



Neutral Citation Number: [2024] EWHC 2686 (KB)

Case No: KB-2024-000904

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24 October 2024

Before :

MR JUSTICE SHELDON

Between :

DAVID ALAN STURGESS

Claimant

- and -

TERESA MARY CRICK

Respondent

David Alan Sturgess for the Claimant
The Respondent did not appear and was not represented.

Hearing dates: 21 October 2024

Approved Judgment

This judgment was handed down remotely at 09.45am on 24 October 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....
MR JUSTICE SHELDON

Mr Justice Sheldon:

1. This is an application brought by David Sturgess (the Applicant) for permission to bring contempt proceedings against Teresa Crick (who I shall refer to as the Respondent) for interfering with the due administration of justice. The application relates to matters occurring many years ago: between 2002 and 2009.
2. The evidence that I have seen demonstrates that the Applicant and the Respondent were in a sexual relationship and lived together for some time, but the relationship soured. After leaving the Applicant, the Respondent made a number of allegations of criminal conduct by the Applicant to the police. On 15 October 2009, the Applicant was convicted at Swansea Crown Court on three counts of taking indecent photographs of children, twelve counts of voyeurism (relating to persons staying at a cottage rented out by the Applicant), and abstracting electricity. He was sentenced to prison for 30 months, and was released in 2011. The Applicant blames the Respondent for his conviction and for various incidents of harassment that he suffered before and after his imprisonment, as well as criminal damage to his property.
3. An application for contempt was initially brought by the Applicant in the Swansea County Court in August 2023. The application was subsequently issued in the High Court on 27 March 2024. On 12 April 2024, Cavanagh J directed that a hearing should take place to consider the question of permission.
4. The Applicant has produced many documents that he says evidence the Respondent's contempt. At the oral hearing before me, the Applicant distilled his allegations into five matters: the first four relate to the criminal proceedings, and the fifth relates to civil proceedings involving the Respondent and her former husband. In brief, the allegations are:
 - i) the Respondent lied or perjured herself at the criminal trial in 2009 when she denied that she was a bisexual, or had sexual interest in women;
 - ii) the Respondent lied or perjured herself at the criminal trial in 2009 when she denied the involvement of her daughter, Hannah, on a trip to the property that the Applicant and Respondent formerly lived in on or about 17 September 2008;
 - iii) the Respondent planted crucial evidence against the Applicant, namely a video tape which contained recordings of a sexual nature and of children taking a shower, that led to the Applicant's conviction;
 - iv) the Respondent lied or perjured herself when she gave evidence at the criminal trial that the Applicant had taken a photograph of her looking at a couple on a monitor, when no such photograph had been taken by him;
 - v) the Respondent lied or made a false statement when, as part of civil proceedings against her former husband, she stated that was not a lodger of the Applicant, when she was in fact a lodger.
5. The Applicant referred in his written materials to various other incidents which he says involved unlawful behaviour by the Respondent, and has provided other examples of alleged lies or false statements by the Respondent. These other matters do not form part

of the specific allegations of contempt. Rather, they form part of the background material for the specific allegations.

Legal test

6. The test that I need to apply at the permission stage is whether the Applicant has demonstrated “a prima facie case of sufficient strength . . . such that, provided the public interest so requires, permission can properly be given”: see *Ocado Group Plc v McKeeve* [2021] EWCA Civ 145 at [69], per Davis LJ. In other words, there needs to be a “strong prima facie case” that the contempt will be made out, and the public interest requires that the application for contempt be considered at a substantive hearing.

I. The public interest

7. In the instant case, I consider that the legal test for permission is not made out. Whatever the strength of the case for contempt (which I will deal with later in this judgment), I do not consider with respect to any of the allegations that the public interest calls for the application for contempt to be considered at a substantive hearing. This is for a number of reasons.
8. First, the matters are stale: they happened a long time ago and they do not have any ongoing resonance for the public, even though they clearly have an ongoing impact on the Applicant. It does not seem to me that the public interest in ensuring that the due administration of justice is respected through the contempt jurisdiction requires any of the matters raised by the Applicant to be adjudicated upon by the Court 15 years after they first occurred. Holding individuals to account for interfering with the due administration of justice is important, but the significance of doing so will clearly wane as time passes, and will have less purchase when compared to other uses of limited Court time and judicial resources. That is not to say that there will not be situations where contempt applications can and should be considered many years after the incident in question, but there will have to be a very good reason for allowing such cases to be heard: this will involve consideration of the seriousness of the allegation, and a convincing explanation as to the delay in making the application. In the instant case, the only allegation which comes close to the threshold of seriousness to justify consideration of the matter years after the events in question is ground (iii) (the alleged framing of the Claimant). However, with respect to that allegation and the others, there is no convincing explanation as to the delay in making this application and so the public interest does not favour allowing that or any of the allegations to proceed.
9. The Applicant has had available to him the main evidence relating to each of the allegations for a considerable period of time, and there is no good explanation for why the matter is being brought now: the Applicant told me that the application was triggered by his receipt of a message from the Respondent’s sister in October 2023 which stated “Do you want information about T [the Respondent]. Both parents are now dead. She needs her comeuppance. My brother wants to send information.” The only information that was forthcoming was the Respondent’s address, which he says enabled him to serve these proceedings. This does not really explain why the Applicant did not seek to advance the application for contempt for the previous decade.
10. Second, the primary reason advanced by the Applicant for bringing these proceedings is, as he told the Court, to “clear his name”. This would apply in particular to grounds

(i) to (iv); ground (v) applying to proceedings that did not directly involve the Applicant. Contempt proceedings are not generally the appropriate forum for seeking to attain this objective. The more suitable routes to clear the Applicant's name would be appealing from the criminal conviction and referring the conviction to the Criminal Cases Review Commission. In fact, the Applicant has availed himself of these routes, albeit without success. I understand that the Applicant's appeal from the criminal conviction was sought and refused; and three applications to the Criminal Cases Review Commission to refer his case to the Court of Appeal have been refused. An allegation of perjury relating to the criminal and civil cases was also referred by the Applicant to Dyfed Powys Police in July 2012, and a file of evidence was submitted to the Crown Prosecution Service.

11. Third, with respect to ground (v), a file of evidence was submitted to the Crown Prosecution Service by His Honour Judge Bidder QC, sitting at Neath Port Talbot County Court, in 2010 (the judge was hearing a claim brought by the Applicant against the Respondent, and considered that the Respondent may have perjured herself and attempted to pervert the course of justice in the ancillary relief proceedings with her former husband by stating in those proceedings that she was making rental payments to the Applicant). According to a short statement provided to the Court by the Respondent she accepted a police caution with respect to this matter. That being the case, there has already been an acknowledgement by the Respondent that she had acted wrongly, in her evidence in civil proceedings. There seems no real reason in the public interest to achieve the same or similar result through contempt proceedings with respect to a different allegation dealing with the same evidence: somewhat strangely, the allegation made by the Applicant on ground (v) is the direct opposite of the matter for which the Respondent received her cautioned.

II. The strength of the allegations of contempt

12. As for the strength of the various allegations:

Ground (i): the Respondent lied or perjured herself at the criminal trial in 2009 when she denied that she was a bisexual, or had sexual interest in women

13. At the Crown Court trial in October 2009, the Respondent was asked direct questions about her sexual interest in women by the Applicant's Counsel (Mr Geraint Walters) and the trial judge: His Honour Judge K Thomas:

“MR WALTERS: Mrs Crick, the last two questions from me. If I were to suggest to you that at the time you were with this particular Respondent, that you were at that stage practising what I call bi-sexual sex, would you accept it or not?”

A: At the time I was with David, was I sleeping with women?

Q: Yes?

A: David desperately, desperately tried to get me to sleep with women, yes, it was a fantasy of his.

Q: Right. He wanted you to do it. My question is, were you ...

A: What started off as looking for couples soon, very, very soon, changed to David's desire for a female.

Q: And secondly, I suggest that you made those video recordings on that tape?

A: No, no, never, never touched the equipment. No.

...

JUDGE THOMAS: Let me just put it to you, bluntly, Mrs Crick, and you can respond. It has been suggested to you, as I understand it, that you made these films and they feature women because you have an interest ...

A: Ooh ...

JUDGE THOMAS: ... and are sexually turned on by seeing naked women?

A: I have no interest in women. David always wanted me to go to bed with a woman. He had this fantasy. I've got no interest sexually, I've got no interest sexually in bed at the moment, let alone women. I did not. When the equipment was installed, as I said to you yesterday, David turned round and said "You can't leave me now". You know, it's, I would, I did not record. I watched, I saw, I'm guilty of seeing. But I'm not guilty of anything else other than that. And I couldn't stop it because I was so frightened of him."

14. Her answers to these questions may have had some bearing on the jury as His Honour Judge K Thomas, in his summing up, made specific reference to the Respondent's evidence on this point, as follows:

"She was adamant she had no sexual interest in women. She agreed that she had watched some of the films which Mr Sturgess, she said, had made of other couples in Isryn because, she said, it turned Mr Sturgess on sexually and he would put it on when they were engaged in sexual activity".

15. It is suggested by the Applicant that there was evidence available to his Counsel at the Crown Court trial to contradict what the Respondent said about these matters. In a written opinion produced by Counsel, on 5 November 2009, that formed part of the Grounds of Appeal against conviction, he states that "The Learned Judge would not have known but the defence were in possession of many photographs of the [Respondent] that tended to show just from looking at them that: ... she was interested in same sex contact". Mr Waters explained in his opinion that "Modesty and appropriate restraint had led me not even to ask for permission to openly display the pictures I had in my possession which demonstrated the broad sexual interests of the [Respondent]". The Applicant has stated that the photograph shows the Respondent engaging in "bi-sex with a woman" who I shall refer to as GG (I see no reason why this person should

be identified at this stage of the proceedings). The Applicant has stated that the photograph was taken by GG and clearly showed the Respondent “between the legs of [GG] licking her vagina”. A copy of this photograph has been provided to the Court, and on first blush it supports the Applicant’s allegation, although no date is identified. The Applicant also refers to evidence of the Respondent seeking other females for what he describes as “one to one Bi sexual contact” through a monthly magazine called “swing2us”. I do not know what the Respondent says about this specific allegation, as the correspondence that she has had with the Court merely indicates that she refutes the allegations.

16. In the circumstances, I consider that there is a strong *prima facie* case on the evidence that the Respondent did lie and perjure herself at the Crown Court trial, with respect to this matter. Nevertheless, for the reasons set out above at paragraphs 8 to 10, I do not consider that the public interest test is satisfied. The matter is stale; the allegation is not sufficiently serious that the matter should be heard so many years after the event; and the evidence about this matter has been available to the Applicant since the trial itself. Furthermore, the Applicant had other routes available to him to “clear his name”. Accordingly, permission to proceed to a contempt hearing with respect to this matter is refused.

Ground (ii): the Respondent lied or perjured herself at the criminal trial in 2009 when she denied the involvement of her daughter, Hannah, on a trip to the property that the Applicant and Respondent formerly lived in on or about 17 September 2008

17. The Applicant contends that in her evidence to the Crown Court the Respondent hid the involvement of her daughter in her description of returning to the property owned by the Applicant on or about 17 September 2008. The Respondent said in evidence that she went to the property “in her frame of mind”, suggesting that this was not something that was deliberate or thought through, when in fact her daughter Hannah was with her. This was said to be relevant to ground (iii) (the allegation that the Respondent planted the video tape, thereby framing the Applicant). The Applicant contends that the Respondent organised all of this in advance, thinking that the police would not be there. The evidence that the Respondent gave on this was as follows:

“Q: Why had you gone back to the house, in the dead of night, after making a complaint, telling the police what they might find there? Why were you there in the dead of night?”

A: My frame of mind wasn’t correct. I got in the car, I drove to that house ...”

18. In his summing up. His Honour Judge K Thomas stated that:

“Miss Crick agreed that she had, in fact, gone back to the house, it seems, during the early hours of the morning of the 17th September. She said that “At the time my mind wasn’t right.” She said the police had told her that at that time Mr Sturgess was still in custody. She said she could not remember what time it was but it seems that it was probably in the early hours of that morning. She said there were residents in Isryn at the time and that they were aware that she had gone to Llyn Teg. It seems it

was they who telephoned the police to say there was somebody in the house and that is why the police had gone there and found Miss Crick there. She said she had wanted to make sure that the police took what they should take. She had gone upstairs to the bedroom. She had looked inside the video recorder. She says the tape on which he had recorded the children was not there and so she was just leaving when she came across the police officers, who asked her to help them with finding a mattress and a neck brace for Mr Sturgess, who requested them in custody. She said that at the time she had gone to the house she believed that the police had already been to the house by that time and she assumed that they had removed the tape. The police evidence, in the form of a statement which was read to you from a PC Lewis, is that the police had, indeed, been to the house. They had begun to search on the evening of the 16th but, because of the state of the electrics and for health and safety reasons, they had abandoned their search, left everything as it was.

PC Merry said that PC Lewis had told him that he had found a videotape in the recorder, that he had viewed a part of it and that it showed people in Isryn. In other words, it was the tape that they were looking for. It may not matter to your deliberations one way or the other, it is a matter for you, how the tape came to be found. The tape clearly exists and it is agreed what it shows but the defence allege that Miss Crick has planted this tape in some way to incriminate Mr Sturgess and so they say you should look carefully and closely at how it came to be found. . . .

Miss Crick went on to say that she had returned to the house, she had looked for the video because she was concerned that Mr Sturgess may have removed incriminating items over the weekend. She said, "I had to know they had the evidence for my own piece of mind. I needed to know that people believed me." She said that she did not remember the police telling her not to go to the house. She denied that she had put the tape in the machine. She said, "It would have been a lot easier if I'd just taken the tape with me and handed it over to the police myself."

19. It would appear, therefore, that the Respondent did not mention in her evidence to the Crown Court the involvement of her daughter Hannah in the story of what happened and why, when she returned to the property in the early hours. It does not seem to me, however, that this gives rise to a strong *prima facie* case that a contempt has been committed. There is a clear difference between an omission in evidence and a deliberate untruth. It is not as if the Respondent was specifically asked whether she had gone to the property to pick up her daughter Hannah, and she had said 'no'. Furthermore, it would need to be established that the Respondent intentionally left out of her account the presence of Hannah, and this is not obvious from the material before the Court.

Ground (iii): The Respondent planted crucial evidence against the Applicant, namely a video tape which contained recordings of a sexual nature and of children taking a shower, that led to the Applicant's conviction

20. The Applicant contends that the Respondent framed him by inserting a video tape into the video tape recorder in his house. This tape was found by the police and then formed the centre-piece of the criminal case against him. The basis for this allegation is that (i) the Applicant says that he did not make the recordings on the video tape; (ii) the Respondent must have made them, as she wanted to frame him as some kind of vengeance, and had even asked the police officers who were dealing with the allegations whether they had tested the video tape for fingerprints: the Applicant submits that the Respondent would not have asked this question if she was not concerned that the police would find her fingerprints on the tape; and (iii) the Respondent had attended the property contrary to the instructions of the police, and had examined the electrical equipment, and this was deliberate.

21. In her evidence to the Crown Court, the Respondent was asked whether she had put the video tape in the recorder after the Applicant had been arrested:

“Q: Did you go into, what I might call your living accommodation part? Where you had been living with Sturgess?

A: Yes.

Q: Why?

A: Because I wanted to make sure that the police took what they should have taken.

Q: Yes. You were putting things ready for them, were you not?

A: No! No, no, no, no.

Q: What did you mean by “I wanted to make sure the police were going to take what they should take”? What does that mean?

A: All I did, I walked inside the house, went upstairs ...

Q: Yes?

A: ... looked in the bedroom ...

Q: Right?

A: ... saw that the tape had gone, had gone, and walked out again.

Q: We will have to, by other means, work out exactly the order of things here. But you are saying that you went to the bedroom, checked to see whether the tape had gone. What tape?

A: The tape with the, that he had been taping on.

Q: Right.

A: With the images of the holiday makers.

Q: Where it had gone from?

A: From the recorder.

Q: Because that is where you had last seen it?

A: Yes.

Q: That is when you put it in there, is it not?

A: No. Haven't fingerprinted, have you?

...

Q: All right.. I have asked you the questions and we will leave it. It was not that you went and put the tape in the machine then, was it, in the dead of night?

A: No. It would've made it a lot easier if I'd taken the tape in the first place and said to the police "There you go" but because I didn't plan to go ..."

22. It does not seem to me that there is sufficient material here to satisfy the strong *prima facie* test that the Respondent framed the Applicant in this way. The Respondent denied it, and there is no direct evidence to support the Applicant's allegation. There is circumstantial evidence that might support that conclusion, but it is not cogent evidence. Furthermore, most of the material relied upon for this ground was considered by the jury at the Crown Court trial, and it would not – without more compelling evidence – be appropriate for the Court to go behind the jury's verdict.
23. In this regard, it can be seen that the question of who made the recordings was a central part of the judge's summing up:

"During the evidence you have heard about allegations which Miss Crick has made about Mr Sturgess and you have heard something about their sex life together because it is the defence case that Miss Crick has, effectively, framed Mr Sturgess by alleging that the video film which she made for her own purposes was made by Mr Sturgess. The defence say that Miss Crick has sworn to gain revenge on Mr Sturgess, to take him to the cleaners financially and that these allegations are all part of a vendetta she is waging against him as revenge for the breakdown of their relationship.

The prosecution say that it was Miss Crick that was manipulated by Mr Sturgess until there came a time when she screwed up the courage to break away from him. They say that the circumstances of their relationship were such that she was left as

an emotional wreck at the end and, in those circumstances, was desperate to be believed as against Mr Sturgess, a man who she had followed without question for a number of years.

You may use this material if you believe it helps you to resolve the central issues in the trial, namely who was responsible for making the video film and who is telling you the truth about it. But you must remember you are not here to resolve all those disputes which have arisen between Miss Crick and Mr Sturgess since the break-up of their relationship. You are only here to resolve the essential issue as to who produced that video film bearing the indecent images of residents at the cottage filmed without their consent”.

24. Furthermore, as set out above under ground (ii), the judge dealt in his summing up with the fact that, contrary to the police’s instructions, the Respondent went back to the property and even looked at the video equipment. In addition, the jury was aware that the Respondent had been interested to know whether the police had fingerprinted the tape. This formed part of the summing up by His Honour Judge K Thomas:

“Miss Crick said that she had not made the video recordings; Mr Sturgess had. She said she had never touched or operated the equipment. Only Mr Sturgess had done that and that was why, she said, she was interested to know if the police had fingerprinted the tape. The answer to that was given by DC Merry, who told us the tape had not been subjected to a fingerprint analysis because it was felt that the nature of the surface of the tape was such that it was unlikely to provide any useful evidence”.

Ground (iv): The Respondent lied or perjured herself when she gave evidence at the criminal trial that the Applicant had taken a photograph of her looking at a couple on a monitor, when no such photograph had been taken by him

25. The Applicant contends that the Respondent committed a contempt by saying in evidence to the Crown Court that the Applicant had taken a photograph of her watching a couple having sex on the monitor. The Applicant denies that there was such a photograph.
26. It is clear that the Respondent did tell the Crown Court about the photograph. Her evidence on this point was as follows:

“MR WALTERS: Would there be photographs of you at all, watching other people, on swinging sites?

A: (Pause).

Q: In other words, a picture of you, looking at a couple of swingers?

...

MR WALTERS: On the very same monitor that we are concerned with in this case?

A: Yes, one. David wanted to take a picture of me, looking at a couple that he'd arranged to come and stay.

Q: It was David's idea?

A: David took ...

Q: But the couple knew that it was taking place, did they not? This was a swinging couple?

A: Yes, yes. He took it to send to them.

Q: So we would find that, would we, on the computer?

A: I don't ... you should do."

27. This also formed part of the summing up by His Honour Judge K Thomas:

"She agreed that she had watched some of the films which Mr Sturgess, she said, had made of other couples in Isryn because, she said, it turned Mr Sturgess on sexually and he would put it on when they were engaged in sexual activity. She agreed that there was a photograph in existence showing her watching a couple having sex on the monitor. She said the photograph was taken by Mr Sturgess so that he could send it to the couple concerned. It related, clearly, to a couple who had agreed to be watched in that way and not to any of the people referred to on this indictment."

28. In my judgment, there is not a strong *prima facie* case that the Respondent gave false evidence with respect to the photograph. Ultimately, there is the Applicant's contention that he did not take such a photograph, and the evidence of the Respondent that he taken such a photograph. The other contextual evidence does not convincingly support the Applicant's account.

Ground (v): the Respondent lied or made a false statement when, as part of civil proceedings against her former husband, she stated that was not a lodger of the Applicant, when she was in fact a lodger

29. In a statement made by the Respondent on 21 March 2011, as part of proceedings brought against her by the Applicant in the Swansea County Court, the Respondent admitted that she had made an "untrue" statement in her evidence in the ancillary relief proceedings between herself and her former husband saying that she was paying money to the Applicant as a lodger. The Respondent said that she was coerced into making this statement by the Applicant, who she said had "total control of my life". The Applicant contends that this statement – that the Respondent was not actually a lodger – was a false statement, and that that was a contempt by the Respondent. The Applicant contends that the Respondent was a lodger and that is evidenced by the material in the

divorce proceedings, and in correspondence with her solicitors in which she stated that she was paying rent to the Applicant.

30. I consider that there is a *prima facie* case that this statement – that the Respondent was not a lodger/paying rent to the Applicant – was untrue, as in a letter to her solicitors she states that “I am presently paying rent of £30 a week to [the Applicant]”, and in the ancillary relief proceedings to her divorce she refers to a tenancy arrangement with the Applicant. However, the precise situation is not at all clear as the Respondent has received a caution for saying the opposite: that she was a lodger. One of the statements made by the Respondent is untrue: that she was a lodger, or was not a lodger. On the basis of the materials before me, however, it is not possible to work out which version is more likely to be accepted. Accordingly, I cannot say that there is a *strong prima facie* case that the Respondent perjured herself in saying that she was not a lodger, when in fact she was.

Conclusion

31. For the foregoing reasons, therefore, I refuse the application for permission to proceed with the contempt application against the Respondent.