

6.27 *Previous breach appearances, Defendant has*

R v Henry 2014 EWCA Crim 1892 D was convicted of breaching his ASBO (×5 counts). A five-year ASBO was imposed following a year-long pattern of worsening antisocial behaviour including threats to kill, harassment and criminal damage towards D's neighbours. D was prohibited, amongst other things, from harriving the neighbourhood. Eight months after it was made, D breached the ASBO on more than five occasions. He intimidated his neighbours, made abusive comments at them, and pushed his clothed bottom towards one victim. The Judge noted that, on one occasion, D had abused the same person as before the ASBO was imposed. D was aged 47 on appeal and had convictions for similar behaviour dating back almost a decade. Held. The harm caused was not easily found within the guideline's definition of 'serious harm'. Nevertheless, D's behaviour was uncontrolled and he engendered real and persistent alarm in the minds of his neighbours, however, **2 years**, not 30 months.