

IN THE LUTON COUNTY COURT

CASE NO F01LU636

BEFORE HHJ Bloom

Settle Group v Bonner

Mr Strelitz Counsel attending for the Claimant and Mr Lawlore Counsel for the Defendant

After hearing two witnesses for the Claimant and the Defendant give evidence

1. On the 30<sup>th</sup> April 2020 the court committed Daniel Bonner to prison in relation to an order dated 30<sup>th</sup> December 2019 which included a paragraph that the defendant should not enter Whinbush Road, Hitchin, Herts.
2. Nathan Briggs admitted two breaches of the order on 30<sup>th</sup> January 2020 and 17<sup>th</sup> February 2020 and the court found that he had breached the order on 13<sup>th</sup> April 2020
3. The admitted breaches and breaches found by the court were that Daniel Bonner breached the order by
  - (i) Being in 52 Kennedy Court, Whinbush Road Hitchin Herts on 30<sup>th</sup> January 2020 at about 18.45
  - (ii) Being in 52 Kennedy Court, Whinbush Road Hitchin Herts on 17<sup>th</sup> February 2020 at about 19.57
  - (iii) Being in 52 Kennedy Court, Whinbush Road Hitchin Herts on 13<sup>th</sup> April 2020 at about 18.07 .
4. The court imposed the following sentences for those breaches
  - (i) In respect of each of the first two breaches : 14 days imprisonment suspended for 18 months until midnight on 29<sup>th</sup> October 2021 on terms that the defendant complies with the injunction order made on 30<sup>th</sup> December 2019 and varied on 29<sup>th</sup> April 2020; the two sentences to run concurrently with each other
  - (ii) In respect of the breach on 13<sup>th</sup> April 2020 the court imposed a sentence of 28 days imprisonment suspended for 18 months until midnight on 29<sup>th</sup> October 2021 on terms that the defendant complies with the injunction order made on 30<sup>th</sup> December 2021 and varied on 29<sup>th</sup> April 2020  
This sentence to run consecutively to the 14 day suspended sentences above
5. The court considered the custody threshold was met as the defendant was plainly culpable; he had admitted he was present at the property and in breach of the order on the first two occasions but asserted that service was not good. He only accepted that service was good at the hearing of the committal. Further he denied that he was in breach in respect of the 17<sup>th</sup> April 2020 allegation as he said he had a reasonable excuse. The court found he had breached the order on this last occasion and sentenced for that as well as the two earlier admitted breaches. There was a little credit for accepting guilt on the day of the hearing. Counsel for the defendant accepted that the custody threshold was met and sought a suspended sentence. This was a case where the Defendant was served with the order on 29<sup>th</sup> January 2020 and breached the order the next day. He was plainly aware that he was in breach and he was found hiding in the premises on each occasion. The breaches were more than minor breaches as they were consistent and deliberate. The order was taken out to protect his partner who , whilst acquiescent, is considered to be a victim of alleged domestic violence and whose tenancy is at risk due to her relationship with the defendant. He has

deliberately flouted the order. He did so within a short time of being served and further breached it after attending at court and knowing a committal hearing was listed. It was an aggravating factor that this has occurred during Covid 19 as he is plainly flouting the guidance to stay in his own accommodation and his actions have necessitated police involvement during the emergency.

6. The order to commit was suspended for a period 18 months until 29<sup>th</sup> October 2020 and will not be put into force if during that time Daniel Bonner complies with the Injunction order made on 30.12.19 which was varied at court on 29<sup>th</sup> April 2020.