

JERSEY / JUDGMENT

Costa v Ferreira

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[2009]JRC018 royal court (Samedi Division) 3rd February 2009 Before : Sir Philip Bailhache, Kt., Bailiff, and Jurats Bullen and Le Cornu. Between Gilda Franca Costa Plaintiff/Representor And Jose Luis Ferreira Defendant/Respondent Advocate M. J. Haines for the Plaintiff/Respondent. Advocate C. Hall for the Defendant/Respondent.

judgment

the bailiff: 1. The Court is satisfied beyond reasonable doubt that the Defendant breached the injunctions on each of the three occasions which have been in issue this morning. By way of further explanation of that finding, in order to help counsel for the Defendant in her mitigation, we will make it clear that we accept that it may have been a coincidence that the Defendant was at the airport at the very time when the Plaintiff was arriving from Madeira. We find however, in accepting the evidence of the Plaintiff that the Defendant followed her into the car park shouting at her or calling out to her, that that was a harassment of the Defendant. In relation to the incident at the White Horse Hotel, we accept the evidence of the Plaintiff and we find that the Defendant again harassed the Plaintiff contrary to the injunction. In relation to the incident at St Thomas's Church, we accept the evidence of the Plaintiff that the Defendant was in New Street adjacent to the Church at a time when he is prohibited from being in the vicinity of St Thomas Church. [The Court heard submissions in relation to sentence.] 2. Mr Ferreira, the Court has today found that you were in breach of the injunctions imposed by the Court in August, 2004, on three occasions and you have admitted breaching the injunction on two other occasions. You have been before the Court on many previous occasions when you have either admitted or you have been found to be in breach of the same orders of the Court. You may not understand it in this way, but what you are doing is bullying your former partner in a way which the Court can not accept. There are a number of very serious things which the Court can do and it will be bound to consider those serious things, including deportation, if this continues to go on. We hope that it will not, because if the underlying problem is the money which you say is owing to you, your advocates are dealing with that and they will bring it to a conclusion in due course, but that is not an excuse for harassing Miss Costa, for shouting out to her, for following her around and making her life a misery. While you do those things the Court is bound to punish you for the breaches of its orders. The Court hopes that when you come out of prison on this occasion you will organise your life in such a way that you make it impossible to follow Miss Costa or to be in the same place as her at the same time. On these occasions you could have gone back from the Ambassador Hotel by a different route, you could have gone to Springfield stadium by a different route. It is up to you to organise your life in such a way that you do not put yourself at risk of breaching these

conditions. In the meantime, the Court has to punish you for the breach of the Court's orders, and we are going to sentence you to four months' imprisonment. No Authorities

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