

JERSEY / JUDGMENT

Robbins v OSullivan [2001]

JRC 80 (02 April 2001)

[2001] JRC 80

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judgment

the deputy bailiff: 1. On 27th March, that is last Tuesday, this defendant was found to be in breach of an injunction which had been granted originally on 26th January 2001, and had subsequently been confirmed upon presentation before the Royal Court. For those breaches the Court imprisoned the defendant for 7 days and made it clear that the punishment would have been greater but for what might be said to be some inconsistent conduct on behalf of the plaintiff. The Court ended up by saying this, and I quote: "Let me say this to you, that the injunction of the Court must be obeyed. If you breach it again the punishment will be much more severe and it will become increasingly severe until you will be spending long periods in prison. So, you must obey this injunction and simply not make contact with the plaintiff, nor visit her flat." The Court, therefore, gave a clear warning to the defendant of the need to adhere to the injunction. 2. The defendant was released on Friday, 30th March, in the morning. He appears to have consumed alcohol at some stage during the day and in the early part of the evening he telephoned the plaintiff at her home. It appears that he was angry that she had informed two friends of his earlier in the day that he had been imprisoned for the earlier breach of the injunction. Although he denies having been abusive to the plaintiff on the telephone it is accepted that the conversation became heated and it is clear to us that the telephone call had been made in the first place so that the defendant might remonstrate with the plaintiff as to the telling of the friends. He rang back not long afterwards, having apparently put the phone down on the first occasion, in order to apologise for his conduct during the first call. 3. Had this been a visit to the plaintiff's premises then the defendant could have expected to be imprisoned for a substantially longer period than the last occasion because this breach follows immediately upon his release from the first sentence of the Court and shows a complete disregard of the Court's order. We take into account, however, that this was a lesser breach in the sense that it was two telephone calls of which the second was not in any sense aggressive. Nevertheless, Mr. O'Sullivan, we repeat that you have to obey the orders of the Court and if you do not you will go to prison. We think the right sentence on this occasion is one of two weeks' imprisonment, and that is the sentence of the Court. No authorities Page Last Updated: 11 Apr 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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