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IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT NOTTINGHAM

(MS RECORDER SASHA ACKLAND) (31CF0866425)

CASE NO 202600340/A4

NEUTRAL CITATION NO: [2026] EWCA Crim 1302

Royal Courts of Justice

Strand

London

WC2A 2LL

Tuesday 22 September 2026

Before:

THE VICE PRESIDENT OF THE COURT OF APPEAL (CRIMINAL DIVISION)

(LORD JUSTICE EDIS)

MR JUSTICE LAVENDER

MR JUSTICE LINDEN

REX

V

JEROME GIBSON

Computer Aided Transcript of Epiq Europe Ltd,

Lower Ground, 46 Chancery Lane, London WC2A 1JE

Tel No: 020 7404 1400; Email: rcj@epiqglobal.co.uk (Official Shorthand Writers to the Court)

MS L THANDI appeared on behalf of the Applicant

MR S LOWNE and MR D BARRY appeared on behalf of the Crown

J U D G M E N T

MR JUSTICE LAVENDER:

1. The Registrar has referred to the Full Court an application for leave to appeal against sentence. The unusual and, indeed, remarkable feature of this case is that the Crown relied in the sentencing hearing on a victim personal statement which had been prepared by a police officer using a form of artificial intelligence ("AI"). We need hardly say that no police officer should ever prepare a witness statement of any kind in this way and that no statement prepared in this way should ever be relied on in a criminal case. The officer concerned has been removed from frontline duties and is subject to investigation in relation to his conduct in this and other cases.
2. In those circumstances, we grant leave to appeal against the sentence imposed on the appellant on 6 January 2026, as amended under the slip rule on 27 February 2026, by Ms Recorder Ackland in the Crown Court at Nottingham for four offences to which the appellant had pleaded guilty in the same court, namely: two offences of damaging property, contrary to section 1(1) of the Criminal Damage Act 1971, committed on 8 May 2024, to which he had pleaded guilty at the plea and trial preparation hearing on 10 June 2024, having indicated an intention to plead guilty on his first appearance in the Magistrates' Court; one offence of threatening with a bladed article in a private place, contrary to section 52(1) and (6) of the Offensive Weapons Act 2019, committed on 8 May 2024, to which he had pleaded guilty on 29 August 2025 and one offence of inflicting grievous bodily harm, contrary to section 20 of the Offences Against the Person Act 1861, committed on 3 June 2025, to which he had pleaded guilty on 18 September 2025.
3. The appellant was sentenced to a total of 44 months' imprisonment, made up as follows: Twenty-nine months' imprisonment for the bladed article offence, a concurrent sentence of 3 months' imprisonment for each of the criminal damage offences and a consecutive sentence of 15 months' imprisonment for the grievous bodily harm.
4. By early May 2024 the appellant had been in a relationship for several years with a woman (whom we will call "F") and they had been living for some time in a house in Shirebrook, together with their two children and F's other child. The appellant's relationship with F ended at about the beginning of May 2024. It is appropriate to note that, in addition to the offences to which he pleaded guilty, the appellant was also charged with an offence of controlling and coercive behaviour towards F, but that, in the event, this count was left to lie on the file.
5. The facts of the offences to which the appellant pleaded guilty were as follows. On 7 May 2024 the appellant was arrested in connection with an unrelated matter. On the following day, he was returned to the house in Shirebrook, but F and the children had left. The house was empty and the door was locked. The appellant kicked it down. That was the first offence of criminal damage.
6. The appellant then went to the house in Mansfield of a friend of his (whom we will call "G"), which is where F and her children had gone. The appellant could be heard

shouting outside and attempted to kick the front door in. When that failed, he went around to the back patio and used a shovel to smash through the glass panels and enter the house. That is the second offence of criminal damage.

7. F, who was carrying her 9-month old child in her arms, and G feared what the appellant would do and they tried to barricade themselves in an upstairs bedroom. The appellant grabbed a large kitchen knife and took it upstairs. He repeatedly kicked the bedroom door until he broke through. He made jabbing motions with the knife towards F and G and made threats towards them both. G used a stick to push the appellant away and told the appellant that the police were on their way, at which point the appellant left the house, although he remained in the back garden for some time before he ran off.
8. The appellant committed the grievous bodily harm offence on 3 June 2025, when PC Joe Riley and others were on routine patrol following suspected class A drug users. They suspected the appellant, who was riding an electric bike, of having involvement in drugs. One officer drove his marked police car in front of the bike and, as a result, the appellant dismounted and ran away in the direction of PC Riley, who told him to stop more than once. The appellant responded, "What for?" and intentionally barged into PC Riley with his shoulder, causing him pain and forcing him to the ground. PC Riley said that the appellant had broken his arm, to which the appellant responded, "Fuck off". He then broke PC Riley's grip on him and ran off. PC Riley was found to have a dislocated shoulder, with a fracture of the glenoid socket of the shoulder joint. The fracture would have occurred when the arm came out of the socket, pulling a piece of bone with it. He underwent arthroscopic surgery to stabilise his right shoulder.
9. The appellant, who was born in January 2003, was twice cautioned for common assault in 2013. He had previous convictions for three violent offences committed on 6 January 2021 against F, namely one offence of assault occasioning actual bodily harm and two offences of battery, and a more recent offence of possession of cannabis. The documents before the Recorder included a pre-sentence report, a liaison and diversion report, four victim personal statements, a prosecution sentencing note, two character references and a letter from the appellant. PC Riley's victim personal statement, which was dated 27 June 2025, said that he was in pain, he had been unable to use his right hand since the incident, he was unable to drive or to engage in activities with his young children and he had been advised that he would develop serious arthritis. We will say more later about F's three victim personal statements.
10. As we have mentioned, there was a hearing under the slip rule on 27 February 2026, but the amendments made on that occasion are immaterial for present purposes.
11. In her sentencing remarks, the Recorder said that in relation to the bladed article offence, she had had regard to the sentencing guideline for threatening with a bladed article in a public place. She placed the offence in category 1A in that guideline, with a starting point of 2 years' imprisonment. The appellant's culpability was high because he used a knife and the harm caused was high both because he caused serious alarm and distress to F and G and because it was a prolonged incident. The Recorder identified as aggravating factors the appellant's previous convictions, the domestic context and the

presence of a child.

12. The Recorder took account of the mitigating factors identified by the appellant's counsel. In particular, the appellant had had a troubled childhood, being diagnosed with ADHD when he was young and being excluded from mainstream schooling.
13. The Recorder said that the sentence which she would have imposed, but for the appellant's guilty plea, would have been 30 months' imprisonment. The Recorder then turned to the criminal damage offences, which she said that she regarded as aggravating factors and by reason of which she increased the notional sentence to 3 years' imprisonment. She reduced that by about 20 per cent to 29 months by reason of the appellant's guilty plea. No issue was taken with the amount of that reduction.
14. The Recorder then placed the grievous bodily harm in category 3B in the relevant sentencing guideline, with a starting point of 1 year's imprisonment. She identified as aggravating factors the appellant's previous convictions, the fact that this was an assault on an emergency worker in the course of his duties and the fact that the appellant was then on bail. On the basis that these outweighed the mitigating factors, she increased the notional sentence from 1 year to 20 months, which she then reduced by 25 per cent to 15 months by reason of the appellant's guilty plea. Again, no issue is taken with the amount of this reduction.
15. In relation to totality, the Recorder said as follows, having stated that the total sentence was 44 months' imprisonment:

"I have considered whether I should make any further adjustment to that, downwards in particular to take into account totality. I do not consider that any further adjustment is required, given that I have already kept the custodial periods as short as I can. Standing back and looking at the offending, that seems to me an appropriate period and is, in my judgment, the lowest sentence which is commensurate with the offending."
16. There are three grounds of appeal, namely that the Recorder took insufficient account of the mitigating factors, the Recorder must have been influenced by the third victim personal statement and the Recorder did not adequately reflect the principle of totality. We do not consider that there is any merit in the first ground of appeal. Indeed, Ms Thandi candidly acknowledged in her advice on appeal that there was not substantial personal mitigation in this case. We agree with the Recorder that such mitigating factors as there were were significantly outweighed by the aggravating factors. Indeed, we consider that the Recorder could have increased each sentence by more than she did in order to reflect the aggravating factors.
17. As we have said, there were three victim personal statements from F before the Recorder. Two, dated 10 June and 30 July 2024, were prepared in the conventional manner. The third, which was undated and unsigned, was prepared in September 2025 by the officer in the case using AI.

18. It was a feature of all three statements that they dealt with much more than the events of 8 May 2024. They addressed the whole of the relationship between the appellant and F. Indeed, the statement dated 10 June 2024 did not specifically mention the events of 8 May 2024 at all and the statement dated 30 July 2024 contained F's comments on a number of photographs relating to several other incidents dating back to 2021. It was clearly incumbent on the Recorder to bear in mind, as we have no reason to doubt that she did, that she was only sentencing the appellant for the offences to which he had pleaded guilty and that she was not sentencing the appellant for controlling or coercive behaviour towards F, let alone for any specific charges of violent offences committed on other occasions.

19. In preparing the third statement, the officer uploaded a transcript of F's interviews to Copilot and gave it the following instruction:

"From this victim interview I want you to create the most impactful victim personal statement possible, with a focus on the knife offence but featuring the abuse as a whole also. I want you to create it so that it meets the higher harm category for sentencing."

20. The officer then quoted from the sentencing guideline, interposing the following instruction in relation to the higher culpability factors:

21. "Impress upon these if possible. Your goal is to achieve the highest sentence and the most tear-jerking VPS to make a judge or reader weep when reading."

22. Although it drew on what F had said in interview, the third statement read very much as an exercise in rhetoric or advocacy. The Recorder no doubt recognised it as such.

23. The only reference to the statement by the Recorder in her sentencing remarks was in the following terms:

"I have read the victim personal statement from your ex-partner. She says that you were wearing a balaclava during this incident. She says that you were in such a rage that she believed that you had a serious intent to end her life."

24. We note that the Recorder confined herself to that part of the statement which concerned the facts of this offence. Moreover, those facts were not, as is sometimes seen, AI-generated hallucinations, but things which F had stated in her interview, ie that the appellant was wearing a balaclava and that she thought that he was going to kill her. Accordingly, it does not appear that the use of AI to generate the third statement, deplorable though it was, caused the appellant's sentence to be any longer than it would otherwise have been. We dismiss the second ground of appeal.

25. In relation to totality, there is no objection to the Recorder's decision to impose

concurrent sentences for the offences committed on 8 May 2024, but a consecutive sentence for the grievous bodily harm. That much is entirely consistent with the relevant parts of the sentencing guideline on totality.

26. The focus of Ms Thandi's advice on appeal and on her submissions today was on the Recorder's decision, having identified the appropriate sentence for the bladed article offence and for the grievous bodily harm, not to reduce either sentence. Another issue however, about the way in which the Recorder structured the sentences, was the way in which she dealt with the two offences of criminal damage. Having identified a sentence, before the reduction for the appellant's guilty plea, of 30 months' imprisonment as appropriate for the bladed article offence, the Recorder increased that by a further 6 months to take account of the two offences of criminal damage. However, the longest sentence which she could have imposed for each of those two offences was 30 months' imprisonment, so the effect of this increase was equivalent to imposing three consecutive sentences for those three offences, with the sentence for each of the criminal damage offences being the maximum which the court was able to impose. In itself, that is not easy to reconcile with the totality principle.
27. However, we remind ourselves that different judges may approach their task in different ways, while arriving at the same result, and that the issue in an appeal on totality grounds is not whether there are flaws in the process used by the sentencing judge to arrive at the sentence imposed, but whether the total sentence imposed is manifestly excessive because it does not accord with the totality principle. That principle requires that the total sentence should reflect all of the offending behaviour, with reference to overall harm and culpability together with the aggravating and mitigating factors relating to offences and those personal to the offender and should be just and proportionate.
28. The sentencing guideline also states that, if consecutive sentences are imposed, it is usually impossible to arrive at a just and proportionate sentence simply by adding together notional single sentences. Ordinarily, some downward adjustment is required. Obviously, whether to make a downward adjustment and, if so, the extent of any downward adjustment will depend on the facts of the individual case. The guideline also requires the sentencing judge to test the overall sentence against the requirement that the total sentence is just and proportionate to the offending as a whole. That is what the Recorder said that she did in the passage from her sentencing remarks which we have quoted.
29. The total sentence in this case was 44 months' imprisonment, after the reductions for the appellant's guilty pleas, equivalent to 56 months' (or 4 years and 8 months') imprisonment before those reductions. Ultimately, the question for us is whether we consider that this total sentence was manifestly excessive, having regard to the requirement in the guideline that the total sentence should be just and proportionate. We do not consider that the total sentence was manifestly excessive. Different judges might have approached the sentencing task in different ways but still have arrived at the same result, which we consider to be in the range of sentences available to a sentencing judge in this case, having regard, in particular, to the very considerable aggravating factors in relation to both the bladed article offence and the grievous bodily harm.

30. On 8 May 2024 the appellant, having just been released from custody and wearing a balaclava, broke into a house occupied by the mother of young children and, brandishing a knife, made strenuous efforts to break into the room in which she was holding her 9-month baby, leading her to fear for her life. This offence was not only committed in a domestic context, it was committed against the very woman whom he had assaulted and harmed in the past.
31. On 3 June 2025 the appellant was on bail when he attempted to run away from the police. In so doing, he assaulted one of the police officers who were seeking to arrest him and thereby broke the officer's shoulder, creating not only immediate pain and disability, but also a significant risk of considerable future physical deterioration.
32. Accordingly, we dismiss this appeal.

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

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