

IN THE BRISTOL FAMILY COURT

Bristol Crown Court

Date: 11/06/2015

Before:

HIS HONOUR JUDGE WILDBLOOD QC sitting as a Judge of High Court.

Between:

	Roger Williams	<u>Applicant</u>
	- and -	
	Rebecca Minnock	<u>First Respondent</u>
	-and-	
	Ethan Freeman Williams (by his guardian)	<u>Second Respondent</u>

Mr Hutchence for the child.

Mr Kenny for Mr Butt

There being no appearance by the mother

Hearing dates: 11th June 2015

JUDGMENT

HHJ Wildblood QC:

1. This is a short extemporaneous judgment in contempt proceedings. I have to issue this judgment immediately due the circumstances of the case. I reserve the right to expand upon my reasoning tomorrow when the case will have to be back in front of me.
2. This is a hearing at which I have to decide whether I am satisfied so that I am sure that Andrew Butt has acted in breach of a collection order that relates to a missing child, Ethan Williams, who was born on 25th January 2012. Mr Butt has been represented by counsel at this hearing and has given evidence following the evidence of the police officer, DC Davis.
3. The collection order provides that *'If the Respondent(s) or any other person served with this order is not in a position to deliver the child into the charge of the Tipstaff, he or she must each:-*
 - (a) *Inform the Tipstaff of the whereabouts of the child, if such are known to him or her; and*
 - (b) *Also in any event inform the Tipstaff of all matters within his or her knowledge or understanding which might reasonably assist him in locating the child.*
4. The order also contains a notice that states: *'breach of any part of this order would be a contempt of court punishable by imprisonment or fine. Accordingly, whether or not the Tipstaff arrests you, you may be summoned to attend court and, if you are found to be in breach of the order, you are liable to be committed to prison or fined'.*
5. Mr Butt is the partner of Louise Minnock. Louise Minnock is the mother of Rebecca Minnock. He spent the night at the home of Ms Minnock on 26th May 2015.
6. He was seen in the company of Rebecca Minnock on the morning that she went missing – that is the 27th May 2015. He said in evidence that he chanced upon her that morning, took her to the local Asda car park where she used the cash point card and then he drove her to a shop near to the station where he left her. He says that he did not see her afterwards.

7. Following the hearing of evidence from Louise Minnock and others on 9th June 2015 it was clear that further enquiries had to be made of Mr Butt. DC Davis spoke to Mr Butt on the telephone on 10th June prior to the service upon him of the collection order. I accept that DC Davis then asked Mr Butt words to the effect of: *'Can you tell me anything about her whereabouts or anything that might help me find her. When was the last time that you saw her'*.
8. Mr Butt knew of the importance of the enquiry. He then told a succession of lies which were:
 - i) He last saw Rebecca Minnock on Tuesday 26th May. Only when challenged did he accept that he had seen her on the morning of 27th May;
 - ii) Initially he said that his car had been at the Asda Car park so that he could use the cashpoint machine. That was not true.
 - iii) I accept that he told the officer, DC Davis that no one else was with him in the car. That was a lie. He knew that Rebecca had been with him and it was only when challenged that he said that she was with him;
 - iv) He said, and maintained in evidence before me, that he had not told the officer that Rebecca had been with him because he did not think it was relevant. That was a lie.
 - v) He said that from Highbridge he had intended to go to his mother's nursing home in Cheltenham. I do not believe him.
9. The collection order was served upon him at 16.00 hours on 10th June. He then continued to tell lies. His mobile phone was used to make two calls to Rebecca Minnock's phone. The calls were made at 07.32 (1 minute 41 s) and 07.41 (49 seconds). I have no doubt that those calls were made by Mr Butt. The suggestion that those calls were entirely independent of Mr Butt then picking up Ms Minnock in her car and taking her to the cash point at 8.17 a.m. is utterly contrived and untruthful. His evidence following service of the collection order upon him that he met Rebecca Minnock accidentally at the street corner is plainly untrue. I do not believe him when he says that he does know where Rebecca Minnock went that morning. I

am sure that Ethan was with the mother when Mr Butt picked up Rebecca Minnock. Mrs Louise Minnock said that she was sure that Ethan was alone with Rebecca Minnock the previous night in her own property; she told me in evidence that she was sure that, if anyone else had been with Rebecca, that she would have known. I accept her evidence to that effect. Ethan is aged three. He cannot have been left alone in the house by his mother. I am sure that Ethan was with the mother that morning and Mr Butt knows that is so.

10. I remind myself that, in relation to any lies that are told, I have to embark upon the process suggested in the case of R v Lucas. I must first ask whether it has been shown to criminal standard of proof that a person has lied and only then I must consider why any proven lies have been told. At that second stage I must remind myself that people may lie for many reasons which may include a wish to protect others or out of embarrassment or uncertainty.
11. I have no doubt whatsoever that Mr Butt has told a string of lies about the event of the 27th May 2015. The only reason for him to have done so is that he knows precisely where Rebecca and Ethan went that morning and because he took them to Cheltenham himself in his motor car.
12. That information is plainly essential to this enquiry and not the implementation of the collection order. By failing to tell the truth about the events of that morning Mr Butt has plainly acted in breach of the terms of the order, those terms being set out by me at the start of this judgment and being contained in paragraph three of the collection order.
13. I therefore find that he has acted in breach of the collection order. I intend to sentence him for that breach tomorrow morning.

HHJ Wildblood QC
11th June 2015