want to speak to him and ended the call. Shortly after, the appellant left a threatening voicemail message in which he said that if she continued to see his daughter everyone was going to see the “monster” in him and that it was “all going to blow up in her face”.

### ***Sentence***

7. The appellant had a number of relevant previous convictions: offences of destroying and damaging property in 2012 and 2022; two offences of battery in 2013; assault occasioning actual bodily harm in 2022 and engaging in controlling/coercive behaviour in an intimate and family relationship also in 2022.
  
8. There was a pre-sentence report in which the author assessed the offending as more calculated than the appellant had suggested, referring to an element of victim blaming in the appellant's account.
  
9. The prosecution suggested, when opening the sentencing hearing, that the section 4 offence fell into category B1 of the applicable Sentencing Council Guideline. In sentencing, the judge concluded as follows:

“There was a persistence about this that plainly puts it into Category B in terms of culpability, though I'm really not sure in relation to harm that it can be said that this is in Category 1. In any event, I'm looking at these cases all together and I have to take account of the fact that you've also pleaded guilty to these offences of malicious communications to your mother and sister, and I have to take into account totality.”

The judge went on to pass the sentences to which we have already referred.

### ***Ground of appeal***

10. The single ground of appeal for which leave was given concerns the categorisation and eventual sentence passed on the section 4 harassment offence. Mr Lowe has argued

today that the judge was wrong to put culpability in category B and wrong to place harm in category 1. He submits that the offence did not involve persistent activity over a prolonged period such as to place it in B culpability, as it took place on just four occasions over 10 days. The harm was not serious. Category C2 has a starting point of 12 weeks with a range of up to 36 weeks. He argues that the judge himself must have concluded that the harm fell into category 2 given what he said. A notional sentence, before reduction for plea, of 2 years on the section 4 offence was well in excess of even the B2 range let alone that for C2. We are grateful to Mr Lowe for his succinct and focused submissions on this point.

### ***Conclusion***

11. The point about categorisation of culpability was not raised specifically in the advice and grounds but is encompassed, in our view, by the mischaracterisation ground. We see some force in the point. Four occasions, albeit in themselves persistent over 10 days, does not, in our view, come within the description of “persistent conduct over a prolonged period.” As to harm, it seems to us that the judge was placing it between categories 1 and 2. Category C1 has a starting point of 36 weeks with a range of 1½ years. Category C2 has a starting point of 12 weeks with a range of up to 36 weeks. There were aggravating features to which the judge rightly referred. We think that the appropriate notional sentence for the section 4 offence, after trial, was 1 year, reduced to 9 months after discount for plea. Totality was properly reflected by making the sentences for the two malicious communications offences concurrent with each other. The sentences of 6 months reduced from 8 for those offences will remain unchanged. Our adjustment to the section 4 sentence, by reducing it to 9 months, results in a total sentence

of 15 months. To that extent, this appeal is allowed. Accordingly, the total sentence of 2 years is accordingly quashed and will be replaced with one of 15 months.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

Lower Ground, 46 Chancery Lane, London WC2A 1JE

Tel No: 020 7404 1400

Email: [rcj@epiqglobal.co.uk](mailto:rcj@epiqglobal.co.uk)