

JERSEY / JUDGMENT

Le Verdier v Feldman [2002]

JRC 28 (29 January 2002)

[2002] JRC 28

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judgment

the deputy bailiff: 1. The defendant admits being in breach of a non-molestation injunction by approaching the plaintiff in a bus shelter, subjecting her to a tirade of verbal abuse and thereafter, when the plaintiff entered the rent office at Les Marais and attempted to contact the police, attempting to obstruct her by placing her hand over the telephone. 2. This is the third occasion upon which the defendant comes before the Court for breach proceedings. On 4 th May, 2000, she was warned of the consequences of a breach. On 22 nd October, 2001, she was sentenced to two weeks' imprisonment. 3. The unusual aspect of this matter is that the defendant suffers from schizophrenia. But it is clear from the evidence before us of Dr. Cox, the Consultant Psychiatrist, that the defendant does understand the injunction proceedings and that the breaches are not due to her mental illness. It follows that the case of Wookey-v-Wookey, re S (a minor)

[1991] 3 All ER 365, to which Mr. Hoy referred us, is not relevant on this particular occasion. 4. It is clear to us that one of the problems is that the parties live close to each other and therefore occasionally come across each other. We understand from Mr. Hoy, who spoke on behalf of the defendant, that the Housing Dept planned to rehouse either the plaintiff or the defendant with a view to trying to avoid this in future. We strongly support that initiative and urge that all possible steps be taken to achieve this because we believe that if the parties do not accidentally bump into each other, the risks of a breach on the defendant's part will be reduced. 5. The defendant, both through her counsel and personally, has apologised to the Court for the breach of injunction and we have taken that into account in reaching our decision. Nevertheless the Court cannot tolerate breaches of the injunctions which it grants. The plaintiff is entitled to look to the Court for protection as she goes about her everyday life. In the circumstances we see no alternative to a short period of imprisonment. 6. Stand up, please. We wish to emphasise, Miss Feldman, that if you continue to break the injunctions these prison sentences will get longer. On this occasion the sentence of the Court is three weeks' imprisonment. We must repeat that if breaches continue the Court will have no alternative but gradually to impose longer sentences; so the remedy lies in your hands. We extend the power of arrest for six months.

Authorities Wookey-v-Wookey, re S (a minor)

[1991] 3 All ER 365. Page Last Updated: 22 Sep 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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