

IN THE COUNTY COURT
SITTING AT STOCKPORT

Claim No. B00SK228

The Courthouse
Edward Street
Stockport
SK1 3NF

Monday, 20th April 2015

Before:

DISTRICT JUDGE LETTALL

Between:

EQUITY HOUSING GROUP

Claimant

-v-

KEITH WADE

Defendant

Counsel for the Claimant:

MR BRADBURY

The Defendant appeared In Person

JUDGMENT APPROVED BY THE COURT

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JUDGMENT

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DISTRICT JUDGE LETTALL:

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1. The claimant in this case is Equity Housing and the defendant is Keith Wade. The court made an antisocial behaviour injunction order on 30th March 2015. That was made into a final order on 10th April 2015. I am satisfied that that final order has been served. Mr Wade was first in breach of the order, on his own admission, of the order of 30th March when the matter was brought before me following his arrest on 2nd April. On that occasion I deferred sentence and that was then dealt with by Judge Dignan after Mr Wade had been brought before Judge Dignan on 10th April and on that occasion following a further breach Mr Wade was sentenced to 28 days.

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2. He is now brought before me today, 20th April, following a further breach. It would appear that he was released from prison this morning; that he immediately went back to the property where he is prevented from attending and caused some distress, one would assume to the occupants of the accommodation because he was banging on the door there on his own admission and he was found to be in the property.

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3. The court on the first occasion when Mr Wade was brought before the court had some concerns for Mr Wade and was concerned for his own well-being but the reality of the situation is this. In terms of the severity of the breach, whilst the court does take into account that there may not have been a deliberate intent on the part of Mr Wade to cause alarm and distress to others and that would, therefore, mean a starting point of a community sentence in a case of this nature, the reality is that there are several aggravating features here which the court cannot disregard.

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4. The purpose of the order is to keep Mr Wade away from these premises. He is deliberately committing the breach by not keeping away from these premises. He is fully aware of the consequences of his breach. He has only recently been released from prison following a previous breach and his suggestion today that he did not know he was committing any sort of criminal offence carries no weight whatsoever. The injunction was imposed initially to provide security and peaceful occupation of these premises for those who occupy the premises and those people will be elderly people and that is being deliberately disrupted by Mr Wade and again the court cannot disregard that.

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5. There is a history of disobedience now by Mr Wade. He has breached the order immediately after it was made on 10th April and he has breached it as soon as he was having the opportunity to do so following his release from prison. In all those circumstances it would simply not be appropriate for the court to impose any other penalty than a custodial sentence. In respect of each of the breaches, I therefore impose a sentence by way of a custodial sentence of twelve weeks to run concurrently. So that is twelve weeks in respect of the first breach and twelve weeks in respect of the second breach but to run concurrently.

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6. I further order that a transcript of this judgment be obtained at the public expense and I order that a copy of it be sent to both the parties and to be publicised in the usual way and as I am now required to do for the purpose of the judgment, I reiterate the fact that in terms of the judgment the name of the defendant in this case is Keith Wade. In general terms the nature of the contempt for which committal is being imposed is that

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in breach of the order dated 10th April he has attended at premises from which he is excluded and whilst there has been banging on the door and causing a nuisance to those that reside there. The punishment being imposed is a sentence of twelve weeks imprisonment in respect of each of the two breaches to run concurrently. The order is made in those terms.

[Judgment ends]

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