



Case No: K02CL827

IN THE COUNTY COURT AT CLERKENWELL & SHOREDITCH

The Gee Street Courthouse
29-41 Gee Street
London
EC1V 3RE

Date: 20/03/2025

Before :

HHJ RICHARD ROBERTS

Between :

**HOUSING FOR WOMEN
- and -
MERVELEE MYERS**

Claimant

Defendant

Mr Tristan Salter of Counsel (instructed by **Devonshires Solicitors LLP**) for the **Claimant**
The Defendant appearing in person, assisted by a McKenzie Friend, **Miss Theresa White**

Hearing date: 20 March 2025

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

HHJ RICHARD ROBERTS

HIS HONOUR JUDGE RICHARD ROBERTS :

Introduction

1. This is the hearing of the Claimant's committal application, dated 28 November 2023 (p. 50 - 59).
2. The Claimant, Housing for Women, is represented by Mr Tristan Salter of Counsel.
3. The Defendant, Ms Myers, appears in person, assisted by her McKenzie Friend, Theresa White.
4. There is before the Court a committal bundle of 616 pages. References to page numbers in this judgment are to the committal bundle.

Instagram post threatening District Judge

5. I mention at the very outset that the Court has been alerted to the fact that on Monday 17 March 2025, the Defendant posted a video on Instagram in which she said, "District Judge Beecham, I'm going to take you out. Bitch, District Judge Beecham, I'm going to take you out. And this is how I'm going to take you out, Motherfucker. [She shows her computer screen, which is displaying the notice of DJ Beecham's appointment as a Judge] ... Is Tristan Salter your man, bitch? Bitch Sara Elizabeth Beecham. ... Bitch, I'm coming after you."
6. This hearing is to sentence the Defendant for six admitted breaches of an injunction order. The Court is not sentencing the Defendant for the video posted on Instagram on 17 March 2025. However, this video is relevant to the issue of whether the injunction order should be extended in time and whether the groups of persons protected by the injunction should be widened to include all members of the Judiciary, all members of the legal profession and all HMCTS court staff.

Background

7. As already stated, this hearing is for the purpose of considering the sentence for the Defendant's admitted six breaches of the injunction.
8. The Claimant is the owner of Flat 16, Alma Grove, London SE1 5PY (the Property). The Property was let to the Defendant pursuant to an assured tenancy agreement, which began on 1 December 2000 (p. 111 - 130).
9. In the witness statement of Trina Philbert, Neighbourhood Officer at Housing for Women, dated 21 July 2023, she says (p. 132),

"5. There have been multiple incidents of anti-social behaviour reported to the claimant and/or the police relating to the defendant in or around the property since May 2022. The anti-social behaviour appears in the form of racist and threatening language against residents in or around the property and the claimant's staff and posting slanderous and inflammatory material against other residents and the claimant's employees."

10. The Claimant obtained a final injunction order against the Defendant, dated 1 August 2023 (p. 12 - 14). The Court ordered that:

“MERVELEE MYERS

Is forbidden (whether by herself or by instructing or encouraging or permitting any other person) from:

1. Causing nuisance, annoyance or distress to any person, or allowing any other visitor/s or occupant of Flat 16, Alma Grove, London, SC1 5PY (the Property) to cause a nuisance, annoyance or distress to any person of the following people:

a. Any person with a right (of whatever description) to reside at Alma Grove, London, SE1 5PY (Alma Grove) or any lawful visitor to Alma Grove; and

b. Any member of the claimant, staff, agents or contractors;

c. Any member, employee, consultant or agent of Devonshires Solicitors LLP, 30 Finsbury circus, London, EC2M 7DT;

d. Any person engaging in lawful activity in or around the locality of the property.

2. Using or threatening to use violence or allowing any visitor or occupant of the property to use or threaten to use violence, towards any person in categories 1 (a) to (d);

3. Intimidating or acting in an intimidating manner, or allowing any visitor or occupant of the property to intimidate or act in an intimidating manner towards any person in any of the categories set out in paragraph 1 (a) to (d);

4. Harassing or attempting to harass, or allowing any visitor or occupant of the property to harass or attempting to harass, be it physically or verbally towards any person in any of the categories set out in paragraph 1 (a) to (d);

5. Naming and making any reference whatsoever to any of the people referred to at paragraph 1 (a) to (d) on any social media or electronic network or platform or other including but not limited to Wordpress, TikTok and YouTube.

And further ordered that the said Mervelee Myers

must forthwith upon service of this order

6. Remove all videos uploaded content from all social media or electronic networks or platforms or other including those referred to at paragraph 5 above whereby the individuals referred

to at paragraph 1 (a) to (d), the landlord and the firm have been named, and

7. Remove all posters from the communal areas of Alma Grove and from the windows of the Property.

Paragraphs 1 to 7 of this order will remain in force until 12.00 noon on the 1st August 2024, unless before then this order is varied or revoked by a further order of the court”

11. By her order dated 9 July 2024, District Judge Beecham ordered:

“2. The injunction order dated 01.08.2023 is extended on the same terms to the final determination of the penalty on the committal application or further order.

3. Personal service of this order is dispensed with, the defendant having been in court and having been informed that the injunction would be extended.”

12. The Claimant has summarised the Defendant’s breaches of the injunction order in a schedule dated 28 November 2023 (p. 60 - 64).

13. I have taken into account the following written evidence:

i) Trina Philbert, a Neighbourhood Officer employed by the Claimant:

- a) First witness statement, dated 13 December 2023 (p. 100 - 108) and exhibit TP1 (p. 110 - 195);
- b) Second witness statement, dated 16 November 2023 (196 - 200) and exhibit TP2 (202 - 203);
- c) Sworn affidavit of Trina Philbert, dated 12 January 2024 (396 - 397);
- d) Second affidavit of Trina Philbert, undated and unsigned (408 - 415) and exhibit TF2 (416 - 463).

ii) Narin Masera, Trainee Chartered Legal Executive at Devonshires Solicitors:

- a) Witness statement, dated 10 November 2023 (313 - 315) and exhibit NM1 (316 - 319);
- b) Sworn affidavit, dated 28 November 2023 (264 - 267) and exhibit NM1 (268 - 272).
- c) Second sworn affidavit, dated 30 May 2024 (399 - 401) and exhibit NM2 (402 - 407)

iii) Sworn affidavit of Samantha Gibbs, Housing Team Leader employed by the Claimant, dated 31 August 2023 (285 - 291).

- iv) Witness statement of Stephen Agera, solicitor for the Defendant, dated 17 August 2023 (42 - 43).
14. The Defendant has not herself filed any witness statement in the committal proceedings.
15. The Defendant was born on 19 May 1959 and is now aged 65. In the committal bundle is a report from Dr Babtunde Oyedele Oyebode, Responsible Officer and Consultant Forensic Psychiatrist, dated 29 April 2024 (562 – 592). Dr Oyebode says in her report (578),
- “3.5 She has been reported to have suffered with anxiety and depression, for which she received counselling sessions with good effect. She is currently on no treatment.”
- 3.6 She has been assessed on several occasions by various services, including secondary mental health services, and has not been accepted for treatment, as her condition has not been deemed serious enough to require care by secondary mental health services. I note that she is awaiting referral to IAPT from the entry in the GP record of 11 January 2024.
- 3.7 I consider that this is appropriate, as she appears to have benefitted from counselling for her anxiety and depression in the past.
16. The Defendant was bereaved of her late husband, Mr Tomlinson, who passed away aged 101 on 8 April 2024. The Defendant was married to Mr Tomlinson for 10 years and had been his sole carer. Dr Oyebode was asked,
- “3.25 whether in your professional opinion the burden for caring for her late husband played any role or contributed to the behaviours she is alleged to have displayed during the relevant?”

Dr Oyebode replied:

“3.26 I consider that the burden of caring for her late husband would have played a role, indeed compounded the behaviour she is alleged to have displayed during the relevant, in view of her history of experiencing symptoms of anxiety and depression in the past.”

Allegation 1

17. Allegation 1 (p. 62) states that the Defendant breached paragraphs 5 and 6 of the injunction order on 3 August 2023 by posting a video on Youtube whereby the Defendant named both the Claimant and Devonshires Solicitors LLP and referred to both as “#criminals”. At Exhibit SG1 to the witness statement of Samantha Gibbs, dated 31 August 2023 there is a screenshot of the Defendant’s posts on social media (p. 303 – 304), showing the post: “#fight4justice #expose @housingforwomen8227 & @devonshires @metpolice-uk #criminals.”

Allegation 2

18. Allegation 2 (62) states that the Defendant breached paragraphs 5 and 6 of the injunction order on 6 August 2023 by posting on WordPress, “Trolls Scammers Target Mervelee Myers TikTok Join List of Systemic Discrimination District Judge Sterlini Presided Over Housing For Women Terror Cells Of Devonshires Solicitors”. Screenshots of this post are at page 305.

Allegation 3

19. Allegation 3 (62) states that the Defendant breached paragraphs 5 and 6 of the injunction order on 7 August 2023 by posting WordPress, “District Judge Sterlini To Be Party To Systemic Discrimination At Clerkenwell Shoreditch Involve In CCMCC Winsome Duncan Scam Housing For Women Devonshires Solicitors LLP Terrorism Deborah Agnes Gilchrist An Alcoholic Turn Drugs Abuser For Whom Beg The Police To Get Help For Each Time She Makes Malicious Allegations Against Me The World Must Know UK Is Racist Society Target BAME People Label US Violent Criminals Need ERT Whilst Husband And I Traumatized By Hate Crimes 7/8/23.” There is a screenshot of the Defendant’s blog post at page 308.

Allegation 4

20. Allegation 4 (62-63) states that the Defendant breached paragraphs 1, 5 and 6 of the injunction order on 31 August 2023 by failing to remove the video on TikTok whereby the Defendant names Michael Lewis, a solicitor of Devonshires LLP. In the video, the Defendant refers to Mr Lewis as “a Cunt”. A screenshot of the video is at page 311.

Allegation 5

21. Allegation 5 (63) states that the Defendant breached paragraphs 1, 5 and 6 of the injunction order on 31 August 2023 by failing to remove the video on Youtube and/or TikTok whereby the Defendant posts the contact details of Narin Masera (a Trainee Chartered Legal Executive of Devonshires Solicitors LLP) which include Ms Masera’s name, direct dial and email address. There is a screenshot of the video at page 312, which gives Ms Masera’s contact details and then says, “so Housing for Women the TERRORISM CELL is getting Devonshires involved their Hate Crime Against MM.”

Allegation 6

22. Allegation 6 (63) states that the Defendant breached paragraphs 1, 4 and 5 of the injunction order on 7 November 2023 by posting a video on YouTube in which she named Ms Masera and referred to her as “a terrorist”, “a bully”, “a racist”, “a coward”, “a gutless excuse for a female”, a “bitch” and a “cunt”.
23. Ms Masera is a Trainee Chartered Legal Executive at Devonshires. She has provided a witness statement, dated 28 November 2023 (264 - 267), in which she says at paragraphs 5 and 6 that on 7 November 2023 the Defendant called her on her direct dial. Ms Masera did not answer. The Defendant left her a voicemail, which stated,

“Hi Devonshires Solicitors

Narin Masera

This is Mervelee Myers

The reference is NZM/HOU16/258

I am calling about your terrorist activities against me from the time I received a letter and just in case this is going over I am doing a live yeah I am doing a live Narin Masera

Terrorist Narin Masera

I'm doing a live before I am due to go for my whatever it is flu"

24. In her witness statement, Ms Masera says,

"7. Following this, I received an e-mail from the Defendant timed 12.29pm on the same date, the subject of which was "Narin Masera the Terrorist". Within the body of the e-mail is a link to a YouTube video. ...

8. The video that the defendant has uploaded to YouTube is entitled "My #views #defamation 100" and within the video the defendant can be seen calling me, repeating my name and referring to me as a terrorist, a bully, a racist, a coward, "a gutless excuse for a female", a "bitch" and a "cunt". ...

9. This is not the first time the defendant has behaved in this manner towards me, details of the previous incident can be seen at paragraph 7 (xix) of the witness statement of Trina Philbert dated 21 July 2023 and exhibit "TP1".

10. After listening to the Defendant's voicemail and receiving the Defendant's e-mail on 7 November 2023, I felt upset and concerned that the Defendant continued to publicly broadcast untrue and malicious lies about me by posting these on social media platforms. The Defendant's behaviour is causing me significant stress as to be labelled as a "terrorist" is deeply concerning and is not something I take lightly. As such, I reported this to the Police on 7 November 2023 and the reference is CAD 319 9/07Nov23."

25. Trina Philbert says in her first witness statement, dated 13 December 2023 (108),

"13. The Defendant's behaviour is having a widespread and detrimental effect on those individuals targeted and the Claimant's staff members."

26. The order of DJ Beecham, dated 9 July 2024, (which has not been included in bundle), includes the following recitals:

"UPON the Defendant attending and admitting all the allegations in the contempt application and service of the injunction dated 01.08.2023 on 03.08.2023

AND UPON the court adjourning to give the Defendant opportunity to show compliance with the injunction order and adduce further medical evidence on penalty

AND UPON the parties submitting and the court accepting that the initial view on penalty is that the breaches fall within category B3 of the CJC Anti-Social behaviour and the Civil courts Report, with the range of penalty being adjourn consideration to 1 month custody

AND UPON the court taking into account that good behaviour will be a mitigating factor and any relevant medical evidence may be mitigation and further breaches will be aggravating factors and the court noting the challenging circumstances with which the Defendant has had to contend in the recent past such as the bereavements suffered, will be relevant mitigation

AND UPON the Claimant making an unopposed oral application to extend the injunction order dated 01.08.2023

AND UPON the Defendant confirming orally that she understands the injunction shall continue”

Decision

27. Mr Salter referred the Court to the leading case of *Lovett v Wigan Borough Council* [2022] EWCA Civ 1631. Regarding the issues of harm and culpability, I have had regard to paragraphs 46 to 57 of the judgment of Birss LJ.
28. I find that the Defendant’s culpability falls within band B of the Sentencing Council’s guideline grid.
29. I find that the harm caused by the Defendant falls within Category 3 of the grid. I accept the evidence of Ms Masera in her witness statement (266), dated 28 November 2023, at paragraph 10 that the Defendant’s behaviour is deeply concerning and is causing her significant stress. She felt upset. She reported the matter to the police. I also take into account that Ms Philbert says in her first witness statement, dated 13 December 2023, at paragraph 13 (108) that the Defendant’s behaviour is having a widespread and detrimental effect on those individuals targeted and the Claimant’s staff members.
30. The starting point for B3 is adjourned consideration and the category range is adjourned consideration to 1 month.
31. I find that the Defendant’s culpability is aggravated by the fact that there are six breaches of the injunction order. I find that a further aggravating factor is that the Defendant was advised on two occasions by District Judge Beecham of the importance of compliance with the injunction:
 - i) By an order dated 9 July 2024, District Judge Beecham included the recital,

“AND UPON the court adjourning to give the Defendant opportunity to show compliance with the injunction order and adduce further medical evidence on penalty”

- ii) District Judge Beecham reiterated to the Defendant the importance of the Defendant showing compliance with the injunction order in her order of 18 September 2024, where she said in the recital:

“AND UPON the court explaining to the Defendant the importance of compliance with the injunction dated 01.08.23 as extended by the order dated 12.06.2024 and explaining that the injunction remains in force on the same terms until 20.01.2025 or such other date as penalty is determined or further order.”

- 32. Despite this, I am told by Mr Salter, and accept, that there have been further breaches of the injunction order.

- 33. On the other hand, I find that there are the following factors which mitigate the Defendant’s culpability:

- i) At the hearing on 9 July 2024, the Defendant pleaded guilty to the 6 allegations in the contempt application. Whilst the plea of guilty was not at the first hearing and the evidence for the allegations was very strong, bearing in mind the existence of the video footage on social media, I nevertheless give the Defendant credit for her plea of guilty, which has saved witnesses from being required to attend Court.

- ii) The Defendant repeatedly said in her oral submissions to the Court today that she needed help. I bear in mind that the Defendant is vulnerable because of her anxiety and depression.

- iii) I also bear in mind that Dr Oyeboode said in his report:

“3.26 I consider that the burden of caring for her late husband would have played a role, indeed compounded the behaviour she is alleged to have displayed during the relevant, in view of her history of experiencing symptoms of anxiety and depression in the past.”

- iv) The Defendant has not previously received a custodial sentence.

- 34. Having regard to all the circumstances, including the seriousness of the six breaches of the injunction order and the fact that the Defendant has continued to breach the injunction order despite District Judge Beecham explaining to the Defendant on two occasions that the Court was adjourning sentencing to give the Defendant an opportunity to show compliance with the injunction order, I find that the custody threshold is passed and a sentence of imprisonment is appropriate.

- 35. I bear in mind that the Court must impose the shortest period of imprisonment which properly reflects the seriousness of the contempt. I have also stood back and considered the totality of the evidence.

36. I conclude that the appropriate period of custody, having regard to all the circumstances, including the aggravating and mitigating factors is one month, concurrent on each of the 6 charges.
37. I must next consider whether the sentence should be suspended. I find that whether the custodial sentence should be immediate or suspended is finely balanced. However, having regard to the Defendant's vulnerability and the fact that she has not received a term of imprisonment, immediate or suspended in the past, I find that the just and proportionate sentence is to suspend the sentence on condition that the Defendant complies with the injunction order dated 1 August 2023 and any variations, including that set out below, for a period of two years from today's date, ending at 4pm on 19 March 2027 or on further order of the Court.
38. Allegations 2 and 3 involve the Defendant naming and making offensive comments about a District Judge. As recently as 17 March 2025, the Defendant posted on social media a video in which she made threatening and abusive comments about another District Judge. Having regard to the this, I order that paragraph 1 of the injunction order is amended to include a new paragraph 1(e):

“(1)(e) All members of the judiciary, all members of the legal profession, and all HMCTS court staff. ”

Right of appeal

39. I advise the Defendant that she has an automatic right of appeal to the Court of Appeal. She does not need to request permission to appeal. An appeal must be made within 21 days of today.

Costs

40. I find that costs should follow the event, pursuant to CPR 44.2(2).
41. The Defendant has served an N260 statement of costs, dated 6 March 2025, totalling £21,814.80.
42. I find that the hourly rates are far below the guideline rates, and that the time sought for the work carried out is reasonable. I conclude that the sum sought is both proportionate and reasonable. I order that the Defendant pay the sum of £21,814.80, not to be enforced without an assessment of the Defendant's ability to pay under s.26 LASPO 2012, the assessment to include the determination of the period in which the Defendant had costs protection.
43. Finally, I warn the Defendant that the consequences of breaching the injunction order are likely to be very serious and include the activation of the suspended sentence. The injunction order will remain in force for two years from today's date until 4pm on 19 March 2027. I emphasize to the Defendant that she must not cause nuisance, annoyance or distress to any of the persons mentioned at paragraph 1(a) to (e) of the injunction order.