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IN THE FAMILY COURT  
(Sitting at Middlesbrough)

No. MB19P01248

The Law Courts  
Centre Square  
Middlesbrough  
TS1 2AE

Wednesday, 22 April 2020

Before:

HER HONOUR JUDGE MITCHELL

**(In Private)**

B E T W E E N :

JASON REES EVANS

Applicant

- and -

MGJ

Respondent

THE APPLICANT appeared via video link.

THE RESPONDENT appeared via telephone call.

**J U D G M E N T**

JUDGE MITCHELL:

1 I am dealing with an application by Jason Rees Evans to purge his contempt and be released from a sentence of nine-months imprisonment which was imposed on him by Her Honour Judge Matthews QC on 17 December 2019, for breaching orders made in the Family Court at Teesside by District Judges Capstick and Sendall. I should state that today's hearing is being conducted remotely because of the COVID-19 travel restrictions. Mr Evans has attended by video link from Durham Prison and the mother of the children is on the telephone to the court. I am dealing with the matter, Judge Matthews being unable to hear the case today. Mr Evans has confirmed that he wishes to proceed with today's hearing and speak for himself; he does not seek an adjournment in order to obtain representation.

2 Judge Matthews gave judgment on 17 December and I have read the transcript of her judgment. It relates to a breach of the relevant orders on 25 October 2019, when Mr Evans travelled from Wales to the local area, picked up his eldest son and was travelling back to Wales with him when stopped by the police at about quarter to midnight, on the M4 motorway. Judge Matthews found Mr Evans' actions to be a "wilful and intentional" breach on his part. She said that he is very clearly aware that this is something which he should not do. Mr Evans attended this court on 17 December, but did not take any effective part in the hearing, having left the building at lunchtime while legal representation was being sought for him.

3 Mr Evans subsequently wrote to the court and to Judge Matthews specifically from prison, on 25 March 2020, asking to be allowed a hearing to purge his contempt and for his release. He continued the letter saying:

"My reason for leaving the court was because since the proceedings on 15 May 2018, following all proceedings thereafter, I suffered from mental health issues where I have considered taking my own life, by committing suicide, as I feel racially abused being Welsh. Therefore, I apologise sincerely and wish to purge my contempt."

4 His letter makes an apology, but there is no acknowledgment in the letter that he breached the earlier court orders by his actions on 25 October.

5 Mr Evans has apologised to me in court today and I have asked him to explain to me why he behaved as he did on 25 October. Judge Matthews was unable to take account of any of this, of course, because he did not take part in those committal proceedings. He has explained to me that he had asked advice from social services in South Wales about his concerns about the children. He says they advised him to collect the children and bring them back to Wales with him. He told them he did not want to break the law and he was advised that he would not be doing so, because he has parental responsibility for the children. Mr Evans did not tell social services, he accepts, about the court orders in force against him; he just told them about his concerns.

6 I have pointed out to him that social services' advice to him was therefore based on incomplete information and he now accepts that he should have told them about the court orders, but he maintains, in what he has said to me, that he did not deliberately deceive social services, he just did not think that he needed to tell them about the orders. He therefore maintains that he did not realise his actions would put him in breach of the court orders, because social services had advised him to do as he did. This is also the reason why his letter does not acknowledge breaching the orders.

- 7 I cannot make any findings today about what any social worker might have said to Mr Evans, because I have not heard from them, I only have his account of that. But I have to say, I share the mother's doubts as to whether a social worker would have given him the advice he says he was given.
- 8 I base my decision today on Mr Evans' own account of what he was advised. He accepts today that it was his own fault that he was given incorrect advice by social services, because he did not give them the full picture and tell them about the order against him. Although he accepts now he was at fault in this respect, as I have said, he says that giving them only partial information was not done deliberately. I find that highly unlikely. It seems to me that the obvious thing for any sensible and concerned parent to do when a social worker said, "well, go and collect your children", would be to say, "but I can't do that, because there is a court order in place forbidding me from doing that."
- 9 Mr Evans has told me today that he did not think about whether social services' advice overrides a court order or not. If he had thought about it, I would hope that he would have realised that the court order was more important and more forceful than any social worker's advice. He says he did not think about it. Again, I find that highly unlikely, I think it is much more likely that he made a deliberate choice in what he told the social workers, and a deliberate choice to rely on their advice, rather than recognising the force of and the need to obey the court order. It seems he was manufacturing an excuse for his actions.
- 10 I have to note at this point that there was a different route open to Mr Evans, he could have applied for permission to make an application in relation to his children. Mr Evans asks me to take into account that he did not realise he could apply in this way. He clearly understands that an order has been made under s.91(14), because he has said to me today that he cannot make any application for three years. But, he says, he did not know he could

apply for permission to apply. He uses this as part of his reasoning for having taken the action he did in October. If he had taken part in the court proceedings relating to his children rather than refusing to do so, I am sure that the full meaning and effect of the s.91(14) order would have been explained to him by the court, knowing that he was without legal representation.

- 11 While he has been in prison, Mr Evans has written to his children. The mother of the children has been concerned about that, has alerted Judge Matthews to it and provided a copy of a letter in which Mr Evans is clearly telling the children that he has done nothing wrong, and that he has been sent to prison even though he has done nothing wrong.
- 12 He accepts that he has written that letter. He explains the letter by saying, "Well, when I wrote that letter, I didn't think I had done anything wrong", meaning because he was acting on the advice of social services. Mr Evans accepts writing the letter, but again he does not accept that he really did anything wrong in writing that letter, because he was under a misunderstanding. He says to me today that, now he understands properly, he realises that he will have to correct what he has said to the children, that he will have to explain to them that what he said in that letter was not correct, and that he had indeed broken the court order.
- 13 I have listened carefully to what Mr Evans has said to me today about how he came to be in breach of the order by what he did on 25 October. He has a number of times said that he apologises, but I am afraid I do not regard his apologies as genuine. His apology is undermined by his insistence that what he did, breaching the orders, was a mistake. Judge Matthews found otherwise, but I acknowledge that she did not have the benefit of hearing Mr Evans' account of how he came to act as he did.

14      However, I have heard his explanation and I find it very difficult to accept. I do not accept that Mr Evans' actions were mistaken. I find, based on his account, that he made a deliberate choice in what he said to social services and then, having received advice from them, he chose to act on it knowing, I am satisfied, full well that it was in breach of the court order. He made a deliberate choice to rely on their advice rather than abide by the court order. What Mr Evans says to the court today is further undermined by what he has said in the letters to the children, where there is no acknowledgment of having done anything wrong, even though I am sure, as Judge Matthews was sure, that he was very clearly aware that what he did was something which he should not do.

15      I do not regard what Mr Evans has said to me today as purging his contempt. I do not believe his apology is genuine. His sentence has less than two weeks to run now to his earliest release date and it is my decision that the sentence should stand as imposed by Judge Matthews.

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**CERTIFICATE**

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**\*\* This transcript has been approved by the Judge**

HHJ Mitchell 6 May 2020