

IN THE COUNTY COURT AT HASTINGS

Case No: E00HS208

Courtroom No. 1

Court Hearing Centre
The Law Courts
Bohemia Road
Hastings
TN34 1QX

Tuesday, 2nd July 2019

Before:
DISTRICT JUDGE HARPER

B E T W E E N:

SUSSEX POLICE

and

MICHAEL JONES

THE CLAIMANT appeared IN PERSON
UNKNOWN SOLICITOR appeared on behalf of the Defendant

JUDGMENT
(Approved)

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DJ HARPER:

1. We are here today with an application made by the Chief Constable of Sussex against Michael Jones. There is in place an order, being an anti-social behaviour injunction, made on 10 July 2018 and firstly served on him on 27 July 2018, prohibiting him from:
 - 1) Causing harassment, alarm or distress to any person not in the same household as yourself;
 - 2) Being possession of an open can or container of alcohol in a public place;
 - 3) associating in a public place with [Peter Naylor, Lyndon Roberts, Jody King, Leslie Jones, John Stone, Samantha Bradley, Donna Hern, Geoffrey McCarthy and Martin Spinks];
 - 4) Congregating in a public place with two or more people;
 - 5) Swearing or using abusive words towards any police officer, PSCO, any member of security staff or staff from Lift[?] House.
2. Mr Jones has been made aware of the allegations that are being pursued today. The oldest of these date from 8 June 2019. They are supported by statements from [PC Upton, PC Cooper and PC Blip].
3. The allegations are that on 8 June, he had a can of alcohol in his hand in a public place, namely Kings Road, St Leonard on Sea. He denies this. That on 8 June he swore or used abusive language towards the police officer, namely the three police officers aforementioned.
4. I viewed today body camera footage in relation to that incident and indeed, Mr Jones has accepted that he used abusive language on those occasions. That is proved. The words included swearing at the police officers saying 'Fucking cunt' or 'You cunts, you're going to pay for this'.
5. In relation to the can of alcohol, I have the witness statements of the three officers who are not here to be cross-examined. Whilst at the civil standard I would accept that evidence, bearing in mind today it has to be proved to the criminal level, that is, beyond reasonable doubt, and given that the video footage does not show the can, I am not able to find that allegation proven.
6. Turning to the allegations in relation to 28 June, these are supported by the statement of PC Jack Balcombe[?] and of [Stacey Lavidge?]. The allegations are on 28 June, that harassment, alarm and distress to Stacey Lavidge by shouting abusive language to her. This is denied. Ms Lavidge is not here today to be cross-examined. In those circumstances, I am allowing the police to come back at a later date with Ms Lavidge present, for her to be cross-examined, so that I can satisfy myself, or another judge can be satisfied, as to her evidence, and hear what Mr Jones says in response.
7. The second allegation 28 June, the use of abusive language towards PC Balcombe, he denied this, although he said maybe he did swear. I have now seen the video in relation to this, and he has used abusive language. That is shown beyond reasonable doubt, and is proved.
8. The last set of allegations relate to 1 July, when it is said that he caused harassment, alarm and distress to members of the public in Eastbourne town centre, with a possession of an open can of alcohol. This is denied and both of these allegations will be dealt with at a later date.
9. On 2 July, that he swore and used abusive words to PC Cook and PC Upton, that is admitted, so that breach is proved.

End of Judgment

Transcript from a recording by Ubiquis
291-299 Borough High Street, London SE1 1JG
Tel: 020 7269 0370
legal@ubiquis.com

This transcript has been approved by the judge.