

IN THE COUNTY COURT AT WALSALL

Bridge House
Bridge Street
Walsall
WS1 1JQ

19 July 2024

BEFORE:

HIS HONOUR JUDGE MITHANI, KC

BETWEEN:

BROMFORD HOUSING ASSOCIATION LTD

Claimant

- and -

ALESSANDRA WARWICK

Defendant

MR DEWSBURY appeared on behalf of the Applicant
The Respondent did not appear and was not represented

JUDGMENT
(as approved by the Judge)

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1. JUDGE MITHANI: So far as there is an application for an adjournment by the Defendant, and I do not know if there is because there is formal application for it, and the Defendant has not attended the hearing, I refuse the application. That means that I must sentence her today in her absence. I should add that this is not the first time that the Defendant has failed to attend.
2. I have to sentence the Defendant on the basis of the 18 breaches of the injunction that have found to be proved against her.
3. The breaches were serious and committed over a relatively short period of time. The impact upon the victims was substantial, particularly the one victim whose statement I have read and about whom further information was provided by Mr Dewsbury to me today.
4. The Defendant has spent the equivalent of a month in prison. If I were to have been sentencing her if she had not spent those days on remand, my starting point for the breaches would have been two to three months in custody. I have briefly mentioned the aggravating factors about the commission of the breaches.
5. In the absence of the Defendant attending, the only mitigation I am aware of that applies to her is what I know from the papers and the information Mr Dewsbury has provided today.
6. Although the Defendant does not have the benefit of a guilty plea, and there were 18 breaches, this was the first time that she came before this court in relation to the breach of her injunction. I have little information about her previous character.
7. When Mr Dewsbury first opened the case, it seemed to me to be appropriate to conditionally discharge her, given that she spent 15 days on remand, is no longer in the property and is unlikely to return. In fact, there is a possession claim which I need to consider after I have dealt with the sentence for these breaches. In addition, there are severe issues with prison places throughout the country and no one wishes to make the life of the Prison Service any more challenging than it is.

8. Those who commit this type of anti-social behaviour often do not understand the impact that it has on others. Having reflected on the matter further and heard Mr Dewsbury, I consider that the only appropriate way to mark the seriousness of her conduct is to impose a custodial sentence.
9. I do consider that the custody threshold has passed. The shortest sentence that is appropriate for the Defendant is a period of imprisonment.
10. My starting point is two months. I will reduce that one month bearing in mind all the matters to which I have made mention, including the time the Defendant spent on remand. The periods will run concurrently on all 18 breaches. However, for reasons I have indicated, I will suspend that for a period of six months.
11. So far as is required by the requirements of CPR 81 and the PD supplementing it, there will need to be a transcript of this judgment obtained at public expense on an expedited basis and the publication of the terms of the sentence in the usual way on the Judiciary website and elsewhere.

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