

Pursuant to paragraph 13 of Practice Direction: Committal for Contempt of Court – Open Court

In the county court hearing centre in Truro

Case number G00TR392

In relation to the above numbered case on 8th June 2021, District Judge Middleton sitting in the County Court at Truro sentenced the Defendant in that case, to a custodial sentence of 24 weeks for contempt of Court on breach of an injunction order dated 1st October 2020 suspended until 1st October 2021.

The basis of the sentence imposed is that The Defendant was in breach of the Injunction, by

1. On the 21st April 2021, the Defendant allowed access to the property to a number of visitors.
2. On the 21st April 2021, the Defendant, or the Defendant's visitors, were playing loud music in the early hours.
3. On the 21st April 2021, the Defendant, or the Defendant's visitors were creating excessive noise by shouting, singing and arguing in the early hours of the morning.

These breaches were contrary to the terms of the Injunction order dated 1st October 2020 to which the Defendant was subject.

The reasons for this sentence are as follows:

1. The defendant is a resident of accommodation provided to her by the claimant.
2. On 1 October 2020 an interim injunction was granted by me restraining her from specified acts of anti-social behaviour. This order was made final on 6 January 2021.
3. An application to commit was made based on 3 alleged breaches of the order said to have been committed on 1 April 2021.
4. At the hearing of the claimant's application to commit for contempt listed on 15 May 2021, the Defendant failed to attend. I adjourned the matter until today. Again, the defendant failed to attend. Satisfied as to service and having given the defendant a second opportunity to attend and added a specific warning to the hearing notice about proceeding in her absence if she failed to attend, I proceeded in her absence.
5. On the basis of clear video evidence and witness evidence, I was satisfied so that I was sure that she was guilty of these 3 breaches.
6. Having taken into account the relevant sentencing guidelines and all the circumstances of the case, I sentenced the defendant to 56 days imprisonment on each breach, making 24 weeks in total. However, I then suspended the sentences until the expiry of the injunction (4pm 1 October 2021)

District Judge Simon Middleton

8 June 2021

