

Committal or Other Order upon Proof of Disobedience of a Court Order or Breach of an Undertaking

In the West Cumbria	
County Court	
Claim No. <small>Always quote this</small>	F00WH148

Between Home Group Limited

Applicant
Claimant
Petitioner

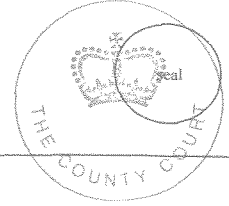
And Joshua Thwaites

Respondent

Before District Judge Stone

Sitting at the County Court at Carlisle, Earl St, Carlisle, CA1 1DJ

On 8th January 2020



1 An application having been made by⁽¹⁾ _____ for committal of⁽²⁾ _____ to prison

Defendant

for disobeying the order [breach of the undertaking] dated _____. The relevant terms of the order (undertaking) and the allegations made by the applicant are recited on the attached notice to show good reason.

or

2 Whereas⁽²⁾ Joshua Thwaites has been suspected of a breach of the attached order dated 5th December 2019 and has been arrested by a constable and brought before the Judge under section 47(6) of the Family Law Act 1996/section 43 of Crime and Policing Act 2009. or

3 Whereas⁽²⁾ _____ has been suspected of a breach of the attached order [undertaking] dated _____ and has been arrested under a warrant of arrest and brought before the Judge under [section 47(8) of the Family Law Act 1996] [section 3(3) of the Protection from Harassment Act 1997], [section 44 of the Policing and Crime Act 2009].

IMMEDIATE CUSTODIAL ORDER

It is ordered that⁽²⁾ Joshua Thwaites be committed for contempt to Her Majesty's Prison Preston (be detained under section 9(1) of the Criminal Justice Act 1982) at⁽³⁾ for a (total) period of⁽⁴⁾ 16 weeks or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.

And the contemnor can apply to the (court) (judge) to purge his contempt and ask for release.

[And, as the court by order dated _____ dispensed with service of the notice of application for a committal order, It is ordered that the contemnor be brought before a judge of this court as soon as practicable.]

ALTERNATIVE DISPOSAL

~~It is ordered that⁽²⁾ be committed for contempt to prison for a (total) period of⁽⁴⁾~~

~~The order is suspended until _____ 20 _____ and will not be put in force if during that time the contemnor⁽²⁾ _____ complies with the following terms:~~

~~And it is further ordered that in the event of non compliance any application for issue of the warrant shall be made to a judge (on notice to the contemnor)~~

~~It is ordered that⁽²⁾ _____ be _____ fined _____ the _____ sum _____ of _____ £ _____.~~
~~Such _____ sum to be paid into the office of _____ the court within 14 days of _____ the date of this order.~~

~~It is ordered that consideration of the penalty for the contempts found proved be adjourned until _____ 20 _____ and may be restored for decision if during that time⁽²⁾ does not comply with the following terms~~

PROVISION FOR COSTS

And it is ordered that

RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

At the hearing

(1) Home Group Ltd was represented by counsel
 (2) Joshua Thwaites was represented by solicitor

The court read	the	affidavits	Date	affidavit(s)

And the court heard oral evidence given by Name(s)

And the court is satisfied having considered the facts disclosed by the evidence and/or admitted in court by him/her that⁽²⁾ Joshua Thwaites has been guilty of contempt of this court by disobeying the order (breaking the undertaking) dated 5th December 2019 by (and as set out in the attached schedule)

1. Breach 1 on 6th December 2019
2. Breach 2 on 7th December 2019
3. Breach 3 on 12th December 2019
4. Breach 4 on 16th December 2019
5. Breach 5 on 17th December 2019

And for the particular contempt the court imposed the penalty of:

1. 4 weeks immediate custodial sentence
2. 4 weeks concurrent
3. 6 weeks consecutive
4. 6 weeks consecutive
5. 6 weeks concurrent

Total 16 weeks

IN THE COUNTY COURT AT WEST CUMBRIA

CASE NO F00WH148

HOME GROUP LIMITED

CLAIMANT

AND

JOSHUA THWAITES

DEFENDANT

SCHEDULE OF ADMISSIONS OF THE DEFENDANT

The Defendant admits or denies the alleged breaches in accordance with the Table below:

DATE OF ALLEGED BREACH	DETAILS OF ALLEGED BREACH	DEFENDANT'S RESPONSE
29/10/2019	Maureen Conneely-Defendant shouting outside front door "We know you've complained about us...".	Prior to date of injunction.
6/12/2019	Maureen Conneely and Sarah Glendinning-Defendant and ex-partner Caitlin heard shouting at each other in corridor, banging on walls. Evidence of flooding in flat.	Defendant admits arguing with his ex-partner Wilson inside his flat. She was heavily intoxicated and asserting there was a prowler. Defendant admits his behaviour will have caused harassment alarm or distress. Defendant admits there was minor flooding from an unattended bath. Immediately turned off the taps when notified.
7/12/2019	PC 2527 Crawford-identifies apparent damage to walls inside flat. No specific details provided. Photographs of damage taken following termination of tenancy now provided.	Radiator was not fitted properly at tenancy start date. Door taken off hinges to allow sofa to be taken into lounge. The holes in the walls were caused during tenancy by Wilson when drunk. Accepts damage caused during course of tenancy.
12/12/2019	Caitlin Wilson-alleged assault involving twisting arm and pushing against wall, thrown to ground, attempted removal of phone, stamped on hand, took	Defendant denies offence. Currently released under investigation. Information received but not verified that the Complainant Wilson has

	shoes and phone, Wilson forced to flee address. Defendant arrested from flat by police.	retracted her statement denying that the incident occurred at all. Defendant accepts that arrest from premises by police, regardless of verity of complaint, will have caused distress to residents.
16/12/2019	Kelsey Donald-outside flat heading into town and sees Defendant next to a bush. Makes comment eliciting response.	No recollection but in any event outside the immediate area of the Derwent Mill premises. Although behaviour likely to be worrisome no indication from Complainant of any behaviour directed towards her capable of causing harassment alarm or distress.
17/12/2019	Kelsey Donald-hears shouting outside window. Sees Defendant outside. He is acting bizarrely. Sits in shelter and continues shouting generally. PC2367 Baker & PC 2527 Crawford-locate Defendant outside premises at Derwent Mill. Heavily intoxicated. Acting bizarrely. Seeing people who are not there. Arrested at scene.	Little recollection. The Defendant concedes he was present. He was intoxicated. Accepts the behaviour complained of likely to cause harassment alarm or distress to residents.

Dated this 7th day of January 2020

Signed

Brockbanks Solicitors

On behalf of the Defendant