

General Form of Judgment or Order

In the County Court at
Barnsley

Claim Number E00BY067

Date 25 July 2019



BMBC	1 st Claimant Ref
CRAIG MARSHALL	1 st Defendant Ref
TRACEY MARSHALL	2 nd Defendant Ref

Before District Judge Branchflower sitting at the County Court at Barnsley, The Courthouse, Westgate, Barnsley, S70 2DW.

On 24th July 2019 District Judge Branchflower exercising the jurisdiction of a Circuit Judge with permission of His Honour Judge Robinson, Designated Civil Judge. pursuant to CPR PD 81 paragraph 10.2

An application having been made by BMBC for committal of Craig Marshall and Tracey Marshall to prison for disobeying the order dated 19th April 2018. The relevant terms of the order and the allegation made by the applicant are recited on the attached notice to show good reason.

Upon hearing the Solicitor for the Applicant and there being no attendance by the Respondent.

And upon the Court having read the affidavits of Margaret Hoedemaker dated 02/10/2018 and 25/04/2019, PC Jonathan Read dated 22/08/2018, Amy Dixon dated 25/07/2018 and 25/04/2019, Mike Fairweather dated 16/04/2019, Caroline reeves datd 25/04/2019 and Amanda Shepherd dated 25/04/2019.

And Upon the Court having heard oral evidence given by Margaret Hoedemaker, Amy Dixon and Caroline Reeves.

IT IS ORDERED THAT

1. In respect of the following breaches by Craig Marshall:-

- i) On 25th August 2018 shouting abuse to family members, including young children, visiting an elderly neighbour, including telling them to "shut up" and calling the "bastards", the sentence is 7 days committal (concurrently) to HMP Doncaster.

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ii) On 25th August 2019 shouting "I'll break your fucking fingers", the sentence is 14 days committal (concurrently) to HMP Doncaster.

iii) On 13th April 2019 shouting "fuck off" at a neighbour's autistic grandson who was retrieving a ball, the sentence is 14 days committal (concurrently) to HMP Doncaster.

~~Craig Marshall be committed for contempt to HMP Doncaster for a total period of 14 days or until lawfully discharged if sooner, and that a warrant or arrest and committal be issued forthwith.~~

2. In respect of the following breaches by Tracey Marshall:-

i) On 27th June 2018 shouting "fuck off" repeatedly at a Housing management officer of the Applicant, the sentence is 7 days committal (concurrently) to HMP Newhall.

ii) On 28th June 2018 threatening a case management Officer of the Applicant with the words "if you take that sign off the door I'll smash your fucking face in, you speccy four-eyed bitch", "we're not letting you in, me and Craig hate your fucking guts", then repeating the treat about removal of the sign from the door, the sentence is 6 weeks committal (concurrently) to HMP Newhall.

iii) On 2nd August shouting at a police officer and a case management Officer of the Applicant who attempting to deliver court papers ""You're not coming in here" and "she's not coming in here sha can fuck off back in the car", the sentence is 7 days committal (concurrently) to HMP Newhall.

iv) On 5th February 2019 subjecting a Housing Management officer of the Applicant to abuse including "Get away from here; we don't want you here" and telling her partner to "Shut the fucking window", the sentence is 7 days committal (concurrently) to HMP Newhall.

v) On 14th February 2019 shouting at a relative who was visiting her elderly mother who lived next door to the Respondent's property "it's her, the fucking bitch" and "I'll rip you fucking eyes out", the sentence is 6 weeks committal (concurrently) to HMP Newhall.

Tracey Marshall be committed for contempt to HMP Newhall for a total period of 6 weeks or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.

3. The Respondent's do pay the Applicant's costs summarily assessed in the sum of £644.00.

Dated 24 July 2019

Committal or Other Order upon Proof of Disobedience of a Court Order or Breach of an Undertaking

In the

Barnsley

County Court

Between BMBC Applicant Claimant Petitioner

Claim No. 19/01/18

and Craig Marshall Respondent Defendant

Before His (Her) Honour Judge/District Judge Branchflower on (date) 24th July 2019
Sitting at Barnsley County Court



1 An application having been made by⁽¹⁾ BMBC for committal of⁽²⁾ Craig Marshall to prison for disobeying the order (breach of the undertaking) dated 19/01/18. The relevant terms of the order (undertaking) and the allegations made by the applicant are recited on the attached notice to show good reason.

~~2 Whereas⁽²⁾ _____ has been suspected of a breach of the attached order dated _____ and has been arrested by a constable and brought before the Judge under section 47(6) of the Family Law Act 1996/section 43 of Crime and Policing Act 2009.~~

~~3 Whereas⁽²⁾ _____ has been suspected of a breach of the attached order [undertaking] dated _____ and has been arrested under a warrant of arrest and brought before the Judge under [section 47(8) of the Family Law Act 1996] [section 3(2) of the Protection from Harassment Act 1997], [section 44 of the Policing and Crime Act 2009].~~

IMMEDIATE CUSTODIAL ORDER

It is ordered that⁽²⁾ Craig Marshall be committed for contempt to Her Majesty's Prison (be detained under section 9(1) of the Criminal Justice Act 1982) at⁽³⁾ HMP Doncaster for a (total) period of⁽⁴⁾ 14 days or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.

And the contemnor can apply to the (court) (judge) to purge his contempt and ask for release.

~~[And, as the court by order dated _____ dispensed with service of the notice of application for a committal order, it is ordered that the contemnor be brought before a judge of this court as soon as practicable.]~~

ALTERNATIVE DISPOSAL

~~It is ordered that⁽²⁾ _____ be committed for contempt to prison for a (total) period of⁽⁴⁾ _____~~

~~The order is suspended until contemnor⁽²⁾ _____ 20 and will not be put in force if during that time the complies with the following terms:~~

~~And it is further ordered that in the event of non compliance any application for issue of the warrant shall be made to a judge (on notice to the contemnor)~~

~~It is ordered that⁽²⁾ _____ be fined the sum of £
Such sum to be paid into the office of the court within 14 days of the date of this order.~~

~~It is ordered that consideration of the penalty for the contempts found proved be adjourned until _____ 20
and may be restored for decision if during that time⁽²⁾ _____ does not
comply with the following terms _____~~

PROVISION FOR COSTS

And it is ordered that the Respondent do pay the Applicants Costs Summarily assessed in the Sum of £644.00.

Date 24/7/19

For record of service, hearing and contempts found proved, see next page

RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED

At the hearing

1. The Applicant [~~appeared personally~~] [~~was represented by solicitor/counsel~~] [~~did not attend~~]
 2. The Respondent [~~appeared personally~~] [~~was represented by solicitor/counsel~~] [~~did not attend~~]

The court read the affidavits of (Names)

Margaret Hoedemakers
PC Jonathan Read
Amy Dixon
Mike Fairweather
Caroline Reeves
Amanda Shepherd

Date affidavit(s) sworn
21/01/18 and 25/01/19
21/08/18
25/01/18 and 25/01/19
16/01/19
25/01/19
25/01/19

And the court heard oral evidence given by

Name(s) Margaret Hoedemakers
Amy Dixon
Caroline Reeves

And the court is satisfied having considered the facts disclosed by the evidence and/or admitted in court by him/her that⁽²⁾ Craig Marshall has been guilty of contempt of this court by disobeying the order (breaking the undertaking) dated 19/01/18 by (and as set out in the attached schedule)

1. See attached order
- 2.

And for the particular contempt the court imposed the penalty of:

- 1.
- 2.

RECORD OF SERVICE

Service of Injunction Order with Penal Notice incorporated or indorsed

(Order dated 20
 (for substituted) (dispensing with) service)

Service proved by

- certificate of service dated 20
 certificate of bailiff
 oral evidence of

Service of Notice to show good reason in form N78 or Application for Committal N244

(Order dated 20
 (for substituted) (dispensing with) service)

Service proved by

- certificate of service dated 20
 certificate of bailiff
 oral evidence of

Arrest under warrant of arrest

Respondent arrested on

by

in accordance with a warrant of arrest issued on

Service of Immediate Custodial Order

I (name of Officer)

certify that I served the contemnor with a copy of this order by:

- delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention
 delivery by hand to the contemnor at (time) 20 on (date) 20 at (place)

Where a suspended committal order is made, the applicant is responsible for service. (Rules of the Supreme Court Order 52 rule 7(2).)
 Where there is suspended committal order or penalty is adjourned on terms, personal service is advisable.

The court office is open from 10 am to 4 pm Monday to Friday.

Westgate, Barnsley, S10 2JW

When corresponding with the court, please address forms and letters to the Court Manager and quote the case number.

Warrant of Committal to prison

Between

Barnsley

and

Craig Marshall

William
Petitioner

Respondent
Defendant

In the <u>Barnsley</u> County Court
Claim No. <u>CC0157007</u>
Warrant No.



To ~~the District Judge and Bailiffs of the Court~~
~~every constable within his jurisdiction~~
 the Governor (of Her Majesty's Prison at) HMP Doncaster

(1) Name of Prison

(2) Name and address of person to be committed.

On the 24th day of July 1919 [2019]

(4) Where the person to be committed is aged less than 21 years and at least 18 delete all references to prison otherwise delete reference to Sec 9(1)(A)

~~the District Judge and Bailiffs of the Court~~ has ordered that ⁽²⁾ Craig Marshall
⁽¹⁾ of 14 Illsley Road, Darfield, Barnsley, S73 9AQ
 should be committed to Prison ⁽⁴⁾ ~~(detained under Section 9(1) Criminal Justice Act 1982) for~~
~~and Police Act 1964 detained under Section 9(1) Criminal Justice Act 1982~~
 a period of ⁽⁵⁾ 14 days



~~You the District Judge and Bailiff are therefore required forthwith to arrest and deliver~~

~~(2)~~
~~to (Her Majesty's Prison at) ⁽¹⁾~~

(5) State term of imprisonment

And you, the Governor, are required to receive and keep ⁽²⁾ Craig Marshall
safely (in prison) from the arrest under this warrant for a period of ⁽⁵⁾ 14 days or until
lawfully discharged, if sooner.

(6) Add if so ordered otherwise delete

[⁽⁶⁾ And, as the court by order dated _____ dispensed with service of the notice of application for a committal order,

~~It is ordered that you, the Governor, bring ⁽²⁾~~
~~before a judge of this court at such time and place as the court shall specify and afterwards,~~
~~return him to the prison unless the court orders his discharge.]~~

Date 24/7/19

I arrested the person named in this warrant on (date)
 and delivered him into the custody of the Governor (of Her Majesty's Prison) at ⁽¹⁾
 on (date)

Bailiff of the County Court

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