

Case No: D00MB364

In the COUNTY COURT at MIDDLESBROUGH

**Russell Street
Middlesbrough
TS1 2AE**

8th June 2017

B E F O R E:

HIS HONOUR JUDGE MARK GARGAN

Housing Hartlepool

Claimant

v

Cameron Hattan

Defendant

Judgment

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No. of words in transcript: 1084

1. **His Honour Judge Gargan** : Cameron Hattan, you have come before me today and admitted two breaches of an injunction order. The injunction order was made on 20th April this year, because you were constantly being abusive and insulting towards your landlord's agents. That behaviour is quite intolerable; people should not have to put up with it and they do not have to put up with it. You were made the subject of this order to stop just that type of insulting behaviour.
2. Before even what is known to us lawyers as the return date, but what should have been known to you as the date you were next due in court, you breached it by being abusive and insulting on the telephone to Steven Burns. The gist of how you were speaking to him was you were being demanding, you were being aggressive, and shouting. Then you swore at him and that was what happened.
3. It seems steps were going to be taken to resolve your tenancy and remove your connection to, or risk of coming into contact with, the defendants. But when they tried to meet you to negotiate that – you obviously had the right to decline politely – you were abusive, you were insulting, you told the gentleman, Mr Gillott, to fuck off; you called him a “baldy cunt”. You then tried, in colloquial terms, to “guilt trip” him by saying you would have to kill yourself and that your death would be on his conscience and then sent a text message to him saying he had caused a young man's death. That was obviously likely to cause upset and distress and that was not done in the heat of the moment; that was a calculated, deliberate attempt to upset this man, who was only trying to do his job and help you.
4. I have to look at where that features on the sentencing guidelines. It seems to me that this is a case where, plainly, no serious harm was caused and no serious harm was intended. But it does not fall into the lowest category, because plainly harm was caused. These individuals were distressed and it seems to me that harm must have been intended, particularly in the second one, from the calculated way in which you acted. So, you fall into the middle category of a “lesser degree of harm intended, or likely”.
5. The starting point, if you were before the Criminal Court, would be a sentence of six weeks in prison, but that is just the starting point. I look then at the aggravating and mitigating factors. The aggravating factors are that this is done twice; that it was so close to the court hearings; also it was not in the heat of the moment. But there is an argument that really the effect of the injunction had not quite sunk in yet. Well it had better sink in now.
6. There is personal mitigation here in that you are young. You are still only 19. You plainly have some mental health difficulties and you are receiving treatment from your general practitioner in relation to those and I must give you credit for that and I do. I also must give you credit for your guilty plea and I consider that guilty pleas in contempt cases are of particular importance, because they show your respect to the court and your respect for the court order to which you are subject. Then I look at your conduct taken as a whole.
7. It seems to me that the right sentence here is to impose 20 days imprisonment and suspend it. Often in these cases the period of the suspension will be for the full duration of the injunction order. I do not think that is appropriate here, given the immediacy of the breach after the imposition of the injunction and the nature of the breach. It seems

to me that it would be adequate protection here for me to make the order, and the prison sentence be suspended for three months.

8. The reason for that is this. If you breach the order again within three months you will be going to prison for 20 days, plus whatever the judge – and it may well be me – gives you the next time, on top. If you get through the three months, then it seems to me that you have shown that you understand the order and you are capable of abiding by it and, in those circumstances, the immediate threat of a suspended sentence should not be hanging over you. Though, of course, if you do breach it again after that, you will come back before the court, before a judge who knows that last time you breached it twice and you got locked up briefly on arrest and then got released on a suspended sentence. That still did not stop you in the end, so you would still be very much at risk.
9. I also ought to tell you that if you do get locked up for 20 days, you would be entitled to be released after half of your sentence, so you would have to serve ten days.
10. Now, in those circumstances, the sentence I pass on you is the sentence of 20 days' imprisonment on each of the breaches, concurrently, and in each case that sentence will be suspended for a period of three months from today. The period of suspension will therefore expire at 4pm on 8th September 2017. Do you understand? Do not come back here again.
11. Thank you very much, you will be released in the ordinary way, which means the Dock Officers will have to take you downstairs and arrange your release in that way. So if you go with them.
12. I direct that a transcript be taken of my sentencing remarks, because I have to, at public expense. My understanding is that it has to be published on BAILII.

End of Judgment

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

Compril Limited