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WOOD GREEN CROWN COURT
“often in error but never in doubt”

<http://victims-unite.net/2012/06/02/wood-green-in-london-a-court-of-fair-trials-and-justice-or-partiality-and-corruption/>

C

[NOTE SEE ALSO]

<http://mrebert.wordpress.com/>

In the Crown Court at Wood Green

D

Case No: A20120031

Court Code: 469

Page No: 1 of 3

E

Result of an Appeal

The Defendant Gedaljahu Ebert was convicted on 31 January 2012

by Hendon Magistrates' Court

of

F

1.

Destroy / Damage Property (Value Of Damage #5000 Or Less -Offence Against

Criminal Damage Act 1971 Only)

G

2.

Destroy / Damage Property (Value Of Damage #5000 Or Less -Offence Against

Criminal Damage Act 1971 Only)

3.

Offence Of Harassment.

and the following sentence(s)/order(s) were made:

1.

7 days imprisonment suspended for 12 months Concurrent

Exclusion Requirement (12 months) -Not to enter Cranbourne Gardens, NW11.

Supervision (12months).

To pay compensation of £300.00 to Robert Baruch 23 Cranbourne Gardens, Golders

Green, NW11 OHS.

2.

7 days imprisonment suspended for 12 months Concurrent

Exclusion Requirement (12 months) -Not to enter Cranbourne Gardens, NW11.

Supervision (12months).

To pay compensation of £300.00 to Robert Baruch 23 Cranbourne Gardens, Golders

Green, NW11 OHS.

3.

28 days imprisonment suspended for 12 months OVERALL LENGTH OF SENTENCE

28 DAYS.

Exclusion Requirement (12 months) -Not to enter Cranbourne Gardens, NW11.

(5032)

L1N/441414

Result of an Appeal Case No: A20120031

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Supervision (12months).

Restraining Order (Protection from Harassment Act 1997 S5)

To pay £500.00 towards the costs of the prosecution. £10.00 per week commencing 07

February 2012. Balance .. £1,100.00.

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The Appeal against conviction and sentence was heard on 13 August 2012.

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It was ordered that the appeal against conviction and sentence be dismissed and it was ordered that the sentence be increased as follows:

1. 4 weeks imprisonment concurrent

The suspended sentence order and all attached requirements are revoked and the defendant has been re-sentenced to immediate custody.

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The order for compensation is revoked because the defendant is now serving an immediate custodial sentence

2. 4 weeks imprisonment concurrent

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The suspended sentence order and all attached requirements are revoked and the defendant has been re-sentenced to immediate custody.

The order for compensation is revoked because the defendant is now serving an immediate custodial sentence

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3. 12 weeks imprisonment

The suspended sentence order and all attached requirements are revoked and the defendant has been re-sentenced to immediate custody.

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Restraining Order (Protection from Harassment Act 1997 S5)

The order for costs is revoked because the defendant is now serving an immediate custodial sentence. The restraining order remains in force unaltered.

(5032) L1N/441414

Result of an Appeal Case No: A20120031

G

Other Orders:

Total sentence of 12 weeks imprisonment.

Page No: 3 of 3

An Officer of the Crown Court

Date: 13 August 2012

H

ENDS

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This transcript has been prepared without the assistance of case documents. Therefore, all spellings are phonetic.

IN THE CROWN COURT
AT WOOD GREEN

Case No. A20120031

Lordship Lane
London.
N22 5LF

Monday 18th June 2012

B

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PLEASE NOTE – MR GEDALJAHU WAS
1.NOT BANKRUPTED 2.NOT EVICTED 3.NOT VEXATIOUS

BEFORE:
(UNKNOWN)

R E G I N A

- v -

GEDALJAHU EBERT

D

MISS L FANSAHWE appeared on behalf of the PROSECUTION
THE DEFENDANT REPRESENTED HIMSELF

E

Transcribed from the Official Tape Recording by
SELLERS LEGAL SERVICES
(Official Court Reporters to the Crown Court)
40-43 Chancery Lane, London WC2A 1JQ
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F

Monday 18th June 2012

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MISS FANSHAW: (start of audio) I think that is essentially down to me, although in fact I wasn't originally due to be covering the case, but suffice it to say I broke down on the way to court this morning. It's the first time that's happened.

THE JUDGE: When were you instructed to cover this case then?

MISS FANSHAW: While I was waiting for the RAC I was asked to cover it, at

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A that point I said well it depends what time I get to court, if I get to court. I'm in a later matter in your Honour's list, I should explain, I'm on at twelve o'clock, and my answer was yes of course I'll help assuming I get to you.

B THE JUDGE: So no arrangements had been made until this morning for you to cover.

B MISS FANSHAWE: I mean not with me, your Honour.

THE JUDGE: Yes.

C MISS FANSHAWE: This morning I've been rather preoccupied with getting my car running sufficiently to get me to Wood Green.

THE JUDGE: I understand. I hope you have been able to make your arrangements and get your car sorted.

D MISS FANSHAWE: I got myself here.

THE JUDGE: Yes.

E MISS FANSHAWE: But as I say apologies for the late start, and as I say in part because ----

F THE JUDGE: My concern is about the arrangements only being made this morning when Mr Bush indicated last week, or was it the week before last, that he couldn't be here.

F MISS FANSHAWE: Your Honour, I'm afraid at the moment I just don't know.

THE JUDGE: All right. Perhaps by later on this morning you might have been able to find out.

G MISS FANSHAWE: All I know is I was asked while I was waiting for the break down.

H THE JUDGE: Yes, **that's the bit that concerns me**, that it was so late, but thank you for that. Mr Ebert, once again I've had a bundle placed before me, most of it is

A already known to me, but I have read it all. I don't think I have anything to add beyond that. I understand it was your request that we read it before we pronounce.

MR EBERT: I ask for if his Honour is aware of it.

B THE JUDGE: I have seen it, yes. Very good. There is no need for you to stand. We are, of course, here today in order to give our ruling after having heard the evidence in relation to this appeal and I now give our joint ruling, which is the ruling of the whole court, although only one of us will speak, do you understand?

C MR EBERT: Yes, yes, his Honour, I understand.

D THE JUDGE: There is no need to stand. This case is about twenty-three Cranbourne Gardens and events surrounding it. The appellant clearly has issues and grievances in relation to this property. The issues have had many hearings in the Chancery Division of the High Court. Judges have presided over those hearings. Eventually the defendant was adjudged to be a vexatious litigant. The appellant used to live at the property which he and his wife owned. He bought the house in 1992. He told us he was arrested and deprived of his property in August 1999. The matters being dealt with in this case result from convictions in the Willesden Magistrate's Court in January of this year where the appellant was convicted of three matters. In relation to 14th June he was convicted of criminal damage, in relation to 20th June, that is of 2011, he was convicted of criminal damage and on dates between 22nd February and 28th June 2011 he was convicted of pursuing a course of conduct which amounted to harassment of the occupiers, Mr and Mrs Barouk, by repeatedly attending their home, damaging their property and causing them fear and distress. I summarise slightly and shorten slightly the full words of the convictions. The appellant now appeals to this court

against all three convictions. In this court Mr Ebert has represented himself and does so again today. We heard evidence over two days on 6th and 7th June. The written grounds of appeal which I take from the appeal notice received in this court in March, 13th March 2012 are as follows: one, the lawful and legal owner of twenty-three Cranbourne Gardens, London NW11 OHS in fact of law to the legal justification that Mr Robert Barouk to demolish and deprive Mr Gedaljahu and Mrs Devera Ebert from their land who are the legal owners in fact and law (Protection from Eviction Act 1977, Section One), re the conviction is not consistent with the evidence. The prosecution's case is that following the appellant's eviction from the property Mr and Mrs Barouk purchased twenty-three Cranbourne Gardens in 2001. Over a period of years they part demolished the building a rebuilt a largely new house on the same site. They moved into their new home in 2005. Since his eviction the appellant has repeatedly attempted to overturn his eviction which, it seems, followed a foreclosure of a mortgage and sale of the property, thus the history of litigation to which we have made reference. Mr Ebert's case is that one, he was wrongly deprived of his property; two, Mr and Mrs Barouk are unlawfully in possession and trespassing on his land; three, the land and property are his, therefore he cannot be guilty of causing criminal damage to his own property; four, in so far as he has caused damage and distress to the Barouks by attendance at twenty-three Cranbourne Gardens, he has a legal justification for so doing. At the outset of the hearing in this court we explained to Mr Ebert that an appeal to the Crown Court takes the form of a complete rehearing. The evidence for the respondent began with Mr Robert Barouk. He explained that he purchased twenty-three Cranbourne Gardens in 2001. He identified an entry from the land registry, which is an exhibit in this court, showing title acquired by him and his wife. He

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became aware of Mr Ebert around 2001 to 2002. He has received various

threatening documents, he described them as dozens and dozens of letters. In

2007 he saw Mr Ebert with a spray can, police were called and a restraining order

followed. On 22nd February 2011 Mr Ebert attended the property, leading a

demonstration. Mr Barouk's family were very distressed and police were called.

On 14th June, the date of the first charge against which Mr Ebert appeals, Mr Ebert

had spray painted his name on to the house. Mr Barouk took a photo of it, the

damage was repaired at a cost of three hundred pounds. On 20th June the name

Ebert was again painted on to the property, again it was removed at the same cost,

this is the second charge. On 27th June at about eight o'clock in the morning, Mr

Ebert was outside the property looking at it. Mr Barouk got his young children into

his car and drove them to school. Police were called. On 28th June Mr Ebert was

there again, Mr Barouk was very uncomfortable, his children were scared, they all

ran to the car and drove off, again police were called. The Barouk family were

feeling frightened and harassed. Mr Barouk told us it's been going on for years.

Mr Barouk was cross-examined by the appellant. Mr Barouk had viewed the

property through an estate agent in or around November 2000, the property was in

a state of dilapidation, he told us. Mr Barouk had solicitors acting for him. He

understood it was a repossession, the price was four hundred and seventy

thousand pounds, contracts were exchanged, the transferrals of the property to Mr

and Mrs Barouk were Devera Ebert and Gen Venville(?). From documents which

were shown in court it appeared that Gen Venville was the trustee in bankruptcy of

the appellant. Mr Barouk supplied documentation to the police, including a copy of

title obtained by him from the land registry. Police Constable Morrison gave

evidence of his attendance at twenty-three Cranbourne Gardens on 28th June 2011

A where he arrested Mr Ebert. He said that Mr Ebert behaved correctly. Mr Ebert
claimed that he and his wife owned the property. Other police evidence was given
which I summarise, the officer in the case, Police Constable Yilmaz(?) produced
title document which she received from Mr Barouk, she also made her own search
B of the land registry which confirmed the register of title independently to Mr and
Mrs Barouk. Mr and Mrs Ebert had owned the property which they purchased in
1992 for two hundred and ninety thousand pounds. Police Constable Yilmaz was
questioned by the appellant about the history of legal proceedings in relation to
C Cranbourne Gardens and it is from those questions that much of the history was
elicited. The interviews of the defendant with police, the interview was played in
court at his request, the court was also provided with a transcript. Mr Ebert gave
D evidence himself. He confirmed his purchase of the house in 1992, but in August
1999 police broke in and arrested him and Mrs Ebert and he was deprived of his
property. He told us he had a cash problem. **He said that in 1992 he had an
E interest in one thousand two hundred properties and an income of over a
hundred thousand pounds per month, all of which was stolen from him by
institution with the assistance of the legal profession and the judiciary.** The
cash problem he told us was in 1996. In 2011 he visited the house a few times, I
F think visited from time to time before that. On 22nd February 2011 he visited with a
group of supporters, the purpose of that visit was to make a citizen's arrest with the
assistance of police of Robert Barouk. The reason for his intention to arrest Mr
G Barouk was, and I quote, "To get justice in the last fifteen years you have to be a
criminal, to have the status of a criminal." He told the court that Mr Barouk
conspired with others to knock the house down. He told us, "I continued to visit the
H house, mostly to deliver notes upon the occupier, that he is using the property

without our permission.” He said, “I was deprived of it starting with the Prime Minister; Secretaries of State; Lord Chancellor Faulkner; Home Secretary Jack Straw who was ordered by the Queen to investigate, but he refused; also the Metropolitan Police Commissioner; he further names Stephen Byers; Lord Mandelson and Dr Vince Cable. He complained about the Crown Prosecution Service; about the Attorney General, Lord Goldsmith; about the Solicitor General, Harriet Harman. He said that in 1996 there was a false petition in bankruptcy for which there was no evidence. He said there was a false order of the court. He complained about Mr Justice Noyverger, as he then was and about Mr Justice Patten. He said, “It is a big conspiracy by all these people to deprive me of my liberty and freedom.” He said, “I believed it is my property and that is a lawful excuse. Mr Barouk got his and his wife’s name on to the land registry by deception.” Mr Ebert said, “I do not deny I went and painted my name on the property, I did it twice. I do not deny that I stood in the drive way. Mr Barouk had good reason to be worried.” He added, **“There is seventy billion pounds worth of land registry fraud, the house was part of a security with five other houses which have also been stolen.”** He claimed the prosecution had not produced the contract of sale and the transfer of title, only forged documents. In cross-examination he said, “I have more than a grievance against the legal system.” He said, “I did not commit criminal damage, nor harassment. I exercised my rights only. I am a victim of the judiciary. **We bear in mind the burden of proof and the high standard of proof required in a criminal court. The prosecution case in encapsulated, it seems to us, in three particular areas of evidence.** First, the register of title produced by Mr Barouk, secondly the oral evidence of Mr Barouk and thirdly the register of title obtained independently by Police Constable Yilmaz

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A and produced by her. The only material fact in issue is who owns twenty-three
Cranbourne Gardens. Mr Ebert asserts he was wrongly made bankrupt and thus
wrongly deprived of his property. **Even if he were correct in these assertions they
could never provide a defence for his actions which have contravened the criminal
law. He has taken it upon himself to pursue his grievances in breach of the law,
having failed in other courts to win his case. Having heard all the evidence we
are persuaded by Mr Barouk. We have no reason to doubt his evidence and
he is supported by the land register and by the independent evidence
produced by the police. By contrast, we do not accept the far ranging and
wholly implausible suggestions of a conspiracy made by Mr Ebert. He has
produced no evidence to support his accusations, nor in support of his claim
to have a good title to the property. The appeal against the convictions on
all three counts is therefore dismissed.**

MR EBERT: His Honour, can I just understand what is the word (inaudible).

E THE JUDGE: You will have to look it up in a dictionary, **I'm not here to teach you
English.**

MR EBERT: Sorry for that, I just want to understand what it is.

F THE JUDGE: Yes. Now, are there any matters recorded against the appellant?

G MISS FANSHAW: Your Honour, I've got a print out here, perhaps I could hand
that up. I am checking they are the same, your Honour, they look like the same,
yes. Thank you very much. Your Honour will see across entry two are these
matters that the court is dealing with.

THE JUDGE: Yes, 31st January. Your Honour, I've just been provided with a copy
with the appellant.

THE JUDGE: Tell us about the matter in 2008.

A MISS FANSHAWE: Your Honour, I'm not in a position at the moment to give your Honour full details of that. As your Honour knows, I rushed to court to receive the judgment so that that could start. Having spoken to Mr Bush on the 'phone this morning and he has also written in down here, he tells me that they are like
B offences involving the same complainant, but beyond that I would need a few minutes now please to look for the detail of it so that I can provide the court with details, assuming that's in the papers, but I'm sure that it will be, there is rather a wealth of documentation here and I've not had a chance to go through it.

C THE JUDGE: This is another reason why the unsatisfactory instruction of yourself this morning is inappropriate, but it may be that the convictions speak for themselves.

D MISS FANSHAWE: Your Honour, it may be.

THE JUDGE: Mr Ebert, on 8th May 2008 were you at the Barnet Magistrate's Court?

E MR EBERT: 8th May?

THE JUDGE: 2008, four matters.

MR EBERT: I had a solicitor acting for me.

THE JUDGE: Okay.

F MR EBERT: I couldn't speak nothing.

THE JUDGE: Right.

MR EBERT: Yes, I was there.

G THE JUDGE: You got a conditional discharge for eighteen months in relation to four matters.

MR EBERT: Well, I didn't get nothing in writing, I didn't see any order to this effect.

H THE JUDGE: Okay, but you heard it.

MR EBERT: Might be because I was busy I didn't deal with it, the solicitor.

A THE JUDGE: You didn't go to court yourself?

MR EBERT: At the time I had a solicitor.

THE JUDGE: Yes, but normally the defendant is required to attend.

B MR EBERT: Yes, I attended the court.

THE JUDGE: Okay, so destroying or damaging property twice, three times and pursuing a course of conduct which amounted to harassment.

MR EBERT: Well I don't know about this that I did anything for harassment, but ---

C THE JUDGE: Well four sentences of a conditional discharge for eighteen months concurrent with each other.

MR EBERT: I don't never got an order, only but I knew about this ----

D THE JUDGE: You were there.

MR EBERT: Yes, I was there.

THE JUDGE: Did it relate to twenty-three Cranbourne Gardens?

E MR EBERT: Yes.

THE JUDGE: And Mr Barouk?

MR EBERT: And Mr ----

THE JUDGE: Was he living there at the time?

F MR EBERT: Mr and Mrs Barouk.

THE JUDGE: Mr and Mrs Barouk.

MR EBERT: Barouk.

G THE JUDGE: Yes. All right, so you agree that that is the same property and similar type of incident, or was it different?

MR EBERT: I agree it is my property.

THE JUDGE: That is the issue you appreciate we have just ----

MR EBERT: Fine, but I can repeat my belief.

A THE JUDGE: Yes, indeed.

MR EBERT: Right, so I will say yes, it's the same property.

THE JUDGE: Was it also writing your name on the property?

B MR EBERT: I write my name on my property, yes.

THE JUDGE: All right.

MR EBERT: That was (inaudible) evidence to show that it's not my property.

THE JUDGE: We are not going to reopen that conviction from 2008.

C MR EBERT: But when the matter arose, the (inaudible) it was under appeal and I did not receive any outcome of the appeal and his Honour has promised me I get a copy of it, I will get it, so this was subject to appeal.

D THE JUDGE: I am sorry, that is the first time that I've heard anything about 8th May 2008, and I therefore have not made any promise in relation to it in the past.

MR EBERT: No to the appeal of it.

E THE JUDGE: I've never known about any appeal or any conviction in 2008 until two minutes ago.

MR EBERT: But his Honour----

F THE JUDGE: When I asked is there anything known I assumed the answer was no, **this is the first time that any of us on the bench have heard about a previous conviction.**

MR EBERT: So if I may say ----

G THE JUDGE: Don't please suggest that we have made a ruling in the past about it because we haven't.

MR EBERT: No, I didn't say that.

H THE JUDGE: That's what I understood.

MR EBERT: I didn't say that.

A THE JUDGE: That's what I understood you to say.

MR EBERT: No, I said I handed up, I handed his Honour a document of Wood Green Crown Court an extract about the appeal and this matter was under appeal.

B THE JUDGE: Which matter?

MR EBERT: The 8th May?

THE JUDGE: 2008?

MR EBERT: Yes.

C THE JUDGE: I've never seen anything about that.

MR EBERT: I have given his Honour a document. His Honour has given it to the clerk to get this evidence, the conviction.

D THE JUDGE: I didn't give anything to the clerk to get the conviction, I asked the Crown, Miss Fanshawe this morning, whether there was anything known against you, meaning do you have a record, I thought the answer would be no. You have told us you have never been in trouble with the police during your evidence.

E MR EBERT: I say it again.

THE JUDGE: But you have been in trouble with the police, that's why I'm taken by surprise.

F MR EBERT: But this, if we now go to the merits of these.

THE JUDGE: I am not ----

MR EBERT: The point is this was under appeal.

G THE JUDGE: Okay, but it never reached appeal.

MR EBERT: According to Wood Green Crown Court, it reached, and on 5th August his Honour Judge Lyons gave a decision which I never saw it.

H THE JUDGE: What in 2008?

MR EBERT: Yes.

A THE JUDGE: No, this is a Barnet Magistrate's Court conviction.

MR EBERT: This is the magistrate and I appeal the magistrate.

THE JUDGE: Well, we have no record of any hearing in the Crown Court.

B MR EBERT: **So I am informing now the court that I appeal it and the Crown
concealed that I appealed it, they concealed what happened to the appeal. I
have got extract which I shall give again, I show his Honour the extract.**

THE JUDGE: Show it to me again. Did the case come to the Crown Court then?

C MR EBERT: yes, of course it came.

THE JUDGE: Can you give me a straight answer?

MR EBERT: Yes, it did.

D THE JUDGE: What happened in the Crown Court and when?

MR EBERT: It didn't take place in the Crown Court.

THE JUDGE: It didn't come to the Crown Court.

E MR EBERT: It did come but not as the extract says and I never received anything,
in (inaudible) from today's document, this is the document which I'm talking.

THE JUDGE: From this latest bundle?

MR EBERT: Yes, number one, this is what I gave before the end of last ----

F THE JUDGE: This is something received on 18th June 2012, so today.

MR EBERT: Yes, but number one.

THE JUDGE: Number one.

G MR EBERT: Yes. Exhibit number one. Is ----

THE JUDGE: Just a moment. Do you mean the page number that's on the fourth
page? Yes, I've got that. You say something happened on 13th July, 3rd July?

MR EBERT: I'm not saying, the document says.

THE JUDGE: What ----

A MR EBERT: The document says that on 5th August a decision was made. I never received such a decision.

THE JUDGE: Appeal heard, decision given on 5th August ----

B MR EBERT: Yes, I never got anything.

THE JUDGE: I see. It doesn't say what happened.

MR EBERT: It doesn't say nothing.

THE JUDGE: No. What are you saying by reason of this document?

C MR EBERT: I, it is inaccurate his document.

THE JUDGE: Yes, okay.

MR EBERT: I will ----

D THE JUDGE: Shall we ignore it then?

MR EBERT: What?

THE JUDGE: Should we ignore it then? If it's inaccurate should we forget about it?

E MR EBERT: **No, we shouldn't forget, because it's a**

THE JUDGE: What happened after your conviction in the Magistrate's Court on 8th May?

F MR EBERT: I appealed.

THE JUDGE: Did the appeal get heard or not?

MR EBERT: Yes.

G THE JUDGE: When did it get heard?

MR EBERT: I think ----

THE JUDGE: 3rd July, it can't be, but yes it could be, 3rd July, decision given on 5th July?

MR EBERT: What?

A THE JUDGE: No.

MR EBERT: No, it wasn't heard on 3rd July.

THE JUDGE: 5th August.

B MR EBERT: 5th August was decision.

THE JUDGE: All right. Let me show you another document, all right, which the clerk has just printed out.

C MISS FANSHAWE: You are now being supplied with the memorandum of conviction of those earlier matters. I can confirm they are the same sorts of offences.

D THE JUDGE: Perhaps he would like to have a look at the document that Mr Ebert has been given now when he has finished with it.

MISS FANSHAWE: Yes, thank you very much.

MR EBERT: I haven't received this document, your Honour, I can't remember.

E THE JUDGE: I'm glad if I've been able to supply you with something that you should have received.

MR EBERT: Yes, that's ----

F THE JUDGE: It looks as though the appeal was heard and as dismissed.

MR EBERT: Yes, on 5th August.

THE JUDGE: 5th August, yes.

MR EBERT: By his Honour Judge Lyons.

G THE JUDGE: That's what it looks like, yes.

MR EBERT: This is (inaudible)

THE JUDGE: Okay. Would you like to pass it Miss Fanshawe? You say the appeal was never heard?

MR EBERT: Never heard in Crown Court.

A THE JUDGE: Not heard in your presence anyway.

MR EBERT: No, the appeal did not, was not heard by his Honour Judge Lyons, it's stated here and he did not give any decision on this matter.

B THE JUDGE: We could probably look it up and get a recording of it. I am not going to do that now.

MR EBERT: Fine, but I think it's effect ----

C THE JUDGE: In the Magistrate's Court what ever happened on appeal or didn't happen on appeal in the Magistrate's Court you got a conditional discharge for eighteen months in 2008.

MR EBERT: Which was appealed.

D THE JUDGE: May 2008, which you say was appealed, I have no reason to doubt that. All right.

MR EBERT: I've not received any decision of the appeal.

E THE JUDGE: No, very well, you have had this now and I'm prepared to give you this now.

MR EBERT: But this is untrue.

F THE JUDGE: Well if it's untrue you won't want it then, I expect.

MR EBERT: I do want it.

THE JUDGE: You do want it.

MR EBERT: Yes, because it's untrue.

G THE JUDGE: Yes.

MR EBERT: It's a false publication, I never received because it ----

THE JUDGE: I'm not challenging you on any of that because it's irrelevant to our consideration.

MR EBERT: Yes, because the conviction is not, has not been validated, it was in Court of Appeal and the appeal did not make a decision.

THE JUDGE: All right. Well I agree it's unsatisfactory either if you weren't present at the appeal or if it was not communicated to you, but the fact is the conviction stands from the Magistrate's Court unless it is overturned and it wasn't.

MR EBERT: Yes, it wasn't also dismissed, it wasn't, there is ----

THE JUDGE: The appeal may or may not have taken place.

MR EBERT: It did take place but there is no decision.

THE JUDGE: Well it says there was a decision.

MR EBERT: I am you to give me the decision.

THE JUDGE: I'm going to give it to you, I've offered it to you already.

MR EBERT: So this is the document.

THE JUDGE: Can you print another one, perhaps two more, one for the prosecution and one for the defence. I am not going to take any more time over this, Mr Ebert because we don't need to.

MR EBERT: Okay, you do take the point that I'm making.

THE JUDGE: I understand your point

MR EBERT: I did not received any decision on this appeal.

THE JUDGE: Yes, all right.

MR EBERT: And if his Honour wants to know ----

THE JUDGE: Did you make enquiries after August 2008 of the Crown Court?

MR EBERT: Yes, and that's what I receive. This is (inaudible) document which I received.

THE JUDGE: Appeal heard 3rd July and 16th July 2008, decision given on 5th August.

MR EBERT: Not true.

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THE JUDGE: Well that's what it says on your document, that's what it says on the document that we've got today.

MR EBERT: Well it's not my document, it's the court document.

B

THE JUDGE: Yes, indeed, the document that you supplied.

MR EBERT: Yes, which I got through the court which is untrue.

THE JUDGE: Which is the first page of the document that we have.

MR EBERT: Yes, which is not true.

C

THE JUDGE: All right ----

MR EBERT: I was never convicted.

THE JUDGE: You say it's not true but we can look up the file but I'm not going to do that today.

D

MR EBERT: But I can just say that I'm not convicted.

THE JUDGE: **Don't say any more.** You did get convicted and you appealed against it and there was as far as you are concerned no outcome of the appeal.

E

MR EBERT: Correct.

THE JUDGE: All right, I understand. Now ----

MR EBERT: Let me make it clear, I never received any outcome of the appeal.

F

THE JUDGE: **All right. Now we are not minded to pass sentence today because we think there ought to be some more information before the court. We are reinforced about this by the discovery that there was a previous incident in a criminal report. We would like, and I tell you this so that you have the opportunity of addressing us about it, to have a pre sentence report and perhaps a psychiatric report as well. Do you have anything to say about that?**

G

MR EBERT: I will accept with sense everything which the bench will decide and I

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A will follow it through but if it will appeal, but it was wrong, it should be taken into
account, I accept anything, I'm a good, I'm a law abiding citizen, I have not
breached any court orders or decision, but the other thing what I would ask is I
heard it the decision today and I'm very (inaudible) for that, I couldn't be more than
B (inaudible) exactly what I had (inaudible) but I will ask because my position
financially has been ruined and is ruined and I live on hundred pound a week state
pension, I would ask to get the transcript of the proceeding, this proceedings and a
C transcript of today's judgment on the public purse and I'm in the hands of the law
until I prove it, but for the moment I will accept everything.

THE JUDGE: Very good. Very well, I would like to say this, but only in order to
inform you, do you understand?

D MR EBERT: I'm here.

THE JUDGE: Because you are here on your own without legal representation, we
take the view that this case crosses the custody threshold. **What that means is**
E **that an immediate sentence of imprisonment is a possibility.** The Magistrate's
Courts guidelines for this type of offence are for a first offence have a starting point
of six weeks' custody for the level of harassment that was caused in this case. We
notice that you have a previous conviction from 8th May 2008 so all the more is
F custody a starting point. I need not say more about that for the moment than that.
We intend, nonetheless, not to pass any sentence today, but to have the reports
that I've already mentioned. Do you understand?

G MR EBERT: Yes.

THE JUDGE: Pre sentence report and a psychiatric report. Can you indicate on
behalf of probation how long would be required for each of those reports?

H THE PROBATION OFFICER: The pre sentence report, your Honour we only need

about three weeks on that one.

A THE JUDGE: Yes.

THE PROBATION OFFICER: Psychiatric takes slightly longer , your Honour, the psychiatrics will probably need a period of four to six weeks and to be on the safe side I would ask for the six weeks, your Honour.

B THE JUDGE: All right, well six weeks according to my diary would take us to beginning of August. We have a date in mind Mr Ebert which is Monday 6th August, would you be able to attend on that day?

C MR EBERT: If possible a week later because I might be in America for three days for a special occasion, an international occasion.

THE JUDGE: I'm glad you can afford to go to America.

D MR EBERT: I can't afford, I've got a present to (inaudible) my children.

THE JUDGE: That's very nice for you. We don't want to interfere with that.

MR EBERT: That's what I say.

E THE JUDGE: hold on a moment because three people have to look at their diaries. We will see if we can do another date. For the benefit of those compiling the pre sentence report, it seems to us that there are a number of factors which

F indicate higher culpability in this particular case, one of those is that there was planning what happened, another is that there was obvious distress on the part of the occupiers of the property including the distress of the children which was

G ignored. In relation to the occasion when a group of supporters attended others were involved by Mr Ebert and there are also some, arguably some factors, that indicate that greater harm was caused. I need not go through the factors at this

H stage. Having said that we do not propose to pass sentence today, obviously if we order reports and we do propose to grant bail in t hi case because you have been

on bail throughout and you have always attended your court hearings.

A

MR EBERT: Correct.

THE JUDGE: So we do not think we should pre judge the sentence in this case by withdrawing your bail today. Do you understand?

B

MR EBERT: Yes.

THE JDUGE: But I don't want you to read anything into the grant of bail beyond what I have just said.

MR EBERT: I'm not reading nothing.

C

THE JUDGE: Good.

MR EBERT: I heard very good and very carefully every word today.

D

THE JUDGE: Good. There will be some conditions attached to your bail, first that you must attend the interview with the probation service and co-operate with them as I'm sure you will.

MR EBERT: Definitely.

E

THE JUDGE: The report that they prepare may assist you in mitigating on your own behalf. Do you understand? You must attend that interview and you must attend any appointment that is made for you with the psychiatrist.

MR EBERT: Yes.

F

THE JUDGE: With a view to preparing a medical report.

MR EBERT: With great pleasure.

THE JUDGE: Have you had any such reports in the past ever?

G

MR EBERT: Some judges tried to put it on me.

THE JUDGE: Yes.

H

MR EBERT: But they got scared at the last minute because they would have to follow it, they would have to follow me.

A

THE JUDGE: I can disabuse you of that, we don't have to follow anything that is recommended by the psychiatrist, but we would like to have a report nonetheless.

MR EBERT: No problem, with great pleasure.

B

THE JUDGE: We don't know what the psychiatrist is going to say, you won't have to pay for it if the court orders it.

MR EBERT: Yes.

C

THE JUDGE: So please go, you must attend, it's a condition of your bail, you must attend where ever the psychiatrist wants to see you either in hospital or in a consulting room or where ever a surgery.

MR EBERT: No problem.

D

THE JUDGE: Secondly, you are not to go to Cranbourne Gardens, don't even go near it. Do you understand?

MR EBERT: I hear.

E

THE JUDGE: Thirdly, you mustn't contact, either directly or indirectly, any member of the Barouk family and fourthly you must come back to this court on the date that we set, 13th August, Monday 13th August.

MR EBERT: Yes. Can I please ask to get a, first of all, a state case, the statement?

F

THE JUDGE: We are not going to state a case in this case, you would have to give us some reason for doing so., which is a not straightforward matter as you perhaps know.

G

MR EBERT: Fine.

H

THE JUDGE: You would need to draft an application for that to happen and even then it is unlikely that there would be any case stated. Do you have anything else you want to say?

MR EBERT: Yes. A transcript of the proceedings of today's.

A THE JUDGE: I'm not going to order one, you've heard what we've said, it was pretty straightforward, you've listened to it carefully, you know what is contained in the judgment.

MR EBERT: I can't take up the proceedings.

B THE JUDGE: If you wish to pay for it you can obtain it.

MR EBERT: Why can't I have it from the proceedings? I can't remember what happened these two days.

C THE JUDGE: I have summarised it in our ruling.

MR EBERT: Can I ask this decision today, the evidence will be attached on which this judge, this court decided.

D THE JUDGE: We don't do that.

MR EBERT: You don't. Okay. I have nothing more to say.

E THE JUDGE: Very well. Just one thing I want to say to you, whilst we are not making a decision today, all options are open on the return date, 13th August, we will then have a pre sentence report and a psychiatric report, all options means every different type of sentence is open to this court including, but not necessarily, custody.

F MR EBERT: It's also included all my rights to act in accordance with the law

THE JUDGE: Of course.

MR EBERT: Fine, so if ----

G THE JUDGE: One seeks to apply the law, as you understand.

MR EBERT: Well, I'm a law abiding citizen so I will immediately do the next twenty-four hours, immediately, (inaudible) review on this, the view and advice of today's decision.

THE JUDGE: That is your right.

A

MR EBERT: I know and I'm informing the court I'm going to do it.

THE JUDGE: Very well.

MR EBERT: I will decide which way to go (inaudible) I thank very much the bench, I took very much account, I hope the bench knew what I did, they had the (inaudible) but it might be proven to the contrary.

B

THE JUDGE: You never know.

MR EBERT: I know, the paper will speak.

C

THE JUDGE: 13th August

MR EBERT: Thank you very much.

(THE COURT ADJOURNED)

D

IN THE CROWN COURT AT
WOOD GREEN

PRI/10456
Appeal No. A20120031

E

Lordship Lane,
Wood Green,
London.
N22 5LF

F

13th August 2012.

Before:

HIS HONOUR JUDGE (unknown) (JUSTICE PETER CHARLES ADER):
((JUSTICE PETER CHARLES ADER))
Sitting with a Bench of Justices

G

R E G I N A

-v-

GEDALJAHU EBERT

A

(Unknown) appeared on behalf of the Prosecution.

B

The Defendant Mr Gedaljahu Ebert appeared in person.

C

Tape transcription by Sellers Legal Services
(Official Court Reporters to the Crown Court)
53 - 64 Chancery Lane, London, WC2A 1JQ.

D

PROCEEDINGS

13th August 2012.

PROCEEDINGS

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): ((JUSTICE PETER CHARLES ADER):: Do sit down, Mr Ebert.

F

PROSECUTION: Yes, your Honour. I have seen the psychiatric that has been prepared, dated the 10th August, and I note that at paragraph 10 of the opinions and recommendations the psychiatrist suggests adjourning for a further report from the National Stalking Clinic and suggests that there is somebody that would be capable of undertaking a further assessment. I am unsure what your Honour's view as to that is but obviously if your Honour would be keen to consider a community disposal that may help matters, then that is obviously one line of enquiry that we could go down. I assume it is going to take six weeks to do that but I am entirely unsure as to whether your Honour wishes to pursue any further

G

H

psychiatric reports or not.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): (JUSTICE PETER CHARLES ADER):: Well, we have considered this report very carefully, of course. Well, perhaps we should hear from Mr Ebert first. Thank you for pointing that out.

B

You have read the pre-sentence report as well?

PROSECUTION: I have once, yes.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes Mr Ebert.

DEFENDANT: Yes please.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: ((JUSTICE PETER CHARLES ADER): Would you like to say something before we pass sentence?

DEFENDANT: Well, I've got a lot to say. We have been told that I will have to say.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: ((JUSTICE PETER CHARLES ADER): I hope you said a lot during the trial and you will not have to have it repeated. Do you want to say anything about your sentence?

F

DEFENDANT: Yes. First of all, I want to say I didn't read the report. I just got it now and it takes time to consider it so I can't comment.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): (JUSTICE PETER CHARLES ADER): Well, we have only got five minutes before lunch time, so you will have the lunch time to consider it in more detail.

H

DEFENDANT: Well, it takes me longer than this. I'm slowly ---

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : Mr Ebert, I am very persuaded of your intelligence and your ability to read quickly. Maybe you have not got experience with this type of report but if you go to the third from last page --
-

B

DEFENDANT: I've not had time to have it in Court ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : Mr Ebert, just listen to me for a moment, all right?

DEFENDANT: Okay.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : We will get on fine if you do that. Can you see it says, "Mental state examination on the 16th July"? It is in bold type, third or fourth from the last page.

DEFENDANT: Last page?

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : From the last page, back from the last page. Do you see it?

F

DEFENDANT: No.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): In bold type. It is one third of the way down the page.

G

DEFENDANT: What line?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Why do you not give it to me and then I will open it at the right page?

H

DEFENDANT: Okay. (Handed).

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Do you see that heading there?

DEFENDANT: Yes.

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER): And it then sets out a lot of background to this and on the following page gives opinions and recommendations. You may find, and I do recommend that you read it all, that those passages, the last two sections of this report, are the most important. All right?

C DEFENDANT: But it doesn't mean that I will understand it also in time.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You will understand it. It is all in plain English.

DEFENDANT: I don't think that I reckon ---

E JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Mr Ebert, we have got the report. We have all read it. We only got it this morning.

F DEFENDANT: Yes. It doesn't mean that ---

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You are no less intelligent than us. You have got it. You can read it over lunch. All right? Now, is there anything you want to say in the two minutes that remain before lunch?

DEFENDANT: In two minutes, for what? On what issue?

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You could make an introduction.

DEFENDANT: First of all, where is the second report?

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER): The pre-sentence report, have you not received that?

DEFENDANT: No, I didn't receive nothing.

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Right. Has there not been a pre-sentence report?

C CLERK OF THE COURT: Your Honour, there is one. But the process at this Court, as your Honour may be aware of, is that they are held up in the probation office and defence counsel and prosecution usually collect it.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Ah yes, but Mr Ebert is not represented. He represents himself.

CLERK OF THE COURT: I have a spare copy on the file.

E JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Thank you very much. All right. You can have two reports to read over lunchtime.

F DEFENDANT: I will not be able to do it.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Do not be ridiculous.

G DEFENDANT: It's not a question of ridiculous because I've got other issues. I've got this ---

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Does anyone want to disagree with me?

DEFENDANT: What?

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Because we will not tolerate any interruptions from the public gallery. Do you understand?

DEFENDANT: I ask where is the second psychiatric report? They were at Court.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): There is not a second psychiatric report.

C

DEFENDANT: But there was two.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Why do you say that?

D

DEFENDANT: Because the Court instructed two and I have seen, I can recall eight hours worth.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Why two?

E

DEFENDANT: I'm asking the same question why two? But that's the whole ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): I do not remember that at all.

F

DEFENDANT: But it's a fact.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): But why do you say that?

G

DEFENDANT: Because I've got it. I have got the, I'm looking at the papers we're allowed. I do eight hours.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : Two reports? But why

A

DEFENDANT: Two psychiatric, different reports.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No. One is a pre-sentence report ---

B

DEFENDANT: No, I'm talking about psychiatric. Two.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Why would I want two psychiatric reports?

C

DEFENDANT: I don't know why. It was instructed by the Clerk of the Court.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, no. I think you are confusing it. **If someone is mentally unwell and needs to be sent to a mental hospital, there need to be two reports before that can happen.**

E

DEFENDANT: But the fact is this, the fact is this Court ordered two.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): That is not the fact.

DEFENDANT: What? So I'm lying to say, so all along I'm lying?

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No. I think you are misremembering it or misunderstanding what was said.

G

DEFENDANT : Or maybe the Court doesn't know what's going on.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): The Court knows exactly what was going on.

H

DEFENDANT: So the Court instructed two.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, it did not.

A

DEFENDANT : It did instruct two.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Look, I am not prepared to argue this. There is one psychiatric report. We have got it. That is it.

B

DEFENDANT : And I have two. Two ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): What do you mean you have two? Show me if ---

C

DEFENDANT: Two psychiatric ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : Show me if you have two.

D

DEFENDANT: I can tell you exactly. Eight hours was sitting ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, not tell me. Show me.

E

DEFENDANT: I am positively clear that I will get it.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Why do you want two psychiatric ---

DEFENDANT: I don't want the two (inaudible) ---

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Fine. Let us not take any more time over this. There is a psychiatric report and you have got it now.

DEFENDANT: And why did the eight hours ---

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): We are not taking any more time over it.

A

DEFENDANT: So the Court did not ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Let go, Mr Ebert.

B

DEFENDANT: Let's go where?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, let go of this point. We are not going to spend any more time on it.

C

DEFENDANT: But ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): If you want to address the Court you can do so, but we will not actually hear you any more now. We must hear you at two o'clock. Do you understand? But not about a mythical second psychiatric report, which was never ordered.

D

DEFENDANT: Never ordered?

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : Never ordered. Can you understand me?

F

DEFENDANT: I can't understand you because I have received ... It's just I read (inaudible) there were two by me. I went through two.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Where are they?

DEFENDANT: I'll have to (inaudible) you.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You mean you had two

H

meetings with the psychiatrist?

A

DEFENDANT: One I had in hospital, and I don't know which one, this one is, and one I had in my house for two days, eight hours, ordered by the Court.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): All right. Well, this report refers to two meetings at your home.

DEFENDANT: To two meeting in my home?

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes.

DEFENDANT: I had one at the hospital also.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, I do not know anything about that.

DEFENDANT: But this is ordered. This was the first one.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Did you have an interview?

DEFENDANT: Yes.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : For how long?

DEFENDANT: Two hours.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): And who was the doctor?

DEFENDANT: Can't remember their name. I've got it at home, everything.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, I do not know anything about it.

A

DEFENDANT: I got Court order. I got e-mails about it. I've got everything. I've got the (inaudible).

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Did he write a report?

DEFENDANT: He said he's going to. He was the first one. The other was, the second one was a surprise.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, maybe the first one was not successful so we got the second one.

D

DEFENDANT: What do you mean not successful? The man never ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Maybe he did not write a report.

E

DEFENDANT: What?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Maybe he did not write a report.

F

DEFENDANT: But he said he's writing a report.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Maybe he did, but we are not going to wait for it if he did not.

G

DEFENDANT: So the Court ordered two?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, the Court had

H

ordered one.

A

DEFENDANT: I've got the evidence the Court ordered two. I've got the evidence.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Where is it, your evidence?

B

DEFENDANT: At home.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): What have you got, a tape recording?

C

DEFENDANT: No, I've got e-mails, the invitation ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Okay. Well ---

D

DEFENDANT: And that all he did.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Perhaps that one did not succeed so ---

E

DEFENDANT: What?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Perhaps the first one did not succeed so the second one is ---

F

DEFENDANT: No, he said he's going to write a report. He was clear.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Mr Ebert, we are not going to take any more time over this. If you have some point to make from the psychiatric report that we do have, I suggest you make it at two o'clock.

DEFENDANT: I will not be able to do it. I'm saying it now.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): All right.

A DEFENDANT: I cannot be ambushed.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Okay.

B DEFENDANT: Well, I've got about - before the sentence we've got ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Mr Ebert, we are going to sit again at two o'clock.

C DEFENDANT: Okay.

(Luncheon adjournment)

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes, Mr Ebert, you have had a copy letter passed to you, I hope.

DEFENDANT: Yes, I did, also now.

E JUDGE (unknown) (JUSTICE PETER CHARLES ADER): This now explains what you were trying to say earlier.

F DEFENDANT: It is trying to ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Of course you are right.

G DEFENDANT: Thank you.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): But having said that, the doctor found it impossible to make a report. You have read that?

DEFENDANT: I've read it.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes. Okay. So that is the explanation.

B

DEFENDANT: But the fact is that I – okay. I want to say something and give a declaration what I gave last time. I'm a law-abiding citizen and I made it clear to the Court. I will abide to anything which this Court will decide but if it will appear that I'm right, then the consequence will be accordingly.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): What do you mean by that?

D

DEFENDANT: That I will be, I will - I didn't have a fair trial. I didn't have the rights which every citizen has got, and I will talk about it in the sentence to be sure.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, you must not do that, Mr Ebert. We are only concerned with sentence today.

DEFENDANT: We are concerned on this sentence and the issues for the sentence here.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes.

DEFENDANT: Correct.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Okay. So do you want to address us about, in particular, the type of sentence or the length of sentence that you think is appropriate and what you wish us to impose?

H

DEFENDANT: Right. So before that I want, first, to refer to the Court to the

statement by this Court on the last hearing.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): But, Mr Ebert, there was not any statement made about sentence in the last hearing.

DEFENDANT: It has.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes?

DEFENDANT: Yes.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Oh, can you point me to it?

D

DEFENDANT: **Yes, I'm going to point. It stated that, first of all, the Court has given the undertaking to provide me with the document, the decision 5th August 2008. This was undertaking by the Court. I haven't received it yet.**

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Mr Ebert, I do not know what you are talking about **but we are concerned with sentence ---**

DEFENDANT: **Yes, yes ---**

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Not with any decision about guilt or innocence. Guilt or innocence is decided and finished.**

DEFENDANT: **No, it's not yet.**

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Yes, it is.**

DEFENDANT: **This is a fresh – okay ---**

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Mr Ebert, if you**

want to debate, then I suggest you go to a debating society or talk to your friends but it is not a matter for debate here now.

DEFENDANT: **I will come to this ---**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): I bear in mind always that you are not a qualified or experienced lawyer, although you have a great deal of experience of the courts. Now, please address the question of sentence, not your guilt or innocence because that is finished.

DEFENDANT: **We will start ---**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): If you do not want to address sentence, then we will just proceed to sentence.

DEFENDANT: I do want to.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): : **If you raise issues that are irrelevant to sentence, in other words that go to guilt or innocence ---**

DEFENDANT: **Why is ---**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **We will not listen to them. Do you understand?**

DEFENDANT: **Why is it not relevant?**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Because we are dealing with the sentence on the basis of the verdict that we delivered on the last time.**

DEFENDANT: **Yes. I will deal with the verdict ---**

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **We cannot go behind the verdict in this --**

DEFENDANT: **I'm not going behind any verdicts.**

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **In this hearing. So will you deal with sentence, please?**

C

DEFENDANT: **So where we say as following, what has been said on the 18th by this Court. The Judge:**

"All right. Now we are not minded to pass sentence today because we think there ought to be some more information before the Court."

D

Can I know if the requested information has been obtained? I didn't receive nothing.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Well Mr Ebert, this is very disingenuous. You are pretending to be stupid and you are not in the least.** There is a pre-sentence report. There is a psychiatric report. Do you want some more information before the Court? You had an opportunity to ask for it last time.

F

DEFENDANT: **I asked for it and I've been promised.**

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **You have got it. You have got a pre-sentence ---**

DEFENDANT: **I haven't got it.**

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): What did you want?

A

DEFENDANT: I wanted to have the decision that I was ever convicted.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Oh no, no, no. I am sorry. It is very simple. We have the information that we asked for. You have it as well. You have copies of it.

B

DEFENDANT: It's written here, and let me say very clearly - and I will continue first with this paragraph. So there's some more information that has to be given to the Court otherwise sentence cannot be given. We are reinforced about this by way of discovery that there was a previous indictment in criminal reports and the Court said they would supply it to me. But, and we quote:

C

D

"We would like, and I tell you this, double, twice, so that you have the opportunity to address us about it."

E

So I've got opportunity to address the Court about these matters, this undertaking by this Court. The Court decided at the time ---

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): What matters?

DEFENDANT: What matters?

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes. About what is in the reports that you now have?

DEFENDANT: No!

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes!

DEFENDANT: **No**, about the ---

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Further information?**

DEFENDANT: **Number one, further information because the Court said they haven't got enough. Number two, because the Court gave undertaking to provide me that I was ever convicted.**

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Mr Ebert, how many times do I have to tell you that conviction is done and finished. You have lost your appeal. There is no re-opening of that, certainly not in this Court and I doubt in any court, but certainly**

C

not here. We are now proceeding to sentence. We have the information that we asked for on the previous occasion. Is there anything in either the pre-sentence report or the psychiatric report that you want to draw to our attention or contradict or explain, because this is your opportunity to do so? However, it is not an open-ended opportunity. We are not going to be here the day after tomorrow listening to you arguing about what is in these reports or indeed anything you want to put forward in mitigation. But I suggest what you should do is concentrate on advancing your case in relation to sentence. **We will not listen to anything about conviction.**

D

E

F

DEFENDANT: **But sentence follows a decision. A decision I did not have opportunity to talk about it.**

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You have had six weeks to concentrate on sentence.

H

DEFENDANT: No, six weeks to concentrate on the day's ruling. [NOTE SEE <http://mrebert.wordpress.com/>]

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, if you are going to try and re-open the question of guilt or innocence ---

B

DEFENDANT: No, I'm not going to.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Then we will stop you and ---

C

DEFENDANT: I am not going to ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): If necessary we will not listen to you at all.

D

DEFENDANT: If the Court will deny me to present myself and to defend myself in according to the rule of law, then it's the Court decision.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I am not denying you or preventing you from mitigating on your own behalf, if you have anything to put before this Court. If you simply want to talk about guilt or innocence, we will not listen to it.

F

DEFENDANT: **I'm not talking guilt or innocence.**

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Very good.

DEFENDANT: **I'm talking about what has been ---**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You know exactly what has been decided. You are guilty of the two charges: one, criminal damage

H

and, two, harassment.

A

DEFENDANT: Has not been decided!.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **That were proved in this Court on appeal from the lower court, where they were also proved. Now, concentrate your mind on sentence. Usually people provide letters of testimonial, or sometimes they do anyway. Usually people argue why they should not go to prison or why they should not do some other community order. Can you think along those lines, please?**

C

DEFENDANT: Yes.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Good.**

E

DEFENDANT: I'm going to think about this. I've got here an invitation to come to Court on the 13th August for sentencing. I've prepared a document – yes? In according to the rule of law. I added onto it kidnapping and the point I'm making, and I will go back (inaudible) now, a court can only sentence a person if the court can obtain jurisdiction. Jurisdiction is if a person has been convicted. I have never been convicted. I have got another problem here. If I ---

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Mr Ebert, do you think this is doing you any good?

G

DEFENDANT: I believe so.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, let me disabuse you of that belief.

H

DEFENDANT: So if this has been ---

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Because if you continue to argue about your non conviction, when you know perfectly well that you lost your appeal in this Court and indeed you lost your plea of not guilty in the lower court, if you continue to do that you will not endear yourself to this Court. You will just annoy us and I will say to you again we will not hear it.

B

DEFENDANT: If the Court will not hear it, it's a issue for the Court. I said I'm a law-abiding ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): It is not an issue for the Court. We are functus officio. It is a Latin expression, which means the case is finished.

D

DEFENDANT: The case is not finished because ---

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): The case as to conviction is finished.

F

DEFENDANT: There was no ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): If you cannot get that into your head, then there is no point our hearing from you now.

G

DEFENDANT: Okay. So can I serve the Court this papers?

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You can, as long as

they are about sentence. (Handed). I do not suppose you have copies for the Justices, do you?

A

DEFENDANT: Well, it's between me and the Court I believe. **I also didn't receive papers but I've got one.**

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **You have received the pre-sentence report and the psychiatric report.**

C

DEFENDANT: **Yeah, but I did not receive ---**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **You have also seen the letter, or non report, from the other psychiatrist who was originally instructed and who said he could not provide a ---**

D

DEFENDANT: You have got – I serve you.

PROSECUTION: Thank you.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, is this about sentencing?

F

DEFENDANT: It is. Has the Court jurisdiction?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, we are not dealing with jurisdiction. We are dealing with sentence.

G

DEFENDANT: So it's kidnapping.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): It is not kidnapping.

H

DEFENDANT: So why not?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Nobody has every suggested kidnapping.

A

DEFENDANT: If there is no jurisdiction, if the Court hasn't got the jurisdiction.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): The Court does have jurisdiction. This case came from the Magistrates' Court. It was sent to this Court for an appeal ---

B

DEFENDANT: It was sent ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): And you took part in the appeal and you did not raise any question of non-jurisdiction then, did you?

D

DEFENDANT: I did.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well.

E

DEFENDANT: Okay. First of all, before I'm going there, I would like to give two authorities on this issue.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, this is a waste of time. I have looked at the bundle that you have supplied. It does not go to sentencing.

F

DEFENDANT: Not yet.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Do you have any cases on sentencing in harassment?

DEFENDANT: Yes.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, give them to us then.

A

DEFENDANT: That's what I'm doing.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, the bundle that you have given me so far does not deal with sentence.

B

DEFENDANT: It does deal.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, it does not.

C

DEFENDANT: Because it raise the issues here.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): It does not. It raises the issues just guilt or innocence, not about sentencing.

D

DEFENDANT: I will deal with the sentence in longer under this authority.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, you will not. I am giving you a timetable now. We have got the rest of this day for this case and that is it.

E

DEFENDANT: So can I please say the Court as following? If I'm denied my rights because ---

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You are being given your rights. There is no denial of them.

G

DEFENDANT: If I'm denied my rights ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You are not being

H

denied them.

A

DEFENDANT: Because ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): I can play this game as well as you, Mr Ebert.

B

DEFENDANT: Because I litigated ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You are not being denied your rights. You are being given every right that you deserve, which is to address this Court about sentence. You do not have the right to address this Court about conviction. If you refuse to abide by that common sense procedure, then we will not listen to you. Now, will you deal with sentence? Do you have any cases about sentencing in harassment or criminal damage cases? If you do, give them to us. Let us hear them.

D

E

DEFENDANT: Okay. I'll, first of all, given the first authority.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes.

F

DEFENDANT: It is the case between A - v - M, very long, Secretary of State of Home Department. I'm not dealing with other issues in this for the moment but what I am giving in the last paragraph.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Thank you.

DEFENDANT: Allow me to read the last paragraph of this decision:

"Conclusion. It must be plain for what I have said that, in my judgment, the appropriate remedy in all those cases is one of quotient(?) *ab initio* as held by

Silber J and not simply revoke and determine Mitting J.”

A

Justice ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): But Mr Ebert, this is again not about sentencing. This is about jurisdiction, is it not?

B

DEFENDANT: Exactly. I'm talking - the case I've ... This is about sentencing ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): You cannot argue jurisdiction in this Court. Do you understand me?

C

DEFENDANT: I'm allowed to put my case.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No, you are not ---

D

DEFENDANT: So may I ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Not about jurisdiction. If you want to argue jurisdiction you have to go to a different court, and you know that perfectly well.

E

DEFENDANT: Can I please just ---

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Because you have done that about ten times already, have you not?

DEFENDANT: No, I did not read ---

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Not in this case.

DEFENDANT: I did not read it, what the jurisdiction is here.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): But we are not concerned with jurisdiction. We are concerned with sentence.

A

DEFENDANT: But I'm concerned.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): If you waste your time, you will not have any ---

B

DEFENDANT: This is a issue of sentencing.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Where?

C

DEFENDANT: The whole case is a sentencing. It's written here clearly:

"In the case of the Officer of Administrative (inaudible) of Nigeria, habeas corpus case. No action observed, that no member of the executive can interfere with the legality of property of a British subject, except on the condition that he can support the legality of his action before a Court of justice reasonably with the approval of the other Members of the House. I see that Lord Edging observation in (inaudible) case. It represent traditional common law view."

D

So the common law view is that any authority, jurisdiction must be prepared for respond for a further investigation.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): I do not know what you are saying, Mr Ebert. It is gobbledegook ---

F

DEFENDANT: I read it. I don't have to say, the Court says.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): It sounds like gobbledegook to me. I am telling you again and again to address the question of

H

sentence. Sentence is not mentioned once in the report that you have read. Now, will you deal with sentence or will I simply move straight away to a decision?

A

DEFENDANT: If you not allow me to put my case.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): I am allowing you to put anything you like. I have already made some suggestions to you as the sort of things you could do: argue why it should be one type of sentence or another, provide other cases with similar situations in relation to either criminal damage or harassment, or alternatively argue what type of sentence is appropriate.

B

C

DEFENDANT: First of all, the Court has not made any decision on the case.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, how can you say such a thing?

D

DEFENDANT: Because this is clear ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): This is such nonsense. We heard this case over a number of days and we rejected your appeal. That is a decision. We explained why, in words of one syllable or an easily understandable ruling that was given on the last day at the end of the trial.

E

F

DEFENDANT: Can I please refer to this point? What the Court say ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, not really, only about sentence Mr Ebert.

G

DEFENDANT: Yes, I'm talking about it.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): We did not say much

H

about sentence last time, only that it was going to take place today.

A

DEFENDANT: Because the sentence wasn't a issue yet.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): The sentence is the only issue ---

B

DEFENDANT: It's not been proven!

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Is the only issue today. If you do not have anything to say about sentence, then we will proceed.

C

DEFENDANT: I do have to say and I have to say what's written here.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Stop telling me about what Lord Atkins said about jurisdiction.**

DEFENDANT: I did say this (inaudible) ---

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): And start telling me whatever mitigation you have. **You understand what mitigation is?**

F

DEFENDANT: I would like to quote from Lord Denning on this issue of sentencing. Yes? Please. There are more points here. There are a lot of points. In paragraph 28, and I'm quoting Lord Denning:

G

"Lord Denning consider the status of foreseeable entry did not apply because the trespasser, squatter in McVey (?), were in not in possession of the land at all."

He quoted (inaudible):

H

“A trespasser making any case be tenant of land before he has gained possession”

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Mr Ebert, this is not about sentencing, is it?

DEFENDANT: It is.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Where?

DEFENDANT: Of course it is written.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Where does the word “sentence” appear?

D

DEFENDANT: I don’t need the word “sentence”. I need the conviction to enable a court.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Exactly. It is about the conviction. If you will not listen to me and will not absorb what I am saying we will stop listening to you. We cannot go back into the question of conviction. That is what you are trying to do by passing up this authority.

F

DEFENDANT: Okay. I have read it and it’s in Court records.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Yes you have, and it goes to jurisdiction, not to sentence.

G

DEFENDANT: I am going to this issue, article ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **You are wasting your time and ours.**

H

A DEFENDANT: Well, we will decide it or a higher authority will decide it. First, I want to tell the Court, and I'm sure the Court is fully aware, that this case is under three reviews already. So there is no decision of the review. Secondly, there are two mention outstanding.

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Will you get to sentence?

C DEFENDANT: Yes.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **No, you are not getting to sentence. You are mentioning outstanding mentions. I do not know what outstanding mentions are but they are not sentencing.**

DEFENDANT: Okay.

E JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **Now, deal with sentencing. Would you like to go to prison?**

MRS EBERT: No.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Well, will you tell us why not and why you should not go to prison ---

DEFENDANT: First of all ---

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: If you are able to do so.

DEFENDANT: First of all, I'm innocent and I was not convicted.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER): We have been here,

have we not, before many times?

A

DEFENDANT: Never.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): And I keep telling you, you cannot go behind the conviction. It is not only ---

B

DEFENDANT: I'm not talking conviction. I've not said conviction.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **A waste of time but it is counterproductive to keep saying, "I am innocent." It just annoys the Court.**

C

D

DEFENDANT: **It should annoy the Court if I'm right. It is not a question ---**

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): **If you are right and another court says you are right ---**

E

DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): Fine, but that is something for another court, not for this Court.

F

DEFENDANT: No. It is, first of all, on the decision of this Court.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER): No. We cannot deal with a decision of our own. Another court has to deal with that.

DEFENDANT: No. This Court has to deal because the Court has ---

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, stop it.

A

DEFENDANT: You're denying me to put my point.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, I am denying you -

--

B

DEFENDANT: Fine, so now we are there.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Because it is completely irrelevant. Deal with sentencing ---

C

DEFENDANT: Yes. So I want refer the issue, the matter of sentencing ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Is that case about sentencing?

D

DEFENDANT: No, it's the Human Right Act about sentencing.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I am not interested in human rights in sentencing.

E

DEFENDANT: You're not interested?

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, I am not interested in human rights about sentencing. I want you to deal with your case and your mitigation.

G

DEFENDANT: I'm dealing it, with my case. Exactly, that's the point.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Tell me about it and then I will see. But if you are not dealing with sentencing in that case, then I will

H

stop you from producing any more documents because you are wasting our time and you are doing it deliberately. Go on then, tell us about that one.

A

DEFENDANT: First of all, I want to deal with the point on this case about the undertaking by this Court to give me the ---

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No.

DEFENDANT: May I just ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I am not interested in any argument about undertakings given by this Court.

DEFENDANT: Okay. So I will read the Human Right Act:

D

“Proceedings, what means proceedings in Human Right? Subsection (1), legal proceeding includes (a) proceeding brought by (inaudible) investigation of the public authority and an appeal against a decision of a court or tribunal.”

E

We did not have a decision of court, of tribunal yet from the first conviction. Now, why is it important?

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, stop. I have had enough of this.

DEFENDANT: Okay.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: We are not going to have any more of it. The next time you raise an inappropriate authority I will remand you in custody. I am not joking. If you are happy about that we can do it but I ---

H

DEFENDANT: I am not happy at all.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Suggest you address mitigation, not jurisdiction, not any undertakings given by this Court – just sentence. It is very simple. Will you do that?

B

DEFENDANT: I'm not allowed to do it.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, do you have nothing to say then about what sentence is passed?

C

DEFENDANT: I have a lot to say.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Then say it.

D

DEFENDANT: Okay.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: But not about jurisdiction.

E

DEFENDANT: Not about jurisdiction?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, not about jurisdiction, not about the proceedings in this Court up till now, just about your sentence.

F

DEFENDANT: Yeah, which I'm not allowed to.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You have been convicted. I am not going to allow you to waste this Court's time. Do you understand?

H

DEFENDANT: Am I allowed to deal with the conviction?

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, you are not.

DEFENDANT: I have not ---

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I have told you that I should think ten times this afternoon already.

DEFENDANT: And I give ---

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You are not allowed to deal with the conviction. You are allowed to deal only with sentence.

D DEFENDANT: But sentence on what? It is not ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Sentence on the facts that were proved, as we found in this Court.

E DEFENDANT: I accept. If it's true then it's fine.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well that is how we found. If you have read ---

F DEFENDANT: I can't see it in this.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: If you have listened to the Judgment ---

G DEFENDANT: Yes.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Or read it, then you will understand we did not believe your evidence ---

DEFENDANT: Fine. Okay.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And we did believe the evidence of prosecution witnesses.

DEFENDANT: So – okay. I’m dealing with this, this order.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I do not know why it has taken three quarters of an hour since lunch for us to get to this point. I hope you are dealing with sentence now.

C

DEFENDANT: First of all, I don’t think, with all respect to this Court, that I have wasted one minute here. I have only putted (sic) my right to defend myself, yet the Court refuse me to put it. It is another issue but not to excuse me on it.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, you are wasting our time. You have done so from the minute you stood up this afternoon.

E

Will you address us now, please, on sentence?

DEFENDANT: Yes. On the conviction, if there is one.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No. Well, there is a conviction. You know perfectly well there is.

DEFENDANT: No. Have we ---

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: If you wish to appeal against the conviction, as a matter of law, you have another court to go to.

DEFENDANT: I’m going to do it also now.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: If you are allowed to

because ---

A

DEFENDANT: Fine.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I do not know whether as a vexatious litigant they will hear you, but that is another matter, not for me to pronounce.

B

DEFENDANT: That's a very good point. Now we got to a fair point. In this decision it was stated that I was declared by the Court as vexatious litigant. It is not true. There was no shred of evidence.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, there was evidence about it.

D

DEFENDANT: I didn't get anything. I didn't get any of it at all.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Never mind. Mr Ebert --

E

DEFENDANT: Never mind.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: It is not relevant to our consideration today.

F

DEFENDANT: But just now I heard as vexatious you won't be able. You are not ---

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I said it is not my concern. It is not our concern today. It is a matter for another court, if at all.

DEFENDANT: So the statement is not justified.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: If you wish. Fair enough.

A

DEFENDANT: Fine. The Court stated that I was evicted. I was never evicted. The Court did not have any shred of evidence.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, that is again about conviction.

C

DEFENDANT: No, about the statement in the conviction.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No.

DEFENDANT: So I am going to go ---

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: If you do not listen to me I have told you what will happen.

E

DEFENDANT: Right.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: We are not concerned with whether you were evicted or whether you were wrongly evicted. We are concerned with sentence now.

F

DEFENDANT: Yes. On both. On that that I was convicted.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: On the charges of which you were convicted: harassment and criminal damage.

DEFENDANT: But I did not do it because it's my property.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You keep saying you

did not do it or that it is your property but that has been determined by this Court and indeed by another court.

A

DEFENDANT: No, I haven't seen it.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, please do not argue about it.

B

DEFENDANT: Okay. Can I please pass a document on this issue?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What is it about?

C

DEFENDANT: About eviction.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Whether you were convicted or not? Well, the eviction is neither here nor there, Mr Ebert.

D

DEFENDANT: So ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I do not understand how many times I have to tell you this.

E

DEFENDANT: So if it is ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: The conviction is for causing criminal damage by spray-painting the house and by harassing the owners who lived in the house. You may say they are not the lawful owners but that is not something that we have found in your favour. We have found against you. Now, will you please deal with that or sit down?

F

G

DEFENDANT: I am dealing with this.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, you are not.

A

DEFENDANT: Yes, I am.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You keep dealing with how you were not lawfully evicted or how this Court did not ---

B

DEFENDANT: No, I am not dealing with this. I'm not dealing with if I was lawfully or not lawfully. That's not the issue here. This is an issue that another court maybe decide.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes.

DEFENDANT: But I was never evicted and here I'm going to put the evidence.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Did you spray paint your house?

E

DEFENDANT: My house?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, your house.

DEFENDANT: Yes.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Did you spray paint it?

DEFENDANT: Yes.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Thank you. Now, tell us why you should not be punished for that?

DEFENDANT: Because I'm allowed to paint my house.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, that goes ---

A

DEFENDANT: And the charge is I'm not, I painted my house, the charges are stated, the charges are stated that somebody claimed that the house belonged to him who committed a crime which – this is the issue of the appeal that has not been dealt with – namely that he claimed that he claimed that he did. Demolished the house (inaudible). This was not the issue here. He didn't commit it. The, he demolished the house and built a new house as a agent and there is evidence in Court that he acted as a agent for somebody who is not the owner and that he committed a criminal activity. I have not been proven when the charges. I'm dealing with the charges. It stated that on the 22nd February I committed harassment. There was no evidence whatsoever in Court - to the contrary. The evidence ---

B

C

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: How do you say this is not about your conviction?

E

DEFENDANT: I bet your pardon?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: How do you say this is not about your conviction?

F

DEFENDANT: Because I, it's my house. I wasn't evicted.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, no. You have promised me that you will deal with sentence now and you are saying ---

DEFENDANT: Sentence on what?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I did not commit

harassment.

A

DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And I told you harassment and criminal damage ---

B

DEFENDANT: On what?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You know this.

C

DEFENDANT: On what? On my house?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: This is why I will not listen to you any more. Will you surrender to the dock officer, please? Take any papers you need with you.

D

DEFENDANT: Can I please just have this, the papers please?

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, take it with you.

DEFENDANT: Can I hand it all up?

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What is it about?

DEFENDANT: About this eviction. I've got a clear Court order.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I do not want any papers about this.

DEFENDANT: But this is a Court order, stated that I shall not be evicted.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Go into the dock. Go

into the dock.

A

DEFENDANT: I'm going to do it. I am going to do it. It's what, go to the dock, I will.

(The DEFENDANT surrendered to the dock officer)

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Now Mr Ebert, I hope you will, please, take on board what I am telling you, which is that now is your opportunity to address this Court before it passes sentence on you. If you insist on revisiting the question of your guilt or innocence, then we will not listen to you any further. We have to pass sentence on you for the two charges of which you have been convicted and where your appeal has failed. Can you mitigate on your own behalf, please?

C

D

DEFENDANT: According to the procedure now I cannot mitigate. Therefore I'm asking the Court to appoint a solicitor to mitigate on my behalf because I have the right to know the proceeding.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why do you want a solicitor now? You have always rejected a solicitor in the past.

F

DEFENDANT: Yes, I did. But now ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why do you want one now?

G

DEFENDANT: I have been saying here very clear why. Because a solicitor will get all the information about the mitigation, to put his case. I'm not getting the papers.

H

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why have you not got all the information that you need to put before us in mitigation over the last seven weeks, or whatever it is?

DEFENDANT: Because I asked for it and I never receiving and I ---

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What material do you want that you have not received?

C DEFENDANT: I want the material that stated that the Court has acted, received from the, on which they received from the Crown Prosecution. I've got the papers, they're very clear, and I haven't got the answer yet.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I do not know what you are talking about. Do you have some witnesses whom you want to call to say what a good person you are?

E DEFENDANT: No, I want ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Do you have any reports or testimonials or letters from such people?

F DEFENDANT: Like what?

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What a good person you are.

MRS EBERT: Yes. We are here for him.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes. Mrs Ebert, if he wishes to call you as a witness I will of course listen to you.

MRS EBERT: All of us.

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, I will listen to all of you, within reason. Do you wish to call your wife and other witnesses to say what a good person you are and how you do not deserve to go to prison?

B DEFENDANT: I don't see why I should I go to prison at all. I didn't do anything wrong.

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, this Court and another court have decided that you did do something wrong.

DEFENDANT: No. They have not decided. I will not say ---

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: How can you say such a thing, Mr Ebert?

E DEFENDANT: I will say what I say, because this Court told me, and it's in the first, the second page, Mr Ebert please note this is not an appeal. This is a re-hearing.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: That is correct.

F DEFENDANT: Correct. The Court has not received any documentation, not even one document. 32 documents ---

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: That is rubbish. We have entries from the Land Registry, for example.

DEFENDANT: No. You haven't got the entries.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, will you ---

DEFENDANT: Okay.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Will you deal with mitigation and not again and again with your conviction or innocence?

DEFENDANT: Can I have the Land Registry then?

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, we are not dealing with that any more.

C

DEFENDANT: So I can't ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: It is finished.

D

DEFENDANT: Right. Can I have the statement of the same contract?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No.

DEFENDANT: I can't have that.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: We have dealt with that.

Mr Ebert ---

F

DEFENDANT: Can I have ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, do you have no sense of self-preservation at all?

G

DEFENDANT: I do.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You do. Then try and preserve your liberty by addressing us in mitigation because so far you are not doing anything to achieve that objective.

DEFENDANT: Okay.

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: On the contrary.

DEFENDANT: Fine. So I will do it in this way.

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You are indicating to us that you are very stubborn and will behave in the same way again if you are given the opportunity.

C DEFENDANT: No.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, then tell us why not.

D DEFENDANT: Let's not.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why not?

E DEFENDANT: I have committed anything ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What have you learnt from this case then?

F DEFENDANT: I – what?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What have you learnt from this case?

G DEFENDANT: I've learnt simply that solicitors, as I say - yes? And I will read it from my book again and I have the book. I will read it.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, we do not want you

to read from your book. We want you to mitigate.

A DEFENDANT: I'm doing it.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Go on then.

B DEFENDANT: Fine. This Court has dismissed an appeal, which (inaudible). Let
C assuming we take it. It's not a, binding on the (inaudible). The previous court, the
2008 Court - yes? They haven't got the appeal so we haven't got proceedings
finished. But as it appears to the 2011 one, the Crown Prosecution provided
documentation, the case support, on which ---

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, you are
obviously not capable of doing this. Can I ask you to sit down, please? Mrs Ebert,
would you like to come and say what you can on your husband's behalf because
he is not capable of saying it for himself.

E MEMBER OF THE PUBLIC GALLERY: That's why he wanted a solicitor. He
wants a solicitor.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Will you be quiet,
please? Anyone who talks out of turn will leave the Court Room. Mrs Ebert, will
you please come into the witness box? Would you like to take an oath on a Bible
to tell the truth?

G MRS EBERT: No. I'm coming to ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Just a moment.

H MRS EBERT: Because this Court doesn't say the truth.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Just a moment.

A

DEFENDANT: Affirmation.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Just a moment. Yes, would you like to affirm?

B

DEFENDANT: Yes.

MRS EBERT: Yes.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, all right.

MRS EBERT, (Affirmed)

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Right, Mrs Ebert, do you understand that we are here for a sentence hearing today?

A. Yes.

E

Q. And not a question of whether it is guilt or innocence.

A. Yes.

F

Q. Your husband does not seem able to make that distinction. I understand that he is very, very obsessed with the wrongs that he feels have been done to him about this house.

G

A. And rightly.

Q. Well maybe, but I am afraid it is not our concern. This has been litigated in many other courts for many years, as I understand it.

H

A. It was not litigant (sic). This case was not litigant (sic) in other places. I just ---

A

Q. I do not know how you can say that because I have seen some reports from other courts but ---.

B

A. It's nothing to do with the house.

Q. It is nothing to do with this case anyway?

C

A. Exactly. That's to do nothing with this case.

Q. This case is about specific events, which he agrees that he painted his house.

D

A. Yes.

Q. And he agrees that he - well perhaps he does not agree it, but where we have found that he harassed the occupants?

E

A. No, he doesn't harass the occupant because he ---

Q. Well ---

F

A. When he painted the house he went out of the, of the place. So he was on the - how you say?

G

Q. Pavement?

A. Pavement. On the pavement in front of the house. The children never saw him. Mr Barouk and Mrs Barouk, they saw him once.

H

Q. But listen were you in Court when Mr Barouk gave evidence?

A. Yes, they lied in Court. Yes.

A

Q. All right. Well, this goes as to guilt or innocence, does it not?

A. Yes.

B

Q. Now that is finished. We have dealt with that.

A. Okay. But I want ---

C

Q. We have given our Judgment about that and you may have heard it, I do not know if you were here, that we believed Mr Barouk and we did not believe your husband.

D

A. Yes.

Q. Now that is finished and done. I am not asking about that.

A. Okay. But ---

E

Q. I want to ask you about sentence.

A. Yes. The sentence what, whatever it is, he doesn't deserve a sentence because he done nothing. Mr Barouk ---

F

Q. Well, you cannot say that. You have to try and get your head around the fact ---

G

A. My Lord, may I just finish my sentence?

Q. You have got get your head around the fact that he has been convicted. If you cannot do that, then you are in the same position as your husband.

H

A. I can, but my Lord doesn't give me the opportunity to finish my sentence even.

Q. Well, because you keep going on about conviction.

A. No. I want to say Mr Barouk harassed my husband. He spit on him and nothing was done when my husband complained by the police about it. Yes? But my husband painted the house and done nothing just to paint in our house. Yes?

DEFENDANT: I did paint only with my name.

A. Your name. Our house. Then he is, he needs to be convicted. He been convicted more, or he was not convicted. He got restrain order not to go. He done everything what the Court say to him - okay? And I believe he's an innocent. He's a good, a good man. He is a good father and good grandfather and grand grandfather for his children and for the community. He been loved in the community and he's very, very sociable. But in the moment what it comes that someone is lying, he can't take a lie because he's talking the truth and only the truth, like I just read it here for the paper. And the barrister here, the last time when we be here, gave you paper behind the papers. I have still not from the papers, pieces of things, for new paper that you passed to the Judge without the knowledge of Mr Ebert, without the knowledge of the people who been there. All these people been there and saw that he has secret paper with you. Where is the justice here? And here a different man, 69 year old man who is fighting for his name, for the name of the children, that abused him here in the Court, they abused him in the community because of lies and now will need to suffer more? No. I believe you had already, you read from the probation ---

DEFENDANT: Probation service.

A

A. Probation service. You read from the - the only sentence was they believed to give him is restriction not to go in this street. So he is not violent. He is not a criminal and he is not a liar. He's telling the truth. He is speaking from his bottom of the heart. His children and grandchildren ---

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. Can you calm yourself for a moment, please, because I have got a question for you?

C

A. Yes. Yes.

Q. You are of course right that in the pre-sentence report it talks about alternatives to custody.

D

A. Yes.

Q. But he has had a suspended sentence in the past.

E

DEFENDANT: Never.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And he - well I am reading from the pre-sentence report. "He has previously been sentenced to a suspended sentence order for these offences, along with a 12 month ---"

F

DEFENDANT: (Inaudible).

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Please do not interrupt. Do sit down Mr Ebert. Do sit down.

DEFENDANT: I've got to comment, please, on the pre-sentence report.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, this is the sort of thing I wanted you to comment on earlier when you refused to do so.

A

A. Okay. Can ---

DEFENDANT: I didn't have ---

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And that is why you are sitting in the dock now.

C

DEFENDANT: I didn't have opportunity.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, you did not. Exactly.

D

DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And we have wasted nearly an hour on it. And you are not helping your wife to give evidence in front of me now.

E

DEFENDANT: Fine.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: "Previously been sentenced to a suspended sentence order for these offences, along with a 12 month exclusion order, a restraining order and compensation of £300."

G

DEFENDANT: Never.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And I have the record of his convictions.

H

DEFENDANT: No.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: So it does not help him or his mitigation for you to say he has never had it before. My question is ---

B

PROSECUTION: Your Honour, if I can assist? I have got it listed as previous convictions. Previously for the last offending he got sentenced to a conditional discharge of 18 months. It was the Magistrates' Court that passed suspended imprisonment.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, indeed.

PROSECUTION: And ---

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Do you have the full list because mine is probably out of date?

PROSECUTION: Your Honour, I can hand up mine. Absolutely. (Handed).

E

DEFENDANT: The document is false. The probation service promised to investigate.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: It is the same document that we have already. Would you like to have a look at this, Mrs Ebert?

PROSECUTION: I have more for the Bench. It is not the same.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: It is all right. We have got it already.

A. It's the same.

A

Q. It is the same. There are two convictions: one at Barnett Magistrates' Court on the 8th May 2008 for three matters of criminal damage and one of harassment, for which there were conditional discharges of 18 months. You are aware of this?

A. Yes. But it ---

B

Q. Yes. And then there was one on the 31st January 2012, this case, at North West London Magistrates' Court where there was seven days' imprisonment suspended, 28 days' imprisonment suspended and seven days' imprisonment suspended for two matters of criminal damage and one of harassment.

C

A. First of all, the 2008 what the Judge just now said – yes? Okay?

D

Q. Yes.

A. We went to appeal and we don't have the appeal ---

E

Q. Well, I have heard your husband say this many times ---

A. And it's the truth.

Q. But I have seen something that shows ---

F

A. Yes. Where is it?

Q. The appeal was not allowed.

G

A. If I may just remind the Judge ---

Q. I think he did not turn up for the Court case.

H

A. He turned, always turned. If I may just remind my Lord, it was in the hearing when my Lord, my husband said that we don't, we have an appeal and we never

have a Judgment and the Judge asked the, the - how you call it?

A

Q. The Clerk.

A. The Clerk, if you may go to find out about the Judgment and the Clerk came back and he said the Court is closed, I can't find it any more. So the Judge gave an order to the Clerk to find it out and to send it to Mr Ebert, the Judgment from 2008, what we still waiting for this.

B

DEFENDANT: Decision, not Judgment.

C

A. The decision, sorry. We are still waiting for the, and this is the 2008 what is here written.

D

DEFENDANT: And it said orders.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: So there was a conviction. You just do not know what happened to the appeal?

E

A. No.

DEFENDANT: No, there wasn't.

F

A. It was not a conviction. We went to ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, there clearly was a conviction in the Magistrates' Court in Barnett on the 8th May 2008.

G

DEFENDANT: No, there wasn't.

PROSECUTION: Your Honour, I have got a Memorandum of Conviction.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes. Quite.

DEFENDANT: And I put it to you that it's not true.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. What have you got that proves this is not true?

DEFENDANT: If it ---

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What have you got that proves this is not true?

C

DEFENDANT: I've got the proof here.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: What is it?

D

A. Can he go out to take his papers?

DEFENDANT: That the Court say that no order exists. The statement is false.

E

A. We have it from the Court, from the Court, a ---

DEFENDANT: There is no Court order. There is no damage order and I was looking forward to the damage order. The statement, this is a false document upheld by the Court and by the CPS. The CPS wrote the letter ---

F

A. We have it in writing from the Court, from ---

DEFENDANT: Exhibit 5. Mr Ebert, there isn't an order. It's a false document. The probation service says they are going to obtain it.

G

A. Here. I went, I went even to the Court, to the Magistrate, and I brought this paper, this decision from, that it's no decision. I brought it from the Court.

H

DEFENDANT: This is from the High Court. You must have brought it from the

High Court.

A A. For my husband because he couldn't go because ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You have got it in writing, have you?

B A. Yes, we have it in writing, my Lord.

DEFENDANT: Yes.

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And where is it?

A. Here. You have it here? You have it here?

D DEFENDANT: Yes of course. I've got everything.

A. He has it here.

DEFENDANT: I put it there. First of all, this one.

E JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Will you pass it out, please?

F DEFENDANT: I know. This is under here.

A. Where is this paper?

G DEFENDANT: You brought this from the Court.

A. Yes, I did.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: So what do you say happened on the 8th May 2008 at Barnett Magistrates' Court?

DEFENDANT: I was, I was stitched up by solicitor, who was told – yes?

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Solicitors who were representing you?

A. Yes.

B

DEFENDANT: Not there, they'll be ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, this is a different case.

C

DEFENDANT: This is what you brought about the eviction, no? This is your document.

D

A. It's my document what I got from the, from the Court.

DEFENDANT: That you were not evicted. Nobody's allowed to evict you.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: This is in the High Court in the Chancery Division.

A. Yeah, that is the High Court.

F

DEFENDANT: I know.

A. No, we are not talking about this Gedaljahu. We ---

G

DEFENDANT: But this is about eviction also.

A. Ah, this is about eviction, okay. No, Gedaljahu ---

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, I am not interested

in the eviction, as you keep hearing.

A

DEFENDANT: I've got it.

A. Can my husband go one second out, to get from his paper from here?

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Not really, no, no, no.

A. Because his papers are there.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I want to know what you say happened on the 8th May 2008 at Barnett Magistrates' Court because the Certificate of Conviction suggests that your husband was convicted?

D

A. So I went, because ---

Q. Were you there on the 8th May?

A. Yeah. I went to the Magistrate Court in Barnett.

E

Q. On the 8th May? On the 8th May?

A. Yes, and I have the letter and it's here in between his papers here. That it's no eviction, no ---

F

DEFENDANT: No Court order exists.

A. A Court order. No order exist. I have it here in ---

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: How come the Memorandum of the entry in the Register ---

H

A. I can't answer this. This ---

DEFENDANT: This is our question.

A

A. This I can't answer. I can just to say what I personally went to the Magistrate in Barnett.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: This was a Hendon Magistrates?

A. Yes, Hendon Magistrates and ---

C

Q. It is not the same as Barnett.

A. No, I'm sorry, I don't – it's Hendon Magistrate I went and I brought him. It was, it's in a ---

D

DEFENDANT: Compliment.

A. Compliment slip and it's written there and I went and brought it because my husband was not feeling well so I had to bring it.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why should we pay attention to that compliment slip rather than the Certificate of Conviction?

F

A. This is from the Court. This is with the Court seal, the Court stamp. It's not as I wrote it down. It's with the Court stamp.

Q. Yes.

G

DEFENDANT: Why don't you investigate if the statement is true?

MEMBER OF THE PUBLIC GALLERY: Find the police.

H

DEFENDANT: No, why didn't you - I've got it in combination with the ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: The gentleman who just spoke, outside please.

A

MEMBER OF THE PUBLIC GALLERY: I'm sorry.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Will you go outside, please.

B

MEMBER OF THE PUBLIC GALLERY: You're running a kangaroo court here.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Outside.

C

MEMBER OF THE PUBLIC GALLERY: He should have had a trial by jury here, this man.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Outside.

MEMBER OF THE PUBLIC GALLERY: And you've got no jurisdiction for ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I do not want to have you arrested but I will do if you do not leave.

E

MEMBER OF THE PUBLIC GALLERY: I'm leaving in duress. You're running a kangaroo court.

F

DEFENDANT: It's a letter from the CPS confirming that no order exist.

A. Can my husband go one second, bring the evidence to you?

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, I am not going to have that any more. There is too much of this.

A. Yes, but how can I ---

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. Just listen to me then. There is no question but that he sprayed his name on the house?

A

A. Yes

Q. Right. Whatever order we make today, how can you guarantee us that he will not do that again as soon as he gets the opportunity because he is still just as determined and just as upset ---

B

A. So if he was ---

C

Q. Listen to me for a moment. He is still just as determined and just as upset about having been deprived of that property as he ever was, in fact probably more so because he has spent the last 20 odd years complaining about it.

D

DEFENDANT: I can give the guarantee.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, your guarantees do not count for much, Mr Ebert.

E

DEFENDANT: No, up to now ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Just be quiet and let your wife give evidence for you.

F

A. May I, may I speak?

G

Q. How can you say that he will not do it?

A. I believe the paper say for himself. You said before that he got 18-month restriction not to go. He never goes there, okay? So when he had the restriction he never went there.

H

Q. He never breached it?

A

A. Exactly.

Q. Yes, okay.

B

A. Then he never breach no Court order or no Court decision what it was against him. He is a, like he said he's abiding citizen. Whenever, whenever ---

C

PROSECUTION: Your Honour, that is not true. It was a restriction order until further notice, which was breached but just not charged.

A. No, he was not breached. It was - it's not true, my Lord.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Indeed, he was not breached.

A. It was not breached, my Lord.

E

Q. Well, the prosecution is saying the same as you. He was not prosecuted for it.

A. He was not breached. He never ---

F

Q. Yes but listen, that does not make it any better, Mrs Ebert.

A. Okay, but he ---

G

Q. Mrs Ebert, it does not make it any better. He still did it again.

A. He doesn't want to do it. This is not his intention.

H

Q. Why did he do it this time?

A. This is, his intention is to bring to light the truth of this case because ---

A

Q. I know.

A. We never saw a ... That he bought a house, we never saw a money transfer. We never saw – how you call it? Gedaljahu?

B

DEFENDANT: What?

A. We never saw a money transfer. We never saw ---

C

DEFENDANT: The contract.

A. The same contract, yes.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes but Mrs Ebert, you are falling into the same error ---

A. No, no. I'm not falling, I'm just saying ---

E

Q. As your husband.

A. I'm just saying that he wants the truth to bring to light.

F

Q. Yes.

A. That is this point ---

G

Q. And until he is vindicated ---

A. He will not go to the house to do it again because ---

DEFENDANT: Because it's under investigation.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why not?

A

A. Because ---

Q. No, just sit down. I am sorry. This is not a debating chamber.

B

A. Because he will go to the courts and he will fight it through to bring the truth to the light.

Q. But he has been to courts many times.

C

DEFENDANT: No.

A. No.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No?

A. About this house, it was just in the Magistrate. Never been in the High Court about the house.

E

Q. But you just passed me a document from the High Court.

A. Yes, this is about eviction, what you said. It's nothing to do with here - yes.

F

Q. This case is all about eviction, saying he was wrongly evicted?

DEFENDANT: No, I wasn't evicted. She was just evicted.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes. Never evicted. All right. You were wrongly evicted. It is like a broken record that keeps saying the same thing.

H

A. He will not do it. Okay, I promise he will not do it.

Q. All right.

A

A. He will not do it.

Q. You promise that he will not ---

B

A. Yes, he will not do it. I promise.

Q. Just a moment, because I hear your husband complaining from behind the screen.

C

A. No, he wants to get the papers.

DEFENDANT: Yes, I want to give you the paper. You'll be able to read it. It asks you about you eviction.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, can I ask you a question?

E

DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And I want either yes or no as the answer.

F

DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Will you do it again?

G

A. No.

DEFENDANT: I did not do ---

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, you are not

answering the way I asked you to. Yes or no?

A

DEFENDANT: I don't need to do it again and I will not do it again because it is the duty of the judiciary at the Court and I will fight my corner in the judiciary.

A. So he said he will not do it again.

B

DEFENDANT: No.

A. He will not do it again.

C

DEFENDANT: Justice is with me and it's in the hand of the Court now.

A. So like I promised, he will not do it again, like he said.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Do you have anything else to say?

A. Just should be justice done.

E

Q. Yes. All right.

A. And the true justice, because he's a good man. We are 45 years married.

F

We are fighting for our life. We are fighting for our children, not nothing else, and we don't deserve it. We went more than enough through, these lies. We want the truth shall come to light and we had, we gave a lot of hope in the justice and we are very, very disappointed.

G

DEFENDANT: Absolutely hope on the justice.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Is there any way of keeping your husband quiet when you are talking?

A. Yes.

A Q. I imagine for 45 years you have been trying?

A. No, I can't.

B Q. Right. Thank you for giving evidence on his behalf. If you would like to return to the public gallery, thank you very much. Now Mr Ebert, this is your case. Is there anyone else you want to call as a witness?

C A. Yes.

Q. Well, let Mr Ebert decide because it is his case.

D A. I'm sorry.

(The witness withdrew)

E Q. You understand that? Well, can you sit down, please sir, and not interrupt or you will be going the same way as the last person who interrupted. Now, do you want to call anyone else as a witness?

DEFENDANT: I want to put evidence about harassment.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No. I want you to tell me is there any other witness you want to call?

G DEFENDANT: (Inaudible) call anyone.

MRS EBERT: May I say ---

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, you may not. You have already said.

A. No, I want ---

A Q. Please sit down Mrs Ebert. I do not want to empty the public gallery but I will do so if necessary. Please do not argue

DEFENDANT: Yes.

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Do you want to call any other witness?

C DEFENDANT: Yes, Mr Brad Mire.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Brad Mire?

DEFENDANT: Yes.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Right. Will Mr Brad Mire come and give evidence? Yes, would you like to come into the witness box?

E DEFENDANT: Can I just ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No. Wait a moment.

F DEFENDANT: Can I just (inaudible).

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No. Just shut up and sit down, please.

G DEFENDANT: Okay.

Mr Brad Mire, (Affirmed)

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And your name, sir?

A. Brad Mire.

A Q. Brad Mire. Can you keep Mr Ebert quiet?

A. Never.

B Q. No. Is it an illness or is that just the way he is?

A. He is focussed on truth, strongly, and his perception of truth.

Q. Yes, indeed.

C

A. He's also focussed on honesty, so if he says he will not go back to the house, he will not go back to the house.

D

Q. Although he has obviously had warnings in the past from other courts about not going back to the house and yet he has done it?

A. I can't speak to the past.

E

Q. All right.

A. I speak of my knowledge of him now.

F

Q. Well, how long have you known him?

A. Three years. I think about three years.

G

Q. And forgive me for asking, but do you know him on a personal basis or a professional basis or how?

A. I spoke with him because of his experiences in the court system and his perceptions of the contravention of court procedures and I listened to him for a

long time and tried to understand what the core problems were and focussed in on just a few papers because I cannot comprehend the whole story.

A

Q. Can I just understand from which angle you come? I mean are you a counsellor or a lawyer or a friend or what?

B

A. I'm a professional idiot. I have skill in ---

Q. That does not help me very much.

C

A. All right. I'll explain that. I have skill in helping people simplify their message, whatever it is, subject matter experts in any context. One could say Mr Ebert has subject matter expertise in his experience but has difficulty sometimes in clearly expressing what his perception of his experience is. And there's a difference between his perception of his experience and what he does in relation to his perception.

D

Q. All right. What can you say in mitigation on his behalf, if anything?

E

A. Well, as I said, if he says that he would not go back to the house, he will not go back to the house. He has as strong on himself about the rule of law as he is wanting to bring others to be equally following the rule of law.

F

Q. Right. Anything else?

A. I would just say that he doesn't suffer his own - inclinations do not follow himself any more than he would suffer anyone else's. I'm re-emphasizing really what I've just said.

G

Q. Yes, I understand. If he says he will not go, he will not?

H

A. That's right.

A

Q. Anything else?

A. I know that he asks himself questions carefully and reviews them in every possible direction, looking for explanations. I find it amazing sometimes that he still has an expectation that the courts will bring out the truth if he persists. He has not wavered in his perception of the truth. He has looked for avenues within the court system to help the truth come out. But if he says he will not do something, he will not. He will look for other avenues to consider open to him.

B

C

Q. Might those avenues be to the harm or distress of the people who live in the house?

D

MRS EBERT: No.

A. That is not his intention.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I mean if he does not go back to the house, he might wait at the end of the street or whatever it takes. That is another avenue?

F

A. I think his focus ---

Q. I mean I would not recommend it to him, but he might do it though.

G

MRS EBERT: No.

A. I think his focus is decidedly into the rule of law and not into trying to harass another human being. He is, he is after truth on paper, accurately represented.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Very well. Thank you

very much.

A A. Thank you.

(The witness withdrew)

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, is there any other witness you want to call?

DEFENDANT: My son in law.

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Your son in law?

DEFENDANT: Mr Cohen.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Cohen, would you like to come into the witness box? Do you want to affirm or take an oath on a Bible?

E MRS EBERT: Affirm, affirm.

MR COHEN: I'll affirm.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes, very well. You affirm then.

Yosef Cohen, (Affirmed)

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And your full name?

A. Yosef Cohen, Y-O-S-E-F. Cohen, C-O-H-E-N.

H Q. Mm hmm.

A. I'm Mr Ebert's son in law.

A Q. You are married to one of his daughters?

A. Yeah.

B Q. Yes.

A. Which I know it mean that I know him for the last 16 years.

C Q. Mm hmm.

A. Regardless all the court cases for good, for bad, I by myself I'm not very familiar in all the Judgment and all the orders. But I was there in the house when he paint his name on it, twice. The reason I was there is because he called me before and he ask me to be there to make sure there is no violence from any party. He asked me to come with a camcord, camera to take a record, to show that there's no any violent. When I ask him why he's doing that act he said that the idea is to, he want the attention of police because he apparently go to police more than once and, I don't know, something didn't - I don't know exactly details what or how it happened. Obviously he get what he wanted and as soon as he got it, I was there, he walked out the property. I was there when police arrived. He never fight with anyone. He didn't even raise his voice. Everything has been told he did quietly. He feel that his case was not been taking seriously so he feel to do so. But as I've been there and I know that he didn't want to go without anyone to be there, you know like to back him up or to take a record, I know that he won't do it and I know that he had another chance to do it and he didn't do it. I know that he had a chance and I know that he didn't do it and I know that he's not going to do it again because he won't do it without me and I won't be there. But this not the only

reason.

A

Q. Why will you not be there?

A. Why I won't be there?

B

Q. Yes.

A. I feel the point has been clear and he apparently told me ---

C

Q. You mean the point has been made?

A. Pardon? I mean the point is – sorry. I'm sorry.

D

Q. You mean the point has been made. Is that what you mean?

E

A. Yeah, yeah. The point has been made. He has no any reason to repeat, to repeat the same things again and again. He either achieved in his way he want it or not in the way he want it but he achieved what he intended to and for this matter there's no now - as I stated before I know him for many years. I'm his son in law with everyone know about, you know, jokes about the in laws, etcetera, and I can tell the Court I never had any, any problem or any disagreement. He's a very – as much as the Court talking now about violence, incensed or whatever, he is not a violent person. Everything he can achieve in nice way. He's doing. And as I already repeat myself, he have no any reason whatsoever to do it to him once again.

G

Q. You were there twice with him when he has sprayed?

A. I have.

H

Q. Did you not realise that he was not entitled to do this?

A. I am - without going again into all ---

A

Q. I mean do not worry about yourself. There is no question about that ---

A. No, no. No, no, no. No, no, no. Without ---

B

Q. Did you not say to him, "Look you must not do this, this is against the law"?

A. I say, without going into details, if this is his house you've got the right. Now, you can arguing if this his house or not, but if this is his house he have got the right.

C

Q. Yes. All right. So you regarded it, or he did anyway, as a sort of peaceful demonstration?

D

A. No, he asked me to be there. I say ---

Q. Insurance against ---

E

A. As insurance, no. As evident ---

Q. Witness?

F

A. Witness, sorry, that no violence taking place whatsoever. And when he'd been attacked he didn't answer even. They say so - again I'm not going into the Court decisions - he'd been attacked and he did not even answer direct to, to the one who did it. I seen that.

G

Q. All right. Is there anything else you want to say? Thank you very much indeed.

H

(The witness withdrew)

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, anyone else
you want to call?

A

DEFENDANT: Yes. I call Dr Oraki.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Dr Oraki?

B

DEFENDANT: Yes. And I ask for this witness for the reason that she's on a tape,
which I want to be sure recorded, record the (inaudible), that she was a victim ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, will you let her
give the evidence?

DEFENDANT: Mm?

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Will you let her give the
evidence?

DEFENDANT: I'm just saying what ---

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No, just sit down.

DEFENDANT: Okay.

F

Doctor Oraki, (Affirmed)

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes. Dr Oraki, what
can you say?

G

A. I have known Mr Ebert through the Parliamentary meeting we have had
since 2006. I have look at his document and evidence he has and as I was a
victim of the injustice through my solicitor, who was a convicted criminal and forge

H

document to the Law Society to become a lawyer, and as a result of his
A misconduct I have lost everything. I was about to lose everything, of my house,
business, livelihood and I ---

Q. Through a dishonest solicitor who should not have been a solicitor?

B
A. That's right. (Inaudible) ---

Q. All right. Can you tell me something about the defendant though?

C
A. From the (inaudible) solicitor, yes.

Q. You know him because you both have grievances against lawyers. Is that
what you are saying?

D
A. Yes.

Q. Okay.

E
A. Lawyers and unfortunately some judges who are sitting as a practice, who
are practicing solicitor and barrister and sit as a judges. In my case all the order
against me are the practicing solicitor and barrister.

F
Q. Forgive me for saying this, but we are not dealing with your case. We are
dealing with his.

A. Sure. I think there is a similarity between ---

G
Q. There may well be a similarity, but can you deal with the defendant, please?

A. Yes. During this Parliamentary meeting, as I said, I met Mr Ebert. I look at
H his document and I find him, he's also victim of the grave injustice. He should

have not lose all 16 million as a result of partner in business wrongdoing and I have got a great respect for him. He's a honest, hard working man. Since I know him since 2006, 2005, I have seen that he's working very hard trying to do research and by proving on the base, point of law, that what he says is true. I attended the previous hearing. I am sorry to say disappointed because the evidence was not given to him by the Crown prosecutors. There were six ---

Q. Just concentrate on mitigation, all right?

A. On Mr Ebert's mitigation during the previous hearing he asked for the copy of the contract. He asked ---

Q. No, that is not about mitigation. We are here for a sentence hearing today.

A. Yeah.

Q. Do you understand what a sentence hearing is?

A. Yes, I do understand.

Q. It is a disposal at the end of a case where there has been a conviction.

A. Yes, but I ---

Q. Now, is there anything you can say about Mr Ebert relevant to his ---

A. I said he's a honest, hard working, family type man, with his children and grandchildren and grand grand children. I have attended his home several times, working together, going through the book, case law, and I believe that he's got a case and Court should listen to him or take into consideration that, to open his file by having different section of 42(d), not to ---

Q. Dr Oraki, we have had the hearing about guilt or innocence.

A

A. I do ---

Q. That is now finished.

B

A. I put - I am disagree with that hearing. It was not a fair hearing ---

Q. I dare say you do disagree with it. Most defendants disagree with the jury when they are convicted, but we cannot go behind the verdict of the Court.

C

A. Do you remember during this last proceeding I asked what was the note that Crown prosecutor secretly pass it to you?

D

Q. Yes, I do remember it.

A. And would have been nice, same time, you would have give us that letter or you would have show us what it is.

E

Q. Yes, it was something completely irrelevant. I cannot even remember what it was now. It was so unimportant. It is really ---

A. It may not be important for you but procedurally ---

F

Q. It certainly is not important for me. If it was important for me I would have handed it over straight away to Mr Ebert.

G

A. I do agree with you. Maybe ---

Q. Why do you think that there could have been something in it? Why would Mr Bush need to communicate with me?

H

A. Shall I tell you why?

Q. No. I do not ---

A

A. You ask me why and I want to explain it. Let me explain it. I saw Mr Bush writing a note, giving it to the Clerk. Clerk putting it between the paper, looking for the opportunity to pass this note to you. And few time he remarked to him to say would you give it and she said okay, I'll do it, and at the end of the hearing she just pretend this is the paper for Mr Ebert. He gave a paper to him and he passed that note to you. And I stand up, I said with all respect can I know what is that note? And you got angry. You ask me to leave the Court.

B

C

Q. How do you know that it did not say, for example, and this happens sometimes, "I need to go to the toilet"?

D

A. You could have just say, sorry, can we have adjournment for five minutes?

E

Q. Well, sometimes people are embarrassed to ask such a thing and they write a note. Dr Oraki, I do not remember this note but I do remember that it was nothing important.

A. That was at the end of the hearing.

F

Q. Yes, all right.

A. You were going to adjourn the hearing to ---

G

Q. Dr Oraki, unless you have something to say about mitigation instead of complaining about ---

A. Yeah, I do.

H

Q. An innocuous note being passed up, then thank you very much for ---

A. I just wanted you to decide if he has said that he is not going to the house, he's not going to the house. I don't want him to have any sentence because I know him. He's working very hard and he want to get justice and I hope that he'll be having opportunity to re-open his whole file and if the Court allow him to reappoint his whole file, he doesn't go to that house. That is only for bringing to decision of the Court that we are suffering. We're losing other home as a result ---

Q. Yes. Is it your home, Dr Oraki? You say, "We are losing our home." You do not mean that?

A. In my case, yeah. I have had a Court order ---

Q. Oh yes. That is another house presumably?

A. No, my own case.

Q. Yes, yes.

A. All, as I said, they are similar ---

Q. Forgive me, but we are not concerned with your ---

A. With his case.

Q. We are not concerned with your case.

A. I agree. Sorry if I said – when I said "we," it is the similarity of this case that we have suffered as a result of the practicing solicitors, practicing barristers sitting as a judges and insolvency practitioners.

Q. Thank you very much.

A. You're welcome. Thank you.

A

(The witness withdrew)

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, do you have anyone else you want to call as a witness? I mean please do not just call everybody who is here in the public gallery unless you think they can add something to what has been said already.

B

DEFENDANT: All I call are people who knows me and knows the issues, so Mr Alex Smolen.

C

Alex Smolen, (Affirmed)

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: And your full name?

A. Alex Smolen, S-M-O-L-E-N.

E

Q. Yes.

A. I've known Mr Ebert for at least seven, eight years and I have looked at various documents relating to his property and believe that the property still belongs to him from the documentation that I saw.

F

Q. All right. But Mr Smolen, you have heard me say many, many times today that we are not concerned with whose property it is any longer. We are concerned with what anyone can say on his behalf to mitigate the sentence.

G

A. Yes. I will ---

Q. You understand that?

H

A. Yes, my Lord.

A Q. Can you say something to mitigate the sentence?

A. Yes.

B Q. Please tell me then.

A. I can say it in one or two sentences, and that is that if he does state and he promises not to go to the property, his word is his bond and therefore he will strictly adhere to that, my Lord.

C

Q. Thank you very much indeed.

A. Thank you, my Lord.

D

(The witness withdrew)

DEFENDANT: Mr Peter Heywood.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Peter Heywood?

DEFENDANT: Yes. The creator of (inaudible). Yes.

F

Peter Heywood, (Affirmed)

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes Mr Heywood.

G

A. Well, I've known Mr Ebert for many years now, 15 maybe 20 even, although not in contact with him daily, and I'm certainly aware of the trials and tribulations he's had at the hands of the judiciary I'm afraid and also the courts and the other peripheral legal services, such as the Insolvency Service, etcetera. And that, however, at all times he's always conducted himself properly and he's never

A actually, he's not a violent person and I just want to repeat what other people have
said, or reinforce it, that he's been - although he's tenacious in his belief and a lot
of us sympathise with that belief because we've seen the evidence regarding it, but
he is nonetheless, he's at all times had a faith beyond belief in the concept that we
B have a justice system in this country and he's proceeded with that rather than
anything else. And just in case you might want to know why that note that was
passed up to you was relevant, which you seem to think it was innocuous, it was
C actually the documents that were supposed to have been served on Mr Ebert back
in March and in fact on it, rather inconveniently, had a date on there of May the
30th, which, because it was a Jubilee weekend was, meant that he wasn't actually
D served the documents until half way through the case on the Monday evening and
the fact that the CPS barrister wanted it back because he would be embarrassed,
because you took his word over that of Mr Ebert's concerning the fact that he had
not received any documents. That's why, that's why it's relevant and not, and it's
E not something that can, should be brushed under the carpet so lightly.

Q. I see.

A. I believe that's the end of my ---

Q. Have you anything to say about his sentence?

A. Yes, I think it's most unjust to even consider anything either, a custodial or
G in any way like that. He's now a 70-year-old man who has, is not violent and
however one wants to portray his actions, they've not been violent and we've had
witnesses there present to attest to that, and that he is, that he is particularly law-
abiding and I'm saying unbelievably in view of some of the set backs and ---

Q. Were you ever present with him when any of these incidents took place?

A

A. No, I wasn't.

Q. No. All right. So you cannot really speak of them first hand, can you?

B

A. I can't speak of those incidents, no, because ---

Q. All right. But others have done so. You are quite right.

C

A. Yes, they have. But I can attest to his general demeanour and general behaviour.

Q. Yes.

D

A. And that he's not a violent person.

Q. No.

E

A. And that the idea that ---

Q. I do not actually think anyone suggested he is.

A. Well, it's ---

F

Q. Just that he has been harassing the Barouk family and painting their house.

A. There is a suggestion in some of the things that there's a high rate of him re-offending and ---

G

Q. Yes, there is that suggestion.

A. There was a medium danger in his defence, if the report that was made on him appears to suggest. So therefore I'm just trying to counter that and to explain

that he's ---

A Q. So you have read the pre-sentence report?

A. I've seen something about it, yes, or rather discussed that with him.

B Q. Yes, very well. Anything else you want to say?

A. No, sir. That's all.

C Q. Thank you very much Mr Heywood.

A. Thank you.

(The witness withdrew)

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, anyone else you want to call?

E DEFENDANT: No, thank you.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: No? All right. Well, I ask you again. Is there anything you want to say in mitigation?

F DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Please say it then.

G DEFENDANT: Can I have the papers?

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well no. You are in the dock now.

H DEFENDANT: Okay. On the issue of harassment, one of the claims on which this

A Court decided that I, there was dozen and dozen threaten letters. I haven't seen even one. I don't believe the Court has been presented. I've got two here and I would like the Court to decide if these are threaten letters.

B JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. Do you want to pass them up then?

DEFENDANT: They are in there.

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Okay. Do you need to go over there and get the threatening letters?

DEFENDANT: I don't know. The Court should decide if they are threatening.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. But you want us to look at them?

DEFENDANT: Yes please.

E JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. Why do you not leave the dock to go and get them then and hand them to the usher? (Handed). Mr Ebert, can I help you about this? You want us to look at two letters
F that you have written, have you? They are your letters, to Mr Barouk?

DEFENDANT: Yes (inaudible) ---

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Which are non-threatening letters and about which no complaint has been made, so that we have not seen them during the trial?

H DEFENDANT: No.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Is that correct?

A DEFENDANT: These are two legal notice.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Legal?

B DEFENDANT: Notices.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Notices. Yes.

C DEFENDANT: And this was classified as threatening letters.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I am sorry. You are going to have to be quieter in the gallery, please.

D DEFENDANT: So the Court shall decide if this letters is threatening letters.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, let us assume we decided they are not threatening, without even seeing them because ---

E DEFENDANT: So if you decide it's not, so one count of the harassment has gone.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, I do not remember letters being part of the harassment, although there were references to it ---

DEFENDANT: Well, then look at the Judgment.

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: But we certainly did not see any letters.

DEFENDANT: But in the Judgment it's written not only few letters, dozen of dozen.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, that is what Mr

Barouk said.

A DEFENDANT: So now let us ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: But you have got two letters that are not threatening?

B DEFENDANT: I don't know. I leave the Court to decide. I've got ---

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. Would you like to go back into the dock, please?

DEFENDANT: Yes.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, one of the things that the probation officer says in the pre-sentence report is that she assesses the risk of future harm as medium. Do you understand that?

E DEFENDANT: I do.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: "No evidence that Mr Ebert poses a direct risk of physical harm to the Barouk family but his decision to bring like minded others to their home is concerning," and on that basis that risk assessment is made. Do you understand?

DEFENDANT: Not accept it.

G JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, what she is saying is you are not going to punch him in the face but when you bring other people to their home, that is threatening by itself and that therefore the risk of your doing something similar in the future is assessed as medium. Not high, not low, but

medium. Do you understand?

A

DEFENDANT: Yes, I understand. What you want me to comment on it?

JUDGE (inaudible): Yes. What do you say about that assessment?

B

DEFENDANT: I'm not (inaudible) concern any people. I never did it.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: But you were there and there were a crowd of people witnessing it.

C

DEFENDANT: (Inaudible) we were there, which the Court has not established what happened. This was the issue, that we were there in according to the finding, different finding by the Crown department that I am the owner and that Mr Barouk, in private capacity as agent, committed a crime and he deprive me and my family of our home. This was the issue.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Now, the probation officer is suggesting that when you go there with a crowd or a group of people, that is threatening to Mr Barouk and that is against the law and there is a medium risk of your doing that again. That is how I read it anyway.

E

F

DEFENDANT: Okay, if I tell you ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Do you want to say anything about that medium risk?

G

DEFENDANT: I say it already. There is no risk whatsoever. When I did it, I did it. And it wasn't against the law, to the contrary. Because of that, section (1)(3) of the Harassment Act stated that no charges should have been brought. But this is the

H

issue of (inaudible). So the whole charges is an abuse of the process but you are not going into it now. We are talking about it at the trial. I believe, with the support of the planning department, that me and my family have been deprived by criminal activity without our permission, that we are the ---

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Can you concentrate on mitigation now?

B

DEFENDANT: I'm talking about mitigation.

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You are not. You are going back to the facts of the case and that is not relevant. I am asking you about you and the sentence that you might receive. Is there anything else you want to say about the sentence or the possible sentences?

D

DEFENDANT: I've no idea what the sentence should be at all and why.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You have seen some possibilities suggested in the pre-sentence report.

DEFENDANT: I didn't study it at all.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: You did not study it at all ---

DEFENDANT: (Inaudible) that information.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Even though I told you here is a probation report?

DEFENDANT: Yeah, I don't know about a probation report.

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Why did you not study it at all?

A

DEFENDANT: Because I just got it a few minutes before the lunch.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: But you had an hour to read it.

B

DEFENDANT: Yes, but I'm interested in the detail because I'm not reading it. It's not a (inaudible) book. It's every dot and comma ---

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, it is only four and a half pages or something.

D

DEFENDANT: To me it's, one page takes a day also maybe.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Oh. Do not be ---

E

DEFENDANT: I'm looking at pages ---

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Do not be ridiculous Mr Ebert.

F

DEFENDANT: I've plenty to say about this report.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. You do know what is in it, do you not? One option is immediate prison. One option is unpaid work, for which they consider you to be unsuitable because you would not have the required attitude. One option is supervision but you do not recognise your guilt and you (sic) do not believe that he would be manageable under such a requirement. Do you understand? And, lastly, you have previously been

G

H

sentenced to a suspended sentence order, along with a 12-month exclusion order, restraining order and compensation. And it says in the opinion of the author, “The Court could consider this or a similar sentence again.” Do you have anything to say about those options?

A

DEFENDANT: The point before the last.

B

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: The point before the last. “Clearly not suitable for supervision.”

C

DEFENDANT: No.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: The point before that?

D

DEFENDANT: There was a Court order.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Yes.

E

DEFENDANT: Yes? That’s what’s written there.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: That is what is written there.

F

DEFENDANT: In the, during interview was woken after 30 minutes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Was it?

G

DEFENDANT: Yes.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Just a half hour interview then?

H

DEFENDANT: Half an hour. It should take most the two hours.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: All right. So are you saying nothing written in the report is of any value because it was only half an hour?

B

DEFENDANT: Can I please say something?

C

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mm hmm. Yes or no would be good.

DEFENDANT: No. I want to say exactly what happened.

D

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: How long will it take?

DEFENDANT: It won't take long. It's just a statement, what happened.

E

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Well, I will stop you in a minute.

DEFENDANT: In a minute, okay.

F

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mm hmm.

DEFENDANT: The probation officer told me about previous conviction and she showed me a report that she received. I told her it's false. There was never a Court order. She said you stop now. I will bring the order. I confirm you and then I will call you and we'll meet again. I didn't hear nothing. I didn't get it.

G

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Okay.

DEFENDANT: She gave out the paper ---

H

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Anything you want to

say about those options?

A DEFENDANT: I don't know what option to say.

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I have just read them out to you. You seem to be able to hear when you want to. Now, anything you want to say about those options?

DEFENDANT: I will not decide it.

C JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: I am not saying they are options, but is there anything you want to say?

D DEFENDANT: I can say one thing. I am innocent person. I'm a law-abiding person. I gave a undertaking because the letter involved you - yes? And it can be sorted - yes? That I am not intending to do nothing. That's all. I've never committed the harassment act but this is not a mitigation. A court has not found against me harassment and the police has been and confirmed, I police involved – the letters, you the Court will say that the letters are not harassment. So we've got only legal for the harassment.

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mr Ebert, I am going to stop you because your minute is up and you are back to conviction again and we are not going to have that any more. Unless you have anything that you want to say, we are going to retire and consider our sentence?

G DEFENDANT: Fine. I can only say one thing.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Mm hmm.

DEFENDANT: I am not intending to do anything for the moment.

A JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: For the moment?

DEFENDANT: I'm not intended because the matter will be solved in the normal routes, in the, under the rule of law by the authorities. I will continue pursuing, as
B the investigation and one of them has been, proper investigation has been ordered by Her Majesty Queen and there are a lot of good authorities investigating it. I am more than happy and if they will prove me, I will say thank you. If they be in my
C favour, the justice will be done. But if they will prove against me, I will not give up either.

D JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Very well. Thank you very much. We will retire and consider our sentence in this matter.

(Short adjournment)

E SENTENCING REMARKS

F JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: Before I begin our sentencing remarks and indeed the passing of sentence, I want to make it clear to everyone in this Court Room that there will not be any disturbance at any stage during the hearing. Does everyone understand that? All right.

G We have to pass sentence on you, Mr Ebert, in relation to two matters of criminal damage and one of harassment. We have had the benefit of a pre-sentence report and a psychiatric report. We have also heard from six witnesses, including your wife, who have given testimonials on your behalf.

H It is clear to us that you have no empathy or understanding of the effect of

A what you do to those whom you have targeted. Over a long period of time, some
four months, you have been harassing the Barouk family, who live in the house
that you once owned and which you believe should rightly be yours. You cannot
accept what has clearly happened over many years, in that you were deprived of
ownership or the right to live in that house.

B
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On these occasions there were a number of features that we consider
aggravate the situation. First of all, you planned what you did. You took spray
paint with you and on the two occasions of damage you spray painted your name
onto the side of the house. On one occasion you involved others and brought
them with you and you even got one of those to video the events, which in itself
would be threatening to those inside the house. There have been repeated visits.
This is not an isolated event in four months. You have been warned by the police
in the past and you have continued. You have a previous finding of guilt for the
same activity in relation to the same house and the same people who live in it.
You have continued to refuse to accept your guilt. These are all matters that are
referred to in the reports that we have and which it is necessary to read to
understand this case fully.

F
G
H
In the pre-sentence report there is an assessment of your likelihood of re-
offending, which is assessed as medium. The author of the report effectively says
you are not suitable for any community sentence and in our view the custody
threshold is crossed.

H
In passing sentence we have in mind not only the qualities of you, Mr Ebert,
as testified to in this Court by your own witnesses, but also the need to deter you
from any repetition of this or similar behaviour. It is clear that the last sentence of

A conditional discharge failed to achieve that aim in that you resumed your campaign of harassment after the period of discharge had elapsed. The restraining order, to which you were also made subject at the time, was unlimited in time but also clearly ineffective.

B The starting point in the Magistrates' Court guidelines for a medium level harassment is six weeks' imprisonment. That is for a person of good character with no previous conviction. Here, apart from your previous conviction, there are several aggravating features, which in our case (sic) take this case up to the higher level. Those are the features to which I have referred: your previous warning, the ignoring of obvious distress, the planning, the taking of other people with you.

D In our view this case is too serious for any sentence other than immediate imprisonment. You will serve half the sentence and then be released on licence. If you breach the licence then you will be returned immediately to prison to serve the second half. If you re-offend in the future by resuming this activity or anything similar, the sentence will be measured in months, not weeks. On the harassment charge the sentence will be 12 weeks' imprisonment. On the criminal damage charges there will be, for each of those, four weeks' imprisonment. But those sentences will be concurrent with each other and concurrent with the 12 weeks, making a total of 12 weeks' imprisonment. As I say, you will serve half of that. There is no order for compensation in all the circumstances of the case.

G PROSECUTION: And could the Court just confirm that the restraining order remains in place.

H JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: The restraining order remains in place.

PROSECUTION: Thank you.

A

JUDGE (unknown) (JUSTICE PETER CHARLES ADER):: That is the sentence.

(The defendant was taken down)

B

MRS EBERT: You are liar and a cheater and he will die. It's your fault.

CLERK OF THE COURT: Excuse me. Could you leave the Court?

(The Court adjourned)

C

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