

JERSEY / JUDGMENT

AG v BAGLIN [2003] JRC 085 (23 May 2003)

[2003] JRC 085

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JUDGMENT

THE BAILIFF: 1. This defendant is to be sentenced for 3 offences, the most serious of which is an assault upon a prison officer. It is not disputed that Baglin punched Prison Officer Mound in the face and subsequently several times to the body. On the face of it, this was an unprovoked attack upon an officer carrying out his duty, but there was a history to the assault which we should record so as to make it perfectly plain upon what basis we are passing sentence. 2. The history involves a complaint about the Prison Officer by Baglin which was found to be unsubstantiated but which left Baglin with a grievance about the system of dealing with complaints. Subsequently Baglin received a pair of track suit bottoms which were too small and were returned. A second pair were sent and were found on arrival to be torn. The prison officer had asked Baglin how the new track suit bottoms were. The prison officer asserted at a Newton Hearing that this was a genuine enquiry in ignorance of the tear. Baglin asserted that the question was put in a sneering kind of way. At a Newton Hearing the Jurats accepted the evidence of the prison officer and Crown witnesses but also found that the prison officer had acted unwisely, in view of the background, in making any comment at all. 3. This was not provocation in any accepted sense but we have taken account of the finding of the Court at the Newton Hearing. Having said that, it is completely unacceptable to assault prison officers carrying out their duties. Even common assaults of this kind should attract significant custodial penalties. Prisoners must expect that if they assault those that have the guard and care of them they will be severely punished. But for the comments of the Jurats at the Newton Hearing we would have thought that the conclusions were too low. 4. We have taken into consideration the comments of the Crown Advocate and of defence counsel as to the time spent in custody on remand and the fact that the sentence for the assault cannot ante-date the offence itself. We think, nevertheless, the conclusions are right and that a sentence of less than 12 months for an assault of this kind upon a prison officer cannot be imposed. We will, however, accept the submission of defence counsel and we will make all the sentences concurrent. 5. You are therefore sentenced on the count of larceny, to 1 week's imprisonment; on the count dealing with possession of cannabis, 1 month's imprisonment; and on the assault on the prison officer to 12 months' imprisonment, all those sentences will be concurrent making a total of 12 months' imprisonment. Authorities A. G. -v- Letchford (6 th September, 2000) Jersey Unreported; [2000/173A]. R -v- Ali (1998) 2 Cr. App. R.123. Page Last Updated: 23 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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