

IN SNARESBROOK CROWN COURT

Case No: S20190135

Courtroom No. 4

75 Hollybush Hill,
London
E11 1QW

12.07pm – 12.39pm

Tuesday, 16th April 2019

Before:

HIS HONOUR JUDGE M ZEIDMAN QC
THE HONORARY RECORDER OF REDBRIDGE

R E G I N A

v

MR JAMIE PETERS

MS U SHERGILL appeared on behalf of the PROSECUTION

MR M J COGAN appeared on behalf of the DEFENDANT

SENTENCE

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A

SENTENCE

JUDGE ZEIDMAN: Mr Peters you may remain seated, because I want to explain my approach to this sentence. I want you to fully understand it and it is easier if you are sitting down.

In relation to the breach of the restraining order, I need to apply the definitive guideline, Breach Offences at page 22.

The maximum sentence is five years. The top of the range in the guide is four years, and the first task is to determine the level of culpability.

B

It seems to me that this case comes somewhere between Box A, a 'very serious breach', and B, which is 'a deliberate breach, falling between A and C'.

The defence submit that it comes into Category B and I tend to work on that basis, in terms of culpability. One has to remind oneself that these boxes are not rigid. As Lord Justice Hughes, as he then was, said in the case of *R v Healey* [2012] EWCA Crim 1005, 'In real life, offending is found on a sliding scale of gravity with few hard lines and in no cases do the boxes have hard edges.' I work on the basis of Box B.

C

In terms of harm, I find that it falls into the most serious category, Category 1. That is, where the breach causes 'very serious harm or distress'. Mr Michael Cogan, submits that the distress was serious but not 'very' serious. I cannot accept that. We need to remind ourselves of what the ex-partner said. It is important that the defendant hears these words and he needs to put himself into the shoes of the receiving party. I will take it slowly. She said this:-

D

'The entire court case has stressed me out. A lot due to Jamie's aggressive behaviour in the court. The incident from the courtroom has taken me back mentally to the time I was in an abusive relationship with him. Due to his aggressive actions in the courtroom, my concerns for my personal safety have developed, as he has acted in such an aggressive manner in a courtroom, which leave me to think 'What would he do if he saw me on the street?'. I have refrained from seeing my family who live in the Dagenham area, as I fear that I may bump into him if I am in the Dagenham area. I feel depressed due to leaving home and being isolated from my friends and from my family members due to his actions. I am struggling to sleep. In the night, as I still have vivid images of the incident in the courtroom which disturb my sleep. My anxiety level have increased since the courtroom

E

A incident. My GP has increased my dosage of medication for my anxiety issues. I have also been referred for counselling sessions'. She goes on to speak of the stress of the court case and how it has made her lose two stone in weight because she has not been eating properly. 'I do not work at the moment as I had to quit my job at the beginning of last year due to being in fear of leaving the house as I was scared to bump into him. Although he currently has bail conditions not to contact me, I still fear that if he does see me on the street, he may not speak to me but a look from him is

B intimidating enough to scare me'.

That is just one of the people affected by your actions. I have no doubt that on the facts of this case, the breach has caused 'very' serious distress.

Now, if the case is brought into Category 1B, it has a starting point of one years' custody. There is a range, going from a high-level community order, up to two years in custody. So that is my starting point.

C

My next task is to consider the aggravating and mitigating circumstances. The first item is previous convictions. The defendant has not got a bad record, but he does have a driving whilst disqualified, that shows a certain attitude towards court orders but it is not directly relevant. He has a number of cautions. Destroying or damaging property in 2003 and in 2007, possessing an offensive weapon in a public place. In 2007 again, assault occasioning actual bodily harm. The one that causes me the most concern is the caution of 6 July 2017, because that was for a common assault, and upon the same victim, the complainant in this case. That is a significant factor.

D

In terms of mitigating factors, the guideline talks about mental disorder or learning disability. I have noted what has been said in the excellent pre-sentence report, about depression. It is not suggested that the defendant suffers from a mental illness. There is no question here of a hospital order or anything of that kind, but I note that he has had bouts of depression.

E The guideline makes it clear that the list of aggravating and mitigating features is 'non-

A exhaustive’.

It does not for example list ‘location of offence’ as an aggravating feature.

The fact that these offences took place during a court hearing is a very significant aggravating feature.

Let me state the obvious and explain why that is so.

B

No one enjoys going to court. It is a necessity for very many people. Litigants, especially in family proceedings, find it difficult to be in the same room as their opponent, their ex-partner. The county and family courts typically have less formality than a criminal court. They often have less security and the parties often have to sit near each other without any physical separation. There are few means of quick escape. On both sides, there is often high emotion.

C

In mitigation the point is made that you were frustrated by the whole process. You wanted a contact order and it seemed to be taking a long time and you were deprived of the opportunity of seeing your child. I understand entirely how emotional and upsetting that can be. It is the nature of the work carried out by the family courts – things that bristle with emotion and sensitivity. But it is precisely for that reason, that it is essential that each side behaves in a civilised and respectful manner towards all other participants, especially their opponents. It is hard enough, at the best of times. There is a real public interest in ensuring that matters proceed calmly and especially, that no one feels intimidated.

D

Apart from the opposing party you need to consider the court staff. They carry out their duties in a devoted manner, often for little reward, and it is important that they also feel safe.

Mr Peters, other people have also been affected, by your actions. What about the poor usher? You will not know her name. It is Vivian Goodfellow. She witnessed the event. Listen to what she has said:-

E

‘I ran out of the courtroom via the public entrance and ran to the end of the stairwell and shouted for security. I am happy for someone else to read my

A statement in court, as I do not feel comfortable in front of Jamie Peters. At the time of the incident I felt upset and shocked at what had happened. The following day I was not fit to usher courtrooms and remained in the administration office, where I felt safe. I have become more aware of my surroundings at work and I now am more anxious at raised voices, but I am still able to do my job’.

I now come specifically to the Public Order Act offence against the judge.

B Judges are also human. Rulings by family judges often involve difficult and delicate questions. Those issues and questions have to be considered in an atmosphere of calmness and certainly not when threatened by somebody holding a chair over their head.

District Judge, Emma Goodchild, says that she was ‘extremely upset and shocked by the incident and even a week afterwards, she was still thinking about what had happened.’

Of course, the solicitor acting for your ex-partner was also present, although there is no statement from her. Your actions have had a rippling effect upon many people.

C In relation to the offence against the judge, under the Public Order Act, there is a maximum sentence of six months and there is no guideline for this court, but I have had regard to the guideline for the Magistrate’s Court. The guideline is to be found in Blackstone’s supplement at SG 155. It falls into the highest starting point, as a weapon was used, in our case, a chair, which was ‘brandished or used’, in the words of the guideline.

D That gives a starting point of 12 weeks’ custody with a range going from high level community to 26 weeks. Many of the aggravating features that I have already identified apply to that offence as well but of course, I must make sure that there is no double counting.

Where more than one person is affected, I need to look at the total harm that is done and I will structure the sentence as between the different victims, but my approach is to apply what lawyers call ‘the principle of totality’, to stand back and make sure that my overall sentence is not unduly harsh.

E Let me now look at the mitigation. A number of points are made. I am not going to repeat them

A all, but I want to acknowledge some of them. First, I have read the pre-sentence reports. They set out the position in great detail. I would like the authors to know that I have found them helpful even though I am unable to accept the recommendation. Your counsel has described the frustration that you have experienced by the delay in the family proceedings. You were unrepresented. You were not eligible for legal aid, and I can see that this made it even harder for you, especially as your ex-partner was, and rightly so, legally represented. You had had no recent contact with your child and you were seeking a determination. You were upset and anxious and you have suffered from bouts of depression. It is said that when after the incident

B there was immediate remorse. I do not know about immediate remorse, but when you were arrested, you expressed your apologies. You did not stay at the court building, although I accept that you may have left in order to calm things down. In the addendum to the pre-sentence report it says that you took full responsibility for your behaviour and that you recognised the seriousness of your action, displaying victim empathy and a willingness to address your anger issues.

C I accept entirely that you felt emotional, but it is not such a profound point because it is just at those times that one needs to control oneself.

I acknowledge that no physical injuries were caused. You have never done this sort of thing before. The probation assessed the likelihood of further offences as 'low', and overall assessment is medium risk to the public including your ex-partner.

D I have considered carefully the view expressed in the pre-sentence report, that immediate custody would have a negative impact on you.

There is, of course, no suggestion that you suffer from mental illness, which would make a hospital order appropriate, or anything of the kind. Although, I do mention the quotation from the addendum report on page two, that there is recently experienced suicide ideation.

I have risen to read the excellent references, because I accept entirely that there is a totally different aspect of your personality and character which reflects very well upon you.

E

A I have seen the moving letter from your sister from 16 February, where she talks about you in glowing terms and talks about how charitable you are. That is from Ms Stacey Louis Valley. I have read the statement from Karen Harvey, and she talks about knowing you for over 15 years, and how you have been honest and kind and good-natured, and from Dee Searle, who has found you to be hard-working and always willing to meet the company requirements when asked and 'no job is ever too much trouble' for you. The moving note from Jo Wise describes you as 'a loyal, kind and very generous friend who always talks and shares stories of his daughter'.

B The final recommendation is for a community order for 18 months with a rehabilitation activity requirement for 10 days, but in my view the case undoubtedly passes the custody threshold. That conclusion is in accord with the concession rightly made by your counsel today.

In my view, a community order would not provide sufficient restriction on your liberty. It needs to be a custodial sentence. I have then gone on to consider carefully whether there is a basis for suspending that prison sentence. We have a new guideline in relation to the imposition of immediate and suspended custodial sentences. I have had regard to it. In particular s4 pages 7 and 8. In my view, a suspended sentence is not appropriate.

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You represent a risk to the complainant, but more significantly I have reached the conclusion that appropriate punishment can only be achieved by immediate custody.

I need to determine the minimum appropriate overall sentence for the incident.

This is, on any view, a very sad case.

Given that your actions have affected different people, I will express the sentence, structure the sentence, by imposing consecutive sentences for the two people affected. My object is to achieve the overall sentence that is the minimum necessary to deal with this case.

D

In my view, taking into account all of the aggravating and the mitigating features, and applying the principle of totality, on a contested hearing, I would have imposed a sentence of 18 months' imprisonment, but I reduce that by one third to give effect to your early guilty plea. Would you stand up please?

The total sentence for this entire incident will be 12 months' imprisonment. On the breach of the non-molestation order, there will be a sentence of nine months. On the public order offence against the judge, there will be a consecutive sentence of three months. On the criminal damage,

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A there will be a concurrent sentence of one month, making a total sentence of 12 months' imprisonment.

If the statutory charge applies it will be imposed in the correct sum. You need to ensure that this will never happen again. You may go down.

May I just check, you did not tell me about any curfew that needed to be taken into account, I am assuming that there was not one.

MR COGAN: No.

MS SHERGILL: No, there is not.

B JUDGE ZEIDMAN: There are no other indictments or anything that needs to be sorted.

MS SHERGILL: No, Your Honour.

MR COGAN: No, not that I am aware of.

JUDGE ZEIDMAN: I am grateful to you both for your assistance in what really is a difficult case.

Thank you very much.

End of Sentence.

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