

IN THE FAMILY COURT AT SHEFFIELD

Case No. SE14F01627

The Combined Court Centre
West Bar
Sheffield

19th June 2015

Before

HER HONOUR JUDGE MARSON

TINA RICHARDSON

(Applicant)

-v-

MARK RICHARDSON

(Respondent)

APPROVED JUDGMENT

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TINA RICHARDSON -v- MARK RICHARDSON

19th June 2015

APPROVED JUDGMENT

JUDGE MARSON:

1. Stand up, Mr. Richardson. On the 12th December 2014 the Family Court at Sheffield made an order which included, at paragraph 3, "That the respondent, Mark Richardson, date of birth 17th of June 1968, shall allow the applicant, Tina Richardson, to occupy 115 Berners Road, Sheffield", and at paragraph 4 "That the respondent, Mark Richardson, same date of birth, shall not obstruct, harass or interfere with the applicant, Tina Richardson's peaceful occupation of 115 Berners Road, Sheffield S2 2BA".
2. At paragraph 5, "That you shall not occupy 115 Berners Road, Sheffield".
3. Paragraph 6, "That you will leave 115 Berners Road, Sheffield, within 24 hours of service upon you of the order".
4. Paragraph 7, "Having left 115 Berners Road, you will not return to, enter or attempt to enter or go within 100 metres of 115 Berners Road."
5. Paragraph 8, "That the order was to remain in force until 4 p.m. on the 12th December unless it was revoked by further order of the Court, and that a power of arrest was attached to paragraphs 3 to 7 of that order, which is also to remain in force until 4 p.m. on the 12th of December 2015".
6. That order was served personally upon you on the 13th December 2014, so you were well aware of what you were allowed to do and what you were not allowed to do. The background to that application included concerns expressed by the local authority in respect of the effect your behaviour was having upon the children of the family.
7. Ms Richardson was compelled to take action and applied to remove you from the family home or risk the local authority initiating the formal process of public law proceedings.

8. On the 7th June 2015 in breach of the Court's Order you attended within 100 metres of 115 Berners Road Sheffield at approximately 5 a.m. when you were banging on the door and shouting "Let me in" for about five minutes, and again at 8.30 p.m. on the same day. On the second occasion you were arrested by police officers who had been called to the property by Ms. Richardson when they found you hiding in the garden next door.
9. You initially appeared before the Court within 24 hours of your arrest on the 8th of June when you were remanded in custody to enable Ms. Richardson to be contacted and to attend Court as a witness.
10. On the 12th June you appeared before this Court when you admitted, at the first opportunity, that you had breached the injunction in the terms I have just outlined, and the hearing regarding the penalty to be imposed was adjourned to today to enable you to seek legal representation as you requested.
11. Ms. Richardson does not want you to be sent to prison for breaching this order but she is thoroughly fed up with you and fed up with your behaviour and wants you to stop breaching it. She wants to be left in peace to live her life and she is very worried for the consequences to your children if you do not stay away from the property and if the local authority decides to intervene.
12. I have heard what is said on your behalf by way of mitigation that you have expressed remorse and perhaps not previously understood in the way which you do now, the full consequences of any breach of the Court order. I also take into account what is said on your behalf in so far as this falls at the lower end of breaches of court orders and you were not behaving in a way which included threats of abuse or aggression which were features which led up to the making of the original order back in December 2014.
13. Mr. Richardson, a breach of a court order is a very serious matter. It is a contempt of Court. When a Court makes an order it expects it to be obeyed. If it is not obeyed then serious

consequences will follow.

14. I have considered the circumstances of the breach and the impact that it is likely to have had on your family. One of the reasons the injunction was imposed was to protect your children from your behaviour and repeatedly returning to the property, banging on the door in the early hours of the morning, is going to cause distress to Ms. Richardson and to your children.
15. I take into account however, this is the first time you have been found to be in breach of the order and that you accepted that you have done so without the necessity of a contested Court hearing or evidence being called. I also take into account that you were arrested and remanded in custody between the 7th and the 12th of June. Whilst it is not determinative of any penalty I impose I also take into account Ms. Richardson does not wish to see you receive an immediate prison sentence and I have considered her views and the likelihood of distress that would cause to the children if they knew it had happened.
16. With all things considered a concurrent sentence of imprisonment of 28 days for each breach would do justice to this case. However, I am not going to impose an immediate custodial sentence, but I am going to suspend that period of imprisonment for a period of six months. That is on condition that you abide by the terms of the injunction order which will remain in force in exactly the same terms until the 12th of December 2015. If you breach the injunction again, you will be arrested again, and you will be brought back before the Court. If you are found to have breached the injunction by the Court on another occasion then not only will you be sentenced for the second breach, you are also likely to serve the suspended sentence I am imposing today. Do you understand that?

MARK RICHARDSON: I understand, yes.

JUDGE MARSON: Mr. Mason, I do not make any order for costs.

COUNSEL: Forgive me your Honour, you said 28 days for each breach. Is it deemed that were two breaches because of the two occasions on the same day, so 56 days.....

JUDGE MARSON: Yes, at 5 a.m. and at 8.30 p.m.

COUNSEL: Concurrent. Forgive me, so 28 days concurrent.
