

IN THE COVENTRY COUNTY COURT

Case No: F00CV515

Coventry Magistrates' Court
140 Much Park Street
Coventry
CV1 2SN

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Before:

DISTRICT JUDGE MURCH

Between:

WARWICKSHIRE COUNTY COUNCIL
- and -
MR. RYAN STABLES

Claimant

Defendant

Mr. Lawal for the Claimant
Mr. Ricketts for the Defendant

JUDGMENT

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DISTRICT JUDGE MURCH :

1. This is an application brought by Warwickshire County Council for the committal of the Defendant, Mr. Ryan Stables, in respect of an injunction which was made by the Coventry Youth Court in 2019 and which has been extended until September of this year. For context, I read out the terms of the injunction at the outset:

“It is ordered that Ryan Stables be forbidden from, whether by himself or by instructing or encouraging any other person,

(1) Contacting or approaching the following individuals:

a) Miss Y;

b) Miss X.

(2) Entering Miss Y’s or Miss X’s residential address for the time being or any part of the building or grounds where they reside.

(3) Interfering with or controlling Miss Y’s finances including interfering, accessing or attempting to access or control her personal bank account.

(4) Interfering with or preventing attendance at Miss Y’s or Miss X’s appointments with Health Services, Social Services or any like agency.

(5) Having in his possession Miss Y’s identity documents.

(6) Publishing, disclosing or sharing with a third person private sexual materials of any person.

(7) Acting in such a manner as to cause or likely to cause harassment, alarm or distress to any person, and there be a power of arrest in accordance with section 4 of the Anti-social Behaviour and Crime and Policing Act 2014 attached at paragraphs 1 and 2 of the order”.

That order originally remained in force until 15th May 2020 but it is common ground that it is now extended until September of this year.

2. It is a comprehensive injunction. It makes clear a number of specific things that Mr. Stables is not to do ending with a quite general bar on causing harassment, alarm or distress to any person. The Claimant brings its application under the more specific restrictions particularly as they relate to Miss X to whom I shall refer in the course of this Judgment.
3. I think it is necessary to set out the procedural background whereby the proceedings unfolded before me over the last four days of this case. The matter was listed for a three day hearing. We are presently still operating under the Covid-19 restrictions and they have some relevance to the way matters unfolded.
4. On Tuesday the matter was due to start. There was some confusion as to whether Mr. Stables’ non-attendance at court was due to the security team not bringing him or whether he declined to get in the security vehicle. I heard no direct evidence on the point and, therefore, I have to assume in Mr. Stables’ favour that there was difficulty with transport in getting him here on the Tuesday morning. I make that clear at the outset.

5. There was then an unfortunate incident on Wednesday lunchtime in the cells over the luncheon adjournment. I heard evidence from Deputy Court Custody Manager Patrice of an allegation of assault by Mr. Stables on a member of the custody staff. That allegation is now the subject of a police investigation. I make no further comment upon it. The Claimant quite correctly was at pains to point out that it had no relevance upon matters I have to determine. I was told about it only because it was the explanation for why Mr. Stables had not been brought back to court on Wednesday afternoon. The constitution of the security team which is said to have witnessed the assault would have been the only people able to bring Mr. Stables back up to court and, therefore, for those reasons he could not be brought into court on Wednesday afternoon. I therefore had to adjourn the matter until the following morning.
6. There was a similar difficulty on the Thursday morning where there was concern that the same constitution of security officers would be on site in this building and, therefore, not able to bring Mr. Stables into court. That was not made known to me until a different constitution came up and they were able to sit with Mr. Stables throughout yesterday and a different constitution is here today by the looks of it with him today. The limited number of staff on site however at the moment, led to delays while the situation was sorted out.
7. I accepted an application on behalf of the security staff for Mr. Stables to be brought in wearing handcuffs and to sit in the dock throughout his giving evidence. That was not strenuously opposed on his behalf. I explained to Mr. Stables in the eyes of this court that he stands innocent of the allegation of assault on an officer. That is a matter for another court to determine, not a

matter for me to consider; but given the disturbance which I could hear, it is fair to say, in this room and the concerns of the security staff, I took the perhaps unusual step of having Mr. Stables in the dock in handcuffs throughout. It has to be said that he was well-behaved throughout most of the hearing yesterday. He was argumentative during the course of cross-examination but perhaps not unduly so given some of the points that were being put to him which I shall explain in greater detail.

8. Had there been a jury trial of these proceedings the matter might have been rather different because there would have been concern at the Defendant appearing in the dock in particular in handcuffs, but I am to direct myself that it has no relevance at all to the matters I need to determine. It is simply context for the way in which the hearing has proceeded. It certainly is not evidence of a propensity to bad behaviour and certainly the Claimant does not seek to rely upon it.
9. I heard evidence from six people on behalf of the Claimant. I heard live evidence from Dr. Craven and Miss Pederson-Gosling. I heard evidence remotely from Police Constables Smith, Maxwell, Orr and Detective Constable Kandt. Apart from Detective Constable Kandt, who I heard by telephone, I heard them by video at their place of work or at their homes. In each case it was possible to hear what they said. It is fair to note that P.C. Smith seemed to have a slightly different connection to her colleagues with the result that her audio was less clear but that was remedied by her telephoning in so that one could hear what she was saying and see what she was saying at the same time. At no point did either legal representative or I feel the need to

intervene to say it was impossible to follow what was said by any of the witnesses giving their evidence remotely, albeit occasionally it was necessary to ask them to repeat what they have said so it could be heard. I am very grateful to both legal representatives who worked constructively together to ensure this trial could take place under the Covid restrictions. There are severe limitations on the number of people who can appear in court at a time and the advocates have worked, as I say, constructively in ensuring that only those who had to come to court because they could not give their evidence by remote means or because they were such a substantial witness that they had to give evidence live that the trial was able to proceed without further unnecessary delay.

10. I shall summarise the evidence which I heard in relation to the various allegations as I go through them. There were four separate applications to commit made in respect of events stretching from March until May of this year. A total of 10 allegations were made over the course of the applications. It has been a hallmark of the Claimant's case that its position has developed as time has gone on. It relies heavily upon the evidence of Dr Samantha Craven who is a qualified social worker employed by the claimant. She completed a BSc in Psychology at Coventry University and was also awarded a Doctorate of Philosophy in Psychology in 2009. The title of my thesis is 'Deconstructing Perspectives of Sexual Grooming: Implications for Theory and Practice
11. Dr Craven explained that the reason the case developed was because Miss X had made further disclosures as time has gone on, it is said being able to do so when Mr. Stables was taken into custody following some of the earlier alleged

breaches. For that reason there is not an immediate chronological order to the way in which the committals came before the court because, as I say, over time further disclosures were made and, therefore, additional allegations were made to those that already had been made.

12. For the purposes, I hope, of this Judgment flowing more readily I have rearranged the allegations in chronological order as best I can. It is not entirely possible to do so because there is some overlap between them.
13. I want first to make some observations about the Claimant's evidence. These two injunctions have been granted to protect two young women, two young vulnerable women as Dr. Craven in her evidence described them. In particular, she described Miss X as being a vulnerable young victim of domestic abuse. Proceedings have been taken, she said, to protect her. Dr. Craven described Miss X as petrified and she has consented to her police statement being admitted in evidence. The Claimant sought to protect her by commencing these proceedings without, as Dr. Craven put it, exposing her to further harm. That very difficult judgment resulted in Miss X not being called to give evidence. I was limited to her police statement and to the comprehensive witness statements of Dr. Craven setting out conversations that she had with Miss X.
14. It is of course a matter for the Claimant as to how it proves its case and prove its case it must. I understand the reluctance expressed by Dr. Craven in calling Miss X to give evidence. A court has previously found that she suffered domestic abuse; there is no doubt about that. The making of the injunction is a good foundation for coming to that conclusion and the fact it has been

renewed is a further reason for coming to that conclusion. There have also been findings of breach in the past; indeed the Defendant has admitted a breach. In particular he admitted in previous proceedings for committal that there was an assault in in September 2019 when he threw a plastic bottle at Miss X and proceeded to pull her hair, which was in a bun, with such force that clumps of her hair came out. He smacked her head on the bed several times and punched her in the face.

15. I can readily understand the reluctance of someone who has suffered domestic abuse to come to court. I remind myself of the difficulties which can be faced by people who allege domestic abuse in coming to court, particularly when facing the prospect of being cross-examined on behalf of the person who is alleged to have committed the domestic abuse.
16. That said, although the Civil Procedure Rules do not mirror in terms the Family Procedure Rules Practice Direction 3AA (Vulnerable Persons: Participating in Proceedings and Giving Evidence), the court in the exercise of its case management powers can direct that steps be taken, so far as possible, to ensure that those who allege domestic abuse can come to court to give their evidence feeling as safe as they reasonably can in the context of a courtroom. That step was not taken in the present case. I do not criticise the Claimant for that. A difficult balance has been struck when trying to protect a vulnerable young woman while at the same time not exposing her to the experience of coming to court to give her evidence.
17. Dr. Craven in her witness statement set out a number of conversations with Miss X in which she reported matters amounting to a breach of the injunction.

I make it clear that I do not doubt what Dr. Craven has said as a record of those conversations. She struck me as a very careful witness, a very measured witness when giving evidence to me. I do not doubt that having spoken with Miss X she believes what she has been told. In that regard of course she has the benefit over me because she has met Miss X. She has been able to hear Miss X in her own words. I am the person who has to assess though the reliability and credibility of Miss X's testimony. It is not a task I can entrust to Dr. Craven, however much I respect her professional experience and professional views. It is I who must be satisfied, so satisfied that I am sure that each allegation of breach has been made out.

18. I cannot approach the case on the basis of assumptions. I cannot approach it on the basis of what has happened in the past between Miss X and Mr. Stables.
19. The professional opinion of Dr. Craven is entitled to great respect from this court. As I say, she is an expert in her field. Much of her evidence contained her opinion based upon her experience. I intend no discourtesy to her when I describe it as that but it was opinion evidence rather than evidence of fact in circumstances where there was not a direction about the giving of opinion evidence. I must draw a distinction between matters of fact to which Dr. Craven refers and also matters of opinion she set out both in court and in her witness statements. Examples of opinion, for example, are where Dr. Craven told me that victims of domestic abuse might seek to contact their abusers out of a need to assess the risk they face from their abuser. Specifically, in this case the point was made that Miss X had made contact and if she had made contact upon his release from custody it might well have been to assess the

risk that she faced from him: how he might react to her decision to end the relationship, whether he felt anger towards her. As I say, those are the comments of an experienced social worker qualified in her field but I think I have to be careful in attaching too much weight to them in circumstances where I have not heard from the victim of the abuse herself or there has been permission given to rely upon the evidence of an expert.

20. I make no apology for describing her as a victim. As I say, there is clear evidence in the past even before these proceedings were opened of domestic abuse perpetrated by Mr. Stables on Miss X, but I have to ask whether the Claimant has proved specific breaches in the context of these proceedings.
21. I acknowledge the position which Miss X has faced and I accept, as I say, Dr. Craven's description of her as someone who is petrified. I have been told on oath that Miss X has given permission for her police statement to be admitted in her evidence and, therefore, although it is hearsay it is clearly admissible and I can attach a degree of weight to it, although I must remind myself that it has not been the subject of cross-examination.
22. There is a difficulty in Miss X's evidence to which I have already alluded. It is common ground that over the course of time Miss X's evidence has changed. Put simply, when speaking to social workers initially, in particular Dr. Craven, Miss X appeared to have downplayed the extent to which there was contact between her and Mr. Stables, making no allegations of assault. As time progressed she started to make those allegations. She now says and repeated in her police statement that she was approached by Mr. Stables and that he assaulted her. As I say, the explanation by Dr. Craven for that change is that

she was not able to be more open until Mr. Stables was remanded in custody for earlier breaches to which I shall refer in the course of the allegations made by the Claimant. Quite understandably, the point was made on behalf of Mr. Stables that there is an inconsistency in the evidence of a person that the Claimant is not calling to give evidence and be assessed in court. I was not able to assess Miss X and I, therefore, face difficulty in assessing which version of events is correct.

23. The Claimant acknowledges that difficulty and it points, however, to corroborative evidence as to the allegations Miss X makes throughout parts of her evidence.
24. It is only right that I acknowledge that this is also a difficulty faced by the defendant. He has clearly given a version of events from which he has tried to resile once he has seen evidence showing it simply cannot be true. I shall refer to this in the context of the allegation on 7th April, the breach which is alleged against him. Put simply, he invented a version of events which did not stand up to scrutiny.
25. I am faced, therefore, with two witnesses who given have internally inconsistent evidence as to what has happened between March and May of this year. I have to remind myself that an untruth on one point does not mean an untruth on other points. A person may have a reason for presenting a version of particular events on one occasion which he or she knows to be untrue. It does not mean that everything that witness says is untrue.
26. I was invited by the Claimant to view these proceedings through the prism of the background of breaches accepted by the Defendant in the past. I think I

need to be careful because although it was not the Claimant's submission there is a propensity to commit particular types of breach, I think Mr. Stables is entitled for me to look at these allegations on the evidence before me today to see which are proved and which are not.

27. A number of allegations were made and I shall now set them out in chronological order.
28. The first allegation is that, "Between 20th March and 25th March 2020 you were in the company of Miss X at her mother's friend's address in Wolverhampton, on 30th March 2020 and again on 3rd April 2020 you were in company with Miss X at your address in Coventry, having invited her there contrary to the first prohibition of the civil injunction dated 16th May 2019."
29. The evidence on this point was quite limited. In her witness statement Dr. Craven said that on 20th March 2020 Miss X left her placement to go to Coventry. She stated that she went to the mother's friend's address: George Street, an address at which Mr. Stables had been arrested in November 2019. Dr. Craven stated that Miss X's sister reported seeing Miss X and Mr. Stables present while she had a video chat with her mother on 23rd March 2020. A further unspecified incident is said to have taken place on 25th March at the mother's friend's address between two males known to Miss X's mother. This had resulted in one of the offender managers, P.C. Smith, speaking to Miss X's mother who is said to have slipped up when asked where Miss X had gone after the incident and that she had gone away with Mr. Stables. In her witness statement to the police Miss X had said that on 20th March Mr. Stables had called her saying that he wanted some of his things back including his mobile

phone. She says she met him at the rear of the court building here in Coventry.

She then spoke of spending a few days with Mr. Stables at an undisclosed address in Wolverhampton.

30. I need to be satisfied, so satisfied so that I am sure, that the allegation is made out. There are, I think, a number of points that one needs to unpick in this particular allegation of breach. It refers to two separate addresses on two separate dates. I am not satisfied that the evidence of Miss X in her witness statement and relayed by Dr. Craven entitles me to be so satisfied that I am sure that this breach has been made out. I, therefore, do not make a finding in relation to that first allegation of breach.

31. The next allegation is 7th April 2020. “You were in the company of Miss X at your address in Coventry, West Midlands contrary to the first prohibition of a civil injunction dated 16th May 2019.” This is accepted by the Defendant in the light of the video evidence taken from the body cam attached to one of the officers, I think P.C. Jones, and not challenged, on the evening in question. It is difficult, I think, for the Defendant to claim otherwise. It is perhaps important to note that he was arrested at 11.31 at night. Miss X was clearly in the property. In fairness to the Defendant it has never been in dispute that she has been in the property even before he had seen the footage. His position originally in his first witness statement was that she had invited herself over, letting herself in while he left the front door open as he worked on his car parked outside, its bonnet being left open while he did so, trying to give the impression, as it were, of Miss X slipping into his flat without his noticing. Unfortunately, the Defendant chose to create a difficulty for himself in his

witness statement in saying he contacted the police using his web chat feature stating that she had turned up and asking them to remove her but they refused to do so. The Claimant called Police Constable Maxwell who caused a search to be carried out of the web chat system using the key words “Ryan” “[M’s X’s first name]” and “[the address in Coventry]”. Neither name produced records of either the Defendant or Miss X. The address produced four records but none related to 7th April. The Defendant did not state exactly what he typed. I remind myself he is not obliged to say anything. It is for the Claimant to prove its case. I regard as very unlikely indeed that he could have made a report intended to be of any use to the police using the web chat facility without using at least the word “Ryan”, “[Miss X’s first name]” or “[the address in Coventry]”. I accept the evidence of P.C. Maxwell that the search he carried out shows that there was no such report made by Mr. Stables.

32. In fairness, this was not the version of events put before me in court as set out in Mr. Stables’ witness statement. Not only did the body cam image make Mr. Stables’ position untenable but a series of Snapchat exchanges between him and Miss X which were put in evidence did so.
33. Before I set out those exchanges I should point out in cross-examination Mr. Stables tried to suggest that some of the messages were not actually sent by Miss X but, rather, by someone else using her phone. I reject that evidence. There is a fluency running through the exchanges which makes me satisfied so that I can be sure that it is the same person throughout. They clearly plan an encounter at his house between him and Miss X and that is what happened

later that day. I am satisfied the entirety of the conversation between him and Miss X and that he was aware of that throughout.

34. I shall now refer to the conversation in some detail. I was invited to have regard to it as context of the other allegations which the Claimant makes in the course of these proceedings.

35. It is difficult to work out the date on which they were sent, but it was not disputed that they were sent on 7 April 2020 as alleged. They appear to start at 11:28 on the day in question. It is an exchange, as I say, between Miss X and Mr. Stables. It starts off: “Don’t take the piss” which I presume to be from Mr. Stables given the next exchange is from Miss X: “I’m spending time with ya ya”. The exchange continues:

Mr. Stables: “Well, hurry the fuck up and get dressed and get here”.

Miss X: “Tanya this morning I’ll come when I come, okay. Chill the fuck out, man.”

Mr. Stables: “Well, snm. If you’re not here by 12 then clearly you don’t want to see me.”

Miss X: “Okay.”

Mr. Stables: “[Using her first name]. FFS. Who U rejecting?”

Miss X: “No one, ffs. I was asleep. Fucking gain so calm the fuck down man.”

Mr. Stables: “Ring me now.”

Miss X: “I’ve just had my eyes open, ffs. Chill your fucking tits down, man.”

Mr. Stables: "Don't give me no excuses. Ring me now. Ring me now."

Miss X: "Give me five minutes to wake up, man."

Mr. Stables: "Now".

Miss X: "I can see u whenever I can't see Tanya whenever".

Mr. Stables: "I've got by me now. Ring me now."

Miss X: "What?"

Mr. Stables: "RING ME NOW."

Miss X: "Fucking wait, man."

Mr. Stables: "OH. NO. RING ME NOW, FFS. So I take it I won't see you this morning then cuz you're just taking the piss."

Miss X: "I just woke, fucking gain, and ur just going on and on and on, fucking on, man."

Mr. Stables: "I DON'T CARE. YOU'RE ACTING WEIRD. RING ME NOW."

Miss X: "If you think that then calm."

Mr. Stables: "OR I SWEAR IMMA JUST MESSAGE TANYA AND TELL HERE WERE CHATFING CUX IDEC"

Miss X: "Then I go to prison"

Mr. Stables: “NO YOU WINT. Fucking ring me now or imma message Tanya now.”

Miss X: “Ugo to prison. She won’t answer.”

Mr. Stables: “Moving like that yeah. And you wonder why I’m so fucjing paranoid.”

Miss X: “She still a fucking sleep and u wonder when u always talk to girls and meet them I’m always fucking paranoid”

Mr. Stables: “You’re doing to me exactly what you did to Mitch when you cheated on me with him and you wonder why I’m so fucjing paranoid.”

Miss X: “OMG Grow up.”

Mr. Stables: “What’s the fucking point in being in this relationship when your just playing like this?”

I pause there because it was suggested during the course of cross-examination that Mr. Stables had broken off the relationship during the course of January but clearly by April he is referring to a relationship. It may be they broke up and made up again but clearly come April he is referring to a relationship.

Miss X: “I’m not.”

Mr. Stables: “RING ME NOW.”

Miss X: “I CAN’T RIGHT NOW XHILL FFS.”

Mr. Stables: “YOU’VE GOT 25 minutes to come to mine. Otherwise don’t bother coming. You said morning.”

Again, I pause there. It is quite important that Mr. Stables speaks of “coming to mine”. He claimed in cross examination that Miss X did not know where he lived. At no point in this conversation is there any suggestion that Miss X does not know where she is being asked, if not told, by Mr. Stables to go.

36. The exchange continues with similar messages in the tone I have already read out and do not feel the need to repeat. I simply set them out to give the context of the language Mr. Stables was using to Miss X throughout.

37. Perhaps the important point is where a screenshot of train times is inserted into the message and Mr. Stables messages: “I’m picking you up at 15:26. If your not there I’m fully done with you so make sure your there. You’d best be there, [using Miss X’s first name]. Swear on my daughter’s L.I.F.E you’ll be there at that time.”

Miss X: “Lilly life. I’m coming.”

Mr Stables: “No crosses.”

Miss X: “No crosses.”

Mr Stables “And swear on Lilly’s life you’ll be on that train??????”.

38. These text messages, in my view, clearly paint a picture of domination, bullying by Mr. Stables over Miss X. In his evidence he told me that is how he speaks to people and there is nothing meant by it in the way he expresses himself. I am not able to accept that, I am afraid. The use of capitals, the use of language, the threats, the delving into blackmail that if she did not come across the relationship would be over and it would be her last chance to see

him is, in my view, clear evidence of someone who is seeking to manipulate Miss X throughout.

39. Dr. Craven told me that Miss X's account was the Defendant had told her to meet in Coventry on 7th April near to the police station on Little Park Street and from there he had driven Miss X to his flat. That was her evidence in the witness statements before the Defendant changed his version of events.
40. It is clear to me that Miss X was encouraged by Mr. Stables to go to his flat. He encouraged her during the morning and she was there late in the evening. He accepted during the course of cross-examination they had sexual intercourse whilst she was there. This was not a chance fleeting encounter which Mr. Stables originally sought to portray. Standing back, quite aside from the admission that the Defendant made, I am satisfied so that I can be sure that this allegation is made out. I find his description so improbable that I accept the evidence of Dr. Craven even before the change of story put forward by the Defendant.
41. Having made that finding, I pause to note that in respect of this breach the Defendant seems to have lied at every turn. The assertion that Miss X invited herself into his flat, the claim that he contacted the police, the claim that at one point the text message had been sent by somebody else. This is somebody simply unable to accept that he has breached an injunction which was made for the purpose of protecting a vulnerable young woman.
42. The next allegation, "On 7th April 2020, having taken Miss X to your address in Coventry, you proceeded to pin her down, punch her in the arm and leg, pulled her from a chair to the floor by her hair, pulled her from the lounge to

the kitchen to your bedroom which resulted in an earring in the top left of her ear to be pulled out which caused it to bleed and pinned her down on the bed and strangled her so that she could not breathe which made her feel as if she was going to die and then booted her in the left arm, contrary to the first and seventh prohibition of the civil injunction dated 16th May 2019.”

43. This allegation is contained in one of the later committal applications. The Claimant’s position was that it was not until Mr. Stables was in custody that Miss X was able to make the report of what happened, she said, on 7 April 2020. She set it out in her witness statement to the police. The Defendant is said to have taken her home and started looking through her phone. He had become, she reported “pissed off” and taken the view that she had been with a man the previous night. I have set out the basis of what Dr. Craven reported that the Defendant had pinned her down and started punching her in the arm and leg. She says he then pulled her from a chair to the floor and pulled her from the lounge, through the kitchen to his bed. Miss X said that while he dragged her from the lounge by the hair her second earring in the top left of her ear was pulled out and it bled a lot. She went on to report that the Defendant then pinned her down on the bed and had strangled her so that she could not breathe. At this point a friend had entered the room and pulled him from her again. The friend then left the room. The Defendant then strangled her again.

44. I remind myself that I did not hear from Miss X on this point. The only evidence I have is her demeanour during the police visit as recorded in the body cam on that particular day.

45. I note following points from what I saw in that evidence. The police constable wearing a body cam was not the first officer, it seems, to arrive. By the time that police constable came into the room there were already other police officers with Mr. Stables and Miss X. I do not know, therefore, what happened between the first of the police officers getting there and the arrival of the police officer wearing the body cam. I do not know what happened between those two times. The images were not sufficiently focused on Miss X for me to assess either way whether her ear was bleeding. I understand of course that it was not the reason the video was being taken. At no stage was reference made to the assault. Miss X looked anxious throughout her encounter, almost trying to hide in the garment she was wearing. The garment she wore had a neck which had been pulled up so as almost to hide within it. She stood close to the Defendant until he was removed and placed in handcuffs. When she left the room she hugged him goodbye, albeit it seemed that she responded to his advance rather than perhaps initiating it herself.
46. I note what Dr. Craven told me about the nature of controlling relationships, the victim of abuse trying to please the perpetrator. I have not seen Miss X for herself. I have to rely completely upon the report of Dr. Craven. I have to be satisfied so that I am sure that the Defendant acted as has been alleged.
47. I was invited to consider this allegation in context, namely that Mr. Stables admitted in previous proceedings that he had assaulted Miss X. It is relevant, it is argued, that the controlling nature of the text exchanges set the scene for the type of encounter that was going to happen at the property on 7th April. I cannot accept, I am afraid, that this context assists the Claimant in making out

the allegation. This court is in a very difficult position on this point. It has not heard from Miss X, albeit that she set out in graphic terms what she said happened on 7th April 2020. It is argued that she was reluctant to come forward while the Defendant was not in custody and I have seen reports of that suggestion. I have considered the circumstances as to why it is said she has not given evidence before me. I note that Miss X was driven home by the police after Mr. Stables was taken into custody. Clearly she did not mention the assault by him to the police during the course of that journey but I remind myself that it may well be that was her first period of calm, as it were, and, therefore, she did not feel ready to make any disclosure of domestic abuse at that time. It may have been too soon for any bruises to become apparent. It may however have allowed evidence of the blood to which she referred to have been identified. As I say, unfortunately, the body cam does not show any evidence of blood either way.

48. I am not to be taken as suggesting that a person who makes an allegation of domestic abuse needs to point to corroborative evidence for it to be proved. That is not the case. However, I have to be satisfied that the evidence is reliable, is credible. I have not heard Miss X make the allegations. She has not been cross-examined. The allegations are denied by the Defendant. I do not attach any weight to the fact that the allegations were not made at the first opportunity. I think I can rely upon the experience of Dr. Craven on that point (and my own) that allegations are not always made at the earliest opportunity. It is all part of the totality of material I need to consider in this case and, applying the criminal standard of proof, I cannot be satisfied so that I am sure that the Defendant committed the breach which is further alleged on 7th April.

49. I pause to note the admitted history of violence. The tone of the text messages which I have referred to and the apparent disregard Mr. Stables shows to the terms of the injunction make it very difficult to give him the benefit of the doubt as I have to. I have to be satisfied however so that I am sure that the allegation has been made out.
50. The next allegation is, “On 11th May 2020, having taken Miss X to your present address in Birmingham, you took Miss X’s phone off her and threatened to batter her, contrary to the first and seventh prohibition of a civil injunction dated 16th May 2019.” Again, there is no direct evidence from Miss X. Dr. Craven stated on 26th May 2020 that she reported the following. Again, I quote from the witness statement:
- “Miss X told me that the Defendant took her to his friend, Josh Barton’s address in Birmingham. Miss X reported that Mr. Stables was at this address in her company on 11th May. Mr. Stables had taken her mobile phone from her and threatened to batter her.”
51. Again, a very specific allegation has been made of battering Miss X, the previous victim of domestic abuse. I need to stand back and ask myself has it been shown so that I can be satisfied so that I am sure? I am afraid once again I cannot be satisfied so that I am sure. I have not heard Miss X in her own words tell me what happened. She has not been cross-examined on that point in circumstances where it has been challenged.
52. A very different state of affairs though exists in relation to the next allegation. “On 12th May 2020 you were in company with Miss X at [address redacted] contrary to the first prohibition of the civil injunction dated 16th May 2019.”

53. I heard some direct evidence on this allegation. In his witness statement P.C. Joseph O’Leary states that at one o’clock in the afternoon on 12th May he attended [address redacted]. An unnamed third party informed the police that the Defendant was there in breach of the injunction. He stated that on arrival he was allowed in the property by a female who he now knew to be Miss X. P.C. O’Leary was not called because Mr. Ricketts had no questions for him. His evidence on this point was not challenged. I can accept, therefore, that at some stage he came to know the woman’s identity but at the time seems not to have done so. That said, her presence is crucial if the claimant is to show that there was a breach. The Defendant simply being in a property, namely a property which is the property of Miss X’s brother and cousin which was not disputed, would not amount of itself to a breach of the terms of the injunction.
54. The additional evidence of Dr. Craven said Miss X told her that she had arrived the previous and stayed overnight. The Defendant did not deny being in the property. He said he had visited the brother and cousin there on 11th May when Miss X turned up. He said that she came to the address in a taxi giving the impression it was an unexpected arrival. He said he did not stay at the same address as her: he left to stay at a friend’s address overnight, returning the next day to collect a television. His explanation was that it would look suspicious to remove this when he left in the evening. He is understood to have said that she would have left by midday the following day. Upon arriving to find that she was not there he said that he removed himself to the cousin’s bedroom on the understanding that he would remain there until Miss X left. He denied being in the same room as her at the same time.

55. I reject his assertion that he did not breach the injunction on this occasion. I regard as wholly improbable his assertion that he remained in different rooms throughout. This is the woman with whom he had sexual intercourse on the last occasion he admitted having seen her.
56. In the next allegation in time, namely a week later, I find it proven that Mr Stables was in the same car as Ms X. I regard as wholly improbable the assertion by him that he kept himself in separate rooms in the property on 12 May 2020. I also regard as unlikely in the context of what must now be proved that Miss X simply turned up. I am satisfied that Miss X and Mr. Stables were in the same room at the same time for extended periods of time such that he was in breach of the injunction.
57. Having made my findings on that point I pause to record that I was not impressed by Mr. Stables' descent into semantics on the point during the course of his cross-examination, asking whether being in the same building as Miss X amounted to a breach of the injunction. In fairness, he made a fair point at the outset. The injunction prevents him from contacting or approaching Miss X and one can foresee circumstances in which it might be argued that simply being in the same building, perhaps a large building, would not amount to a breach of the injunction. However, I heard the tenor and the way in which he put those points to counsel cross-examining him. He almost showed disregard for both the terms of the injunction and a desire to see how far he could press the terms of the injunction as to what would or would not amount to a breach, almost toying with counsel during the course of his cross-examination.

58. I now turn to the next allegation. “Between 9.20am and 10.12 on 19th May 2020 you were in the company of Miss X during a telephone conversation that she had with Birmingham City Hospital’s Community Midwife for young parents, contrary to the first prohibition of a civil injunction dated 1st May 2020.” I heard evidence from Miss Pederson-Gosling who is a community midwife for young patients from Birmingham. On 6th March 2020 she telephoned Miss X. It is very important to note that she told me that Miss X had not expected the call. Miss Pederson-Gosling had been due to contact another young mother but for whatever reason that call had not been taken and, therefore, to make good use of her time she decided on spec to call Miss X to make good use of her time. On calling Miss X it seemed she was in a moving car. She asked if it was convenient to speak. She had not at this stage met either Miss X or the Defendant. Miss Pederson-Gosling said that Miss X said she was in a car with her boyfriend and gave his name to be Ryan Stables, namely the unborn baby’s father.

59. In his witness statement the Defendant stated that Miss X had expected the call and wanted him to be involved in it. Accordingly when the call came through she had merged it, the two calls being merged is the way he puts it in his witness statement. Under cross-examination Miss Pederson-Gosling said she could hear his voice in the background throughout. She accepted that she had not said in her statement whether he was or was not in Miss X’s company but told me that as her conversation progressed during the course of 42 minutes – she checked her records in subsequent witness statements – she said she could hear him and he was on another call at the time and certainly was in the same place, it struck her, as the Defendant. It was unlikely, she said, that

he was patched into the call saying that her experience of working under the Covid-19 restrictions remotely meant that she knew what it sounded like when people were patched into calls from different places at the same time.

60. I cannot accept the Defendant's evidence on this point, I am afraid. It falls at the first hurdle, namely the call was not expected by Miss X. It was on the off-chance that another young mother was not able to take the call from Miss Pederson-Gosling. She could not therefore have made plans for Mr Stables to be brought into the call to participate in the manner that he makes out. Quite aside from that, having heard Miss Pederson-Gosling give evidence I am satisfied during the course of 42 minutes she would be able to form a view as to whether they were in the same place at the same time and having heard her evidence I accept without hesitation what she says.
61. The importance of this finding is that Mr. Stables spent 42 minutes at least with Miss X because that is the duration of the telephone call. It was likely longer. He was in a confined space with her over which he had control at all times. He was the person who was driving the car. This is clearly a breach in circumstances where the two of them were alone together in a car when nobody else was there with them, in contrast perhaps with the last breach where other members of her family were present at the same time.
62. The next allegation is "Between 15th and 18th May, namely on 21st May, you told Miss X you would make her lose her baby, between 15th and 18th May 2020 you blew smoke in her face in a manner such as to cause or attempt to cause harassment, alarm or distress to Miss X, contrary to the seventh prohibition of the civil injunction dated 1st May 2020".

63. I take these allegations slightly out of sequence because they wrap around the last allegation to which I have just referred. The main evidence on this point came from Police Constable Smith. She describes herself as a Domestic Violence Offender Manager at Womberton Central police station. Her primary contact had been with the mother of Miss X. She had discussions with the mother regarding her daughter. I quote directly from P.C. Smith's witness statement that the mother

“continues that Miss X is petrified through conversations with her daughter. Miss X's mother informs me that Ryan has over the last few weeks told Miss X he will make her lose the baby. He blows smoke into Miss X's face as he knows Miss X has stopped smoking due to being pregnant and that Ryan has told Miss X to give up her flat in Rugby. Miss X is very scared that Ryan will be released from court today and that she will be in trouble because she has talked to her mum. [Miss X's mother] states that she has heard Ryan tell Miss X that he will tell social services that Miss X is smoking weed and doing other things so that they take the baby away from her.”

In cross-examination she told me she believed that Ms X had told her mother about blowing smoke in her face, she did not understand the mother to be saying that she had witnessed it happening herself.

64. During his cross-examination Mr. Stables with apparent pride stated that he had smoked cannabis every day since he was 12 years of age. He presently uses, he told me, up to half an ounce a day. He told me on occasion he had given Miss X a 'blow back' into her mouth and that this was consensual. He told me that the relationship that exists between him and Ms X's mother is one of mutual dislike.

65. Again, the court is in difficulty on this allegation because it has not heard direct evidence from Miss X on the allegation which is made. The fact that

Mr. Stables is clearly a heavy user of cannabis does not, in my view, take the Claimant over the high hurdle which has to be met in this case and I cannot, therefore, conclude that I am satisfied so that I am sure the allegation has been made out. Neither does that controlling nature of the relationship, I am afraid, enable me to come to that conclusion.

66. The next allegation, “On 11th May 2020, having taken Miss X to your present address in Birmingham, you took Miss X’s phone off her and threatened to batter her, contrary to the first and seventh prohibition of the civil injunction dated 16th May 2019.” Again, there is no evidence from Miss X in court on this point. Dr. Craven reported, again quoting from her witness statement:

“Miss X told me that the Defendant took her to his friend Josh Barton’s address in his own car, in Birmingham. Miss X reported that Mr. Stables was at this address on 11th May 2020. Mr. Stables had taken her mobile phone from her and threatened to batter her.”

67. Again, I cannot conclude, I am afraid, that this allegation has been proved so that I am satisfied so that I am sure.
68. Again, I am afraid the same applies to the next allegation,” On 21st May at your address in Coventry, you said to Miss X ‘If you don’t stop lying I’ll put your head through a wall’, contrary to the seventh prohibition of the civil injunction.” Again, the evidence is challenged. I have not had Miss X report it. I cannot be satisfied so that I am sure that it happened.
69. The next allegation, “On 21st May 2020 you were present with Miss X at your address in Coventry, contrary to the first prohibition of the civil injunction dated 1st May 2020.”

70. In support of this allegation the Claimant relies on the evidence of P.C. Ball. He told me on 21st May he and his colleague were directed to attend the address in Coventry to effect an arrest. Initially there was no reply. His colleague went to the rear door while he remained at the front. After what he described as seven minutes a male who he now knew to be Ryan Stables opened the front door. P.C. Ball mentioned a young female at the address who identified herself as Courtney. He then reported on 28th May he returned to work after a gap and saw an e-mail from Dr. Craven attaching two images of a female named Miss X. In his witness statement he said he was a hundred per cent certain the female present in the address was the same person in the images. In cross-examination he told me he did not believe he had any contact with the Defendant prior to this encounter. He told me he was wearing a body cam but, as he put it, for some reason it was not working on the day. The same applied to his colleague who was with him and, therefore, there is no video evidence supporting what the Claimant is saying on this occasion. P.C. Ball described the young woman as having light brown hair, very slim, aged between 18 and 20, maybe younger. I of course have not met Miss X. All I have is the video of 7th April. His description certainly matches what I saw of the young woman in that video but equally it is consistent with any number of young women of her age. I saw her only very briefly although it did enable me to form a view as to what she looked like. It was put to him that the young woman tried to show her passport, that is to say by way of showing her identity that she was Courtney rather than Miss X. He said he did not know about that. This was reiterated during cross-examination.

71. During the course of cross-examination he was quite properly asked about the e-mail that was sent by Dr. Craven in which the photographs were sent. He could not recall the terms of it and it was not to hand. Initially, he did not gainsay the assertion that it was suggested it was Miss X who was at the property. I do not think it was being put on behalf of Mr. Stables that there was anything improper in what Dr. Craven was seeking to do, that is to say that she was trying to influence, as it were, the mind of P.C. Ball. Certainly I cannot conclude that was the case and do not conclude that it was. But I have heard the evidence of P.C. Ball who saw the young woman just a week before for quite some time in that building and also shown two photographs. I am confident he was able to make a positive identification in the way he did. I accept the submission made by Mr. Ricketts that it was not a conventional examination or identification parade, as it were. I do not think that weakens though the strength of P.C. Ball's recollection and the evidence he has given.
72. There is a further part to the jigsaw in this particular submission, Miss X's evidence, she said she was in the building on that occasion. She says she was there. She describes the incident. I was invited rhetorically to ask myself, how would she know about it if she was not there? She has no other reason to know about. I am satisfied, therefore, that she was there. I am satisfied the Defendant breached the terms of the injunction on that occasion.
73. Again, I comment. This represents another occasion where I am satisfied that Mr. Stables has had contact with Miss X where nobody else was present other than the two of them for a large period of time. When the police arrived, there was nobody in the house at the same time to ensure Miss X's safety.

74. I turn finally to the question of telephone calls. These are two separate allegations but I think I can do them justice by considering them together because the theme is that by some means Mr. Stables has made telephone calls while in custody. There are two allegations I read out though for the sake of formality, first that “Between 21st May 2020 and 22nd May 2020 whilst in custody you telephoned Miss X three times contrary to the first prohibition of a civil injunction dated 1st May 2020”, secondly, “On 22nd May after you were remanded in custody in HMYOI Brinsford, you telephoned or attempted to telephone Miss X 13 times from the number 01902 798823, namely at 2.33pm, 2.34pm, 2.35pm, 2.40pm, 3.06pm, 3.09pm, twice at 3.15pm, 3.18pm, 3.23pm, twice at 3.37pm and at 4.09pm, contrary to the first prohibition of a civil injunction dated 1st May 2020.”
75. The Claimant’s evidence was set across a number of witness statements. In her third witness statement Dr. Craven said during a telephone conversation with Miss X she said she had received calls from Mr. Stables while he was in custody and she was pretending to be Courtney as he had instructed her to do. In her fourth witness statement Dr. Craven set out that Miss X had told her the Defendant called her while he was in custody and she was in his screenshot provided to Miss X showing some 13 calls between 2.35pm and 4.09pm. Dr. Craven made enquiries of the head of security at HMYOI Brinsford and he confirmed that Mr. Stables had been remanded in custody there and the numbers disclosed were those of the prison. In her statement she said that Miss X had told her that she answered some of them as the prison officer had asked for Courtney, a name she said the Defendant had told her to use on occasions.

76. During the course of her cross-examination Dr. Craven said that she had heard the Defendant's voice in one of the messages. She was asked if she had a copy of it. She did. It was played to me. When it was put to him the Defendant accepted it was his voice, as I believe he had to having heard it. He said it was a message for somebody who actually was called Courtney. I reject that. There was no reason for Ms X to have been able to provide a voice message intended for someone else.
77. I remind myself that I have not heard from Miss X herself. It was not seriously suggested, and I do not think it could have been, to Dr. Craven that there was any doubt in her mind the telephone she was being shown was that of Miss X. I reject the assertion that it was an attempt to call Courtney. It was clearly, in my finding, an attempt to call Miss X.
78. I have not only Miss X's assertion on the point. I have the phone records, I have the voice message. In combination they entitle me to say I am satisfied so that I am sure this allegation is made out that there were 13 calls or attempts to call from prison to Miss X.
79. Mr. Stables gave me an unnecessarily complicated explanation for the making of the calls, asserting that third parties had access to his PIN or that they might have had access to his mobile phone on the outside. I am aware that phones are used in prison but I do not think his explanation stands up scrutiny in the light of the three points I have described: the assertion by Miss X, the telephone records and the voice message that I have heard in court and which Mr. Stables accepts was his own voice. I think it strengthens the finding I am entitled to make and I make the finding accordingly.

80. I have dealt with each of the allegations.
