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# Rutland Times

## Man cleared of harassment was exercising freedom of expression, says district judge

Court News

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### **A man accused of harassing and stalking a council chief and councillor has been cleared in court.**

Martin Brookes, 47, of Willow Crescent, Oakham was found not guilty of stalking and harassing Rutland County Council chief executive Helen Briggs and Oakham town councillor Charles Haworth at Leicester Magistrates Court on Monday.

District Judge John Temperley said Mr Brookes, a former Oakham town councillor, was exercising his freedom of expression when repeatedly e-mailing and blogging about Mrs Briggs and it did not constitute harassment.

He also said Mr Brookes had phoned and texted Coun Haworth because he was trying to find out who was attacking him on a website which had been set up anonymously by the councillor. The judge accepted Mr Brookes was at his wits' end.

Giving his verdict at the end of a five-day trial, Judge Temperley said: "Freedom of expression is an essential function of a democratic society. It is applicable also to those who offend and shock."

Mr Brookes had been accused of making allegations on his blogspot about Mrs Briggs' professional role and personal integrity and sending e-mails to her which he copied to other members of the authority, police and Rutland MP Alan Duncan.

Judge Temperley pointed out that Mrs Briggs had told the trial she expected to be challenged and criticised, but disagreed with her view that it was a personal vendetta.

Judge Temperley said: "The defendant is right to confront if he thought she was not doing her job well. He questioned her relationship with the local police and press.

"But as all the evidence indicated everything (Mr Brookes says) is already in the public domain. Some of it has been reported in Private Eye and by the BBC.

“Some of the comment is harsh, shocking or personally offensive, but that does not mean it is criminal.

“I do not consider it as a personal vendetta. She is one of many people against whom the defendant vents his spleen.”

He concluded: “I’m left in no doubt that the defendant’s conduct caused Mrs Briggs distress. But freedom of expression does not constitute harassment.”

In finding Mr Brookes not guilty of stalking and harassing Coun Haworth, Judge Temperley said the councillor had been “economical with the truth” which “undermined his credibility as a witness”.

The trial heard there was a long history of animosity between Coun Haworth and Mr Brookes.

Coun Haworth had attacked Mr Brookes on his website Laughing Stocks and had told the trial the comments were satirical and lampooning.

However, Judge Temperley said: “I don’t agree. Some of the material goes way beyond satire. They are crude and crass and homophobic.”

Mr Brookes had been accused of making silent phone calls and sending numerous text messages to the councillor.

The judge found not all the texts were from Mr Brookes and there was “nothing derogatory or offensive” in them. Their purpose was to find out if Coun Haworth was the author of the Laughing Stocks.

Mr Brookes was accused of stalking Coun Haworth after “causing disruption” at a councillors surgery and waiting with a camera outside a police station where Coun Haworth was making a complaint against him.

The judge said based on the evidence from police in both instances, Coun Haworth’s claims were “exaggerated”.

The judge concluded that while he could not be certain how many texts were sent to Coun Haworth, he was satisfied that Mr Brookes’ motivation was to expose Coun Haworth as the author of blogs which had “understandably caused him distress over a number of years”.

Judge Temperley said: “I accept he was by now at his wits’ end.”

The court had also heard that Mr Brookes had gone on a computer used by Coun Haworth in Oakham Library and traced the history and sent the details to the councillor and a number of other people.

The Judge said: “The main purpose was to cause embarrassment. In my view it was deliberate and calculated.”

He said the library incident was “the most serious”, but it was not enough evidence on its own to convict.

Prosecuting solicitor had argued that Mr Brookes’ allegations were all “without any foundation and baseless and vacuous rumours” which fell foul of the Protection from Harassment Act 1997’s “reasonable comment” yardstick.

But defence solicitor David Swingler argued Mr Brookes’ allegations in his blogs, tweets and e-mails were all information that was already “out there”.

Mr Swingler said: “If everyone is asking these questions of whether or not something is ‘rotten in Rutland’ why on earth should Mr Brookes think he is in the wrong?”