

Case No: C 00 BR 715

IN THE COUNTY COURT
SITTING AT BROMLEY

Bromley County Court
College Road
Bromley
Kent
BR1 3PX

Date: 12/10/2016

Before:

DISTRICT JUDGE BROOKS

Between:

AMICUS HORIZON
- and -
HEADLEY

Claimant

Defendant

MS. SALMON appeared for the **Claimant**.
MS. ADEDEJI appeared for the **Defendant**.

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JUDGMENT ON BREACH OF INJUNCTION
DISTRICT JUDGE BROOKS

DISTRICT JUDGE BROOKS:

1. Today the matter has been listed before me to deal with two distinct matters.
2. Firstly, sentencing in relation to alleged admitted breaches of an injunction granted on an ex parte basis on the 22nd April 2016 which was made final on the 7th September 2016. That injunction dealt with a number of matters; but, for today's purposes what I have just dealt with is the allegation that she was not to go into a controlled area. That is the premises at Milliners Court, Nursery Close, Brockley, London, SE4 1DX, thereafter referred to as "the scheme" in the previous order.
3. The matter comes about as a result of the defendant being arrested and brought before the court. The defendant was brought before my colleague whilst I was on annual leave on the 30th September and that is how it came before me today. The date of this hearing was given to the parties in court. The defendant was here and she was represented by counsel.
4. Regrettably the defendant has not turned up today. I do not know why. Her counsel is here. Her Social Worker, helpfully, was also here and attempts were made to contact her to find out where she was and to see whether she was going to attend. No progress could be made on that and I was told that it is likely the defendant has changed her mobile number, as she does so frequently every couple of weeks. Indeed, that is something which I am aware of; but, even if that is the case, the obligation and duty is upon her to ensure that she makes sure that she attends. I understand that she suffers from short-term memory loss but that date was given to her and reminders would

have been sent and it would have been written down for her by her Social Worker to attend today and she has not.

5. Matters were delayed because the claimant's witness, Ms. Clarke, was not here, so arrangements were made for her to attend and she has attended and given her evidence.
6. I should say a little about counsel who is instructed for the defendant, Ms. Adedeji. She has been placed in tremendous difficulties because her client was supposed to be here today but she is not and so she is left without instructions. She has done her utmost to make sure that this hearing is as fair to her client as possible and indeed has pointed out something in the evidence which was not in the written evidence, which only came out as a result of the oral evidence, and she is entirely right to do so.
7. Coming back to the breach, it is alleged that on the 29th September 2016 at 4.10pm – and I gave permission to amend the schedule of allegations or allegation which was served on the defendant – that the defendant entered Milliners Court, Nursery Close, Brockley.
8. Now, as will be obvious from the order which I read out previously, she was restricted from entering that area. She was made aware of that allegation when she attended on the 30th September and I have seen a letter from those who were instructed by the claimant sending the allegation on the 5th October to her and informing the court that the defendant was served by first class post. Indeed, as she had counsel here with her, it would have been clear to her what it is said she was in breach of because she had in fact been arrested and I have seen the statements from the police officers because they arrested her on the

30th and brought her before the court. So it would have been obvious to her what she had been arrested for.

9. So I have given permission to amend just in relation to the date and in relation to the timing of the offence.
10. In order to assist me I have been provided with the police file or documents from the police file which primarily consist of some court orders; some of the computer documents generated by the police force; three statements, two statements from the police officers which are not really relevant here to her arrest and a statement from a Ms. Sonia Clarke, who is a retirement scheme manager for the claimant.
11. The statement was taken from Ms. Clarke on the date of the breach and she says that on Thursday, 29th September, at 16.10 she was at her place of work and saw the defendant approach Milliners Court. What she says is this, in terms:

“I was sat in my office which is located at a front window in the front of the building with a window that faces the main walkway into the building when I spotted a female I believe to be Theresa Headley. I immediately jumped up and made my way out of the office to the intercom-controlled door, where I had a clear unobstructed view of Theresa Headley” – the second word is not clear – “I shouted through the front door, ‘You are not allowed here. You need to go. I am calling the police’. I waved her away with my hand. With that she walked away and after that I then contacted the police”.

12. Ms. Clarke has confirmed that evidence on oath today and because of a confusion in the statements which I have seen from the police and from her, I sought some clarification as to exactly what Miss Headley may or may not have done on that day, the confusion here being whether or not Miss Headley

had pressed any of the intercom buttons with a view to seeking access to the building. What Ms. Clarke told me is that she recalled her pressing a buzzer for Flat 15. I asked her how she knew that and she told me that the system they have in place announces out loud which flat has been called or, as she put it, the buzzer said, "Calling Flat 15" and she was very clear about that.

13. Ms. Clarke told me who occupies Flat 15 and I was then concerned to ascertain whether this had been one of the previous complainants in the injunction proceedings, specifically one of the witnesses who the defendant had entered into a sexual relationship with, with a view to, in my view, extort money from him. Ms. Clarke said, "No. That is the gentleman who occupies Flat 17". I asked her whether or not the gentleman who occupies Flat 15 was concerned about Miss Headley effectively coming round and making threats with a view to extort money from him or steal from his premises, which is what has been alleged in previous proceedings, and she said, "No. All she used to do was to come around for a chat" and no threats had been made. Maybe she was using her previous techniques and had not, as yet, struck; but, as far as he was concerned, she was just coming around for a chat.

14. I have to be satisfied on the criminal standard that it is beyond reasonable doubt that the allegation has been proved. I have listened very carefully to what Ms. Clarke has told me and I have read her statement. I have no reason whatsoever to doubt what she has told me. It has been pointed out that although her statement was taken on the day within a short period after the offence being committed, there was no reference whatsoever to a buzzer being pressed or which buzzer was pressed. That is clear from reading the

statement; but, again, it depends because it is quite clear from the statement which Ms. Clarke gave – and I am not criticising the police – that there is a reference to buzzers being pressed but being pressed previously. Maybe they misunderstood but that is another matter. I am satisfied on what Ms. Clarke tells me today that her recollection is quite clear and correct and I am sure that the allegation is proved.

15. Therefore there has been a breach of the injunction, in that the defendant Miss Headley has gone to Milliners Court and pressed the buzzer to Flat 15 - although that part is not part of the allegation – with a view to gaining entry.
