

IN THE FAMILY COURT AT NEWCASTLE

North Tyneside Magistrates Court
The Courthouse
Tynemouth Road
Tynemouth
North Shields
NE30 1AG

Heard on 26 April 2024

BEFORE:

DISTRICT JUDGE DODSWORTH

BETWEEN:

VANESSA BROWN

APPLICANT

- and -

WILSON GEOFFREY BROWN

RESPONDENT

Legal Representation

Ms Brissenden (Counsel) on behalf of the Applicant Wife
Respondent Husband not in attendance nor represented

Contempt : Sentencing Remarks

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District Judge Dodsworth:

1. This is judgment in case number 1685-9656-4974-5803, being financial remedy proceedings between Vanessa Brown and Wilson Geoffrey Brown. The matter comes before me today following contempt proceedings which were issued by the Applicant Wife against the Respondent Husband. The matter was heard in open court.
2. The contempt proceedings were last before me on 1 March 2024 where I dealt with matters in the absence of Wilson Geoffrey Brown. I gave a written judgment explaining why I had dealt with the matter in his absence and why I had found the contempt proved. The contempt in this case is the failure of Wilson Geoffrey Brown to file a form E and a CETV (cash equivalent transfer value) for his pension, despite having been ordered to do so by previous orders of the Court.
3. In my judgment of 1 March 2024, I made clear that I considered that the appropriate course of action was to adjourn sentencing for a period of eight weeks, to today, to allow Wilson Geoffrey Brown to seek advice should he so wish, and also to give him an opportunity to purge his contempt by filing the documentation necessary. I made clear in the judgment that if he had filed the documentation, that would be a factor which would weigh into the Court's consideration of what, if any, penalty to impose for the contempt.
4. As Wilson Geoffrey Brown has not attended any of the contempt hearings, I also issued a bench warrant to secure his attendance at today's hearing. The bench warrant directed Northumbria Police to arrest Wilson Geoffrey Brown and produce him at today's hearing. Unfortunately, he was arrested on 22 March 2024 and had to be released on that day following the Court's direction that it was obviously inappropriate to keep him in custody from then to now.
5. A fresh bench warrant was issued earlier this week, but the police have not produced Wilson Geoffrey Brown today, nor has he attended under his own steam. I am informed by Ms Brissenden of counsel who appears on behalf of Vanessa Brown that her client had a message from the parties' adult son saying that Wilson Geoffrey Brown wished to have himself sectioned. Wilson Geoffrey Brown has not communicated directly with the Court to explain why he is not here, to offer any medical evidence in support of a reason for non-attendance, or taken any steps at all to communicate with the Court directly.
6. I am also told that he sent an abusive email to Vanessa Brown yesterday. Vanessa Brown, I am told, has not read that email but Ms Brissenden has and relayed the general tone of that to me.
7. When considering what is the appropriate penalty to impose upon Wilson Geoffrey Brown I must bear in mind the range of options that are available to me. I can impose a custodial sentence for a maximum period of two years, I could impose a fine, I could confiscate Wilson Geoffrey Brown's assets, or I could impose no penalty at all.

8. I bear in mind that the objectives of sentencing are firstly to ensure future compliance with court orders: there is a need to uphold the authority of the Court and to deter others from simply ignoring court orders. The second objective is to punish the contemnor for the contempt as it has been found. The third objective is to secure the rehabilitation of the contemnor. That is perhaps of less importance in this case, where the contempt is the failure to file a form E and the failure to file a cash equivalent transfer value for his pension.
9. I must bear in mind that the facts of each case are specific. It is not my task to try and review other cases of contempt to find similar cases and to transpose the penalties from those cases to this. My job is to assess the seriousness of Wilson Geoffrey Brown's conduct and to find a punishment that meets that seriousness. I bear in mind in particular the desirability of keeping people out of prison wherever possible, particularly in the current climate where prison places are at a premium.
10. I bear in mind that imprisonment is only appropriate where there is serious contumacious flouting of orders of the Court, such that only a custodial sentence can be justified. I also bear in mind that Wilson Geoffrey Brown has offered no mitigation for his contempt, and has not engaged with the Court at all during these contempt proceedings.
11. I could, of course, suspend any custodial sentence I thought appropriate as a first step to securing compliance with the orders of the Court, and to enable him to have an opportunity to purge his contempt. In this case however I think that Wilson Geoffrey Brown's conduct is so serious that only an immediate custodial sentence is appropriate. He has had multiple opportunities to purge his contempt and file the documentation required, and he has chosen not to do so.
12. He has not engaged with the Court, he has not filed medical evidence when given the opportunity to do so if the case be that he says he was too ill to attend. He has offered no mitigation and continues to be in breach of the orders. This is a case of serious contumacious flouting of orders of the Court.
13. The appropriate sentence in my judgment is one of 21 days for the contempt as found. That is comprised of a punishment element of 14 days together with what I consider would have been the appropriate sentence had he promptly complied with Court orders would have been 7 days. That indication may give him some incentive to finally comply with the orders.
14. I also bear in mind that Wilson Geoffrey Brown has spent some time in custody when he was arrested on 22 March 2024, and I will allow for a credit for that. That credit is 2 days, because if he spent any time in custody, that counts as a day, and normally one would serve half any sentence in custody, half on licence, so I give him 2 days credit for that, so the sentence I will impose is one of 19 days immediate imprisonment.
15. For the avoidance of doubt, it is obvious that no credit can be given to Wilson Geoffrey Brown as he did not accept the contempt and has not engaged with the proceedings. I now also have to deal with the costs aspect of these proceedings as I said I would adjourn those to today's hearing.

(proceedings continue)

16. In round terms, I deduct £245 and £2,000 plus VAT (which would be £2,400) off the total, which means that the Applicant Wife's costs of this application are summarily assessed at £7,079.23.

This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

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