

IN THE COUNTY COURT
AT BIRMINGHAM

Priory Courts
Bull Street
Birmingham, B4 6DS

Date: 8th November 2021
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Before:

HIS HONOUR JUDGE MURCH

Between:

**CHIEF CONSTABLE OF THE WEST
MIDLANDS POLICE
- and -**

Claimant

YOBEL WERIE

Defendant

Ms Stockin appeared on behalf of the Claimant
Ms Kumar appeared on behalf of the Defendant

Approved Judgment

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2nd Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP.
Telephone No: 020 7067 2900. DX 410 LDE
Email: info@martenwalshcherer.com
Web: www.martenwalshcherer.com

JUDGE MURCH:

1. Mr Werie, this is a serious matter. You have accepted that you were in breach of the injunction which was made by His Honour Judge Rawlings earlier last year. You accept that you were present yesterday at 6.50 in the morning in the exclusion zone in the area where you were not meant to be. In fairness to you, you have this morning accepted that. Today is the first hearing, you having been arrested yesterday morning. It is fair to note this is the fourth time the matter has been before the Court now by way of breach. It was first before the Court on 25th October 2019 when District Judge Rich gave a sentence of 14 days, suspended until midnight on 21st August 2019, for you being present in the exclusion zone. On 19th December 2019, District Judge Shorthose activated that sentence and added a further 21 days as a result of you being found present again in the area where you were not meant to be.
2. The matter was most recently before the Court before Her Honour Judge Ingram on 13th May 2021, again finding you had been present in the exclusion zone and Her Honour gave a sentence of 20 days suspended until midnight on 21st August 2022.
3. This is a serious matter. It is a deliberate breach, as I see it, and it is a breach which, although has not caused harm on anyone on the face of it, remains a breach. I am satisfied the custody threshold is met in this case, as, indeed, my colleagues have in the past.
4. On your behalf, it is said that you were due to start employment today, two o'clock this afternoon, and this is the first time you have worked for two months. I am told you live with your mother. You assist her in looking after 12 and 17 year-old siblings. My concern is that the custody threshold is, as I say, met in this case and I take the view that a sentence of 14 days' imprisonment is the appropriate sentence in this case. I set it at 14 day, giving full credit for your prompt admission, because it is fair to note it was 6.50 in the morning and I have heard what is said on your behalf that you had not appreciated the time it was because you were intoxicated at the time, but it is not to say intoxication is an excuse for breaches of injunction, but it goes into my consideration as to the sentence that is appropriate to pass.
5. I am satisfied it is appropriate to suspend the sentence. I suspend it because you are due to start work this afternoon, and it may be you can get to work this afternoon. If not I hope that you can start in the next few days the job which you have recently security.
6. I am mindful that you are in breach of a suspended order off Her Honour Judge Ingram but, nonetheless, I have decided to suspend this sentence as well because of the recent start of employment and the fact you have not worked for two months, and because of the commitments you have told me to your family, but I suspend the sentence for the remainder of the duration of the injunction, which is until 22nd August 2022 on condition there were no further breaches of the injunction.
7. You have 21 days within which to appeal the sentence which I have passed. Any such appeal is made to the Court of Appeal. Ms Kumar can doubtless advise you further if you wish to do so. Thank you.

This Judgment has been approved by the Judge.

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