

Case No: C00MB780

In the COUNTY COURT at MIDDLESBROUGH

**Russell Street
Middlesbrough
TS1 2AE**

12th June 2017

B E F O R E:

HIS HONOUR JUDGE MARK GARGAN

Tristar Homes

Claimant

v

Scott Ferguson

Defendant

Judgment

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No. of folios in transcript: 8
No. of words in transcript: 544

1. **His Honour Judge Gargan** : Stand up, Scott Ferguson. You have a sorry history in relation to this action. I am satisfied that the background to it is drug addiction, but nevertheless in December last year you were made the subject of an order because you had assaulted your mother and caused a significant nuisance to the tenants in her local area. As a result of that, one of the provisions was that you should not return to 8 Wren Street.
2. You breached that condition twice within the first three weeks of the order and I sentenced you to six weeks' imprisonment suspended. You breached that condition again and I had no alternative but to lock you up for 14 weeks in total, although you will have served seven.
3. One way and another, it is apparent that you look a great deal healthier than you did before and I take that as evidence in support of the mitigation advanced by Mr Dedman that you have conquered your drug addiction. The incident in this case is such that nobody is saying that you caused harassment, alarm or distress on this occasion.
4. In those circumstances, you would ordinarily fall into the lowest bracket in the sentencing guidelines. But the fact that it is your fourth breach inside just on six months, it seems to me, takes you up a level, and I should regard the starting point as about six weeks' custody. But you have pleaded guilty, you have admitted the breach, that is to your credit and I give you a third reduction for that, so it brings it down to four weeks' custody.
5. Because of the mitigating features which have been advanced, I take the view that I can properly suspend the sentence and give you another chance. That period of suspension should, in my judgment, be six months. It seems to me it would be wrong for it to hang over you for the full period of 18 months, given the nature of the breach with which I am dealing and it will be sufficient if it hangs over you for six months from today.
6. So, in those circumstances, the sentence will be four weeks' imprisonment, suspended for a period of six months, that is until 4pm on 12th December this year. That will be my sentence in this case. You will be familiar with the procedure, whereby you are released downstairs. So please go with the officer.
7. I direct that a transcript be made of my sentencing remarks at public expense, because that is something I am enjoined to do, so that they are available, in any case where a suspended sentence or an immediate sentence of imprisonment is imposed.

End of Judgment

We hereby certify that this judgment has been approved by His Honour Judge Mark Gargan.

Compril Limited