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Open Letter

My wife (Joanne Genner) recently fell foul of the [Ironbridge Tourist Speed Trap](#).

Joanne was prosecuted by W Mercia Court for not telling the court that she was the driver of a car photographed whilst allegedly speeding on Waterloo St (between Ironbridge and Jackfield). The case was heard without our knowledge (we were not notified of the hearing) and she was found guilty in her absence. The court fined her £800, we fought for an appeal which was eventually granted.

Whilst waiting for “our day in court” bailiffs arrived at our home (again without prior notification) at approx 5.30 on a Saturday evening despite the case being in appeal, and (despite my refusing him access - which is my right in law) and began removing goods to cover the above fine. We had to pay the bailiffs £1100.

West Mercia Court repeatedly tried to stop us from appealing against the fine, but the appeal went into court Dec 1st (in Hereford) – why hold the hearing in Hereford? We won the appeal as this was an “open and shut” case. My wife had been driving our sons car - if we hadn't told the court that she was the driver; why would they have prosecuted her rather than my son?

We have numerous concerns regarding this case and will be definitely be taking the matter further and have launched a website this week to deal with numerous issues which have surfaced as a result; <http://wmerciam.genner.co.uk/>. This website will be updated over time.

Our concerns include; Bailiffs (Marstons) should never have been instructed to attend when a case was in appeal. Also; had bailiffs arrived during office hours, they could have contacted the courts to confirm that case was on hold - being appealed with virtual certain success. Instead; the bailiffs demanded money under severe duress and began removing our furniture at 6pm on a Saturday evening. Many people would not have been able to pay the demanded sum. Additionally; the bailiff entered although I expressly refused him entry (he literally put his right foot in the doorway) and after I explained that my wife was not at home (she was at work), and

that the case was being appealed – he began removing furniture - disconnected our TV and placed it on the ground, took down two large pictures, removed 2 customer laptops etc (I am a computer engineer – I work from home).

At that time, I was forced to turn down most work due to a broken elbow – money was “tight”.

Although I definitely did not threaten the bailiff, he claimed that I had threatened him (I am 5`6”, 61 years of age and have a broken right elbow – I am right handed and cannot throw a dart) and he apparently phoned West Mercia Police – they never arrived. I knew that my wifes case was being appealed and also knew that the bailiff had no right to be in my home, no right to remove goods so I also phoned the Police. [West Mercia Police failed to attend](#) and they have not bothered to contact us about this since.

When the appeal was heard and was won, Marston Bailiffs refunded their fee. However; they should never have attended, they had absolutely no right whatsoever to enter my home – let alone remove goods.

Please imagine yourself in the position which we had to endure; Bailiffs arrive outside working hours at your home - watched by your neighbours. The bailiffs force their way into your home and demand money which you may not have, to cover a fine which is not due and begin removing your possessions. You contact the police; they promise to attend but do not.

Please also note that the W Mercia Police motto is;



West Mercia Police failed to Serve. West Mercia Police did not attend – West Mercia Police failed to Protect. West Mercia Police made no difference whatsoever.

W Mercia Courts have failed us, W Mercia Police have failed us and W Mercia used bailiffs whose sole concern is the pursuit of profit without regard for the legal system which they use to their own ends.

However, it gets worse.

Although we are certain that she was not speeding and that the Ironbridge Speed Trap was almost certainly illegal, Joanne pleaded guilty at the court hearing because “she simply wanted the issue to be behind her”. The judge commended her and issued a £160 fine + points on her (previously “clean” driving license).

We accept the fine and award of penalty points without issue.

At this point I should probably explain that we are regular people. We are normal - regular law abiding people who have been “shafted” by a perverse “system”.

W Mercia courts have now taken the £160 speeding fine from the £1100 which the bailiffs had extorted from us. We had no objections to paying the fine, but the courts had no right to take money from funds which they had no right to hold. We objected (by phone) but they retained the £160 and W Mercia Courts took almost a month to refund us the remainder (one cheque of £66, one cheque of £85 and one cheque of £495).

With respect; “how can they not even get this right” and “how can this be legal”?

I ask that the above be investigated at the highest possible level, and I ask that lessons be learnt and those responsible replaced.

In our case, Joanne could prove that we had been in communication with the courts and prove the case – we could prove that we had told them that Joanne was driving the car. In other cases the courts may have also used underhand tactics to obtain convictions. Most victims of W Mercia Courts will not have been able to prove their case and the “Marstons” will have almost certainly have removed goods or caused serious financial distress to decent, innocent people under the cloak of legality.

Things need to change.

Yours; Kevin Genner