

JERSEY / JUDGMENT

AG v Driscoll [2005] JRC 083 (17 June 2005)

[2005] JRC 083

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JUDGMENT

THE DEPUTY BAILIFF: 1. In the case of AG -v- Harben and Harben (9 th February 2001) Jersey Unreported [2001/34] the Royal Court said: "Police officers have a difficult and responsible task. They have to uphold law and order for the benefit of the community as a whole and they are entitled to the protection of the Courts. Save in exceptional circumstances anyone who commits a grave and criminal assault on a police officer in the execution of his or her duty can expect a prison sentence." We would add a not insubstantial prison sentence. 2. On this occasion the defendant punched a police officer, grabbed him by the throat, pushed him against the wall and then in the struggle which followed he put his fingers to his eye. When they fell to the floor the officer struck his head on some furniture. It was in effect a general melee. The officer suffered a black eye and some bruising but fortunately these were minor injuries. 3. Any assault on a police officer is serious, but we accept that this particular assault falls toward the lower end of the grave and criminal scale. There was no premeditation and no weapon and Mr Steenson has taken us though the other factors described in Harrison -v- A. G. [2004]JCA046. 4. Nevertheless, there can be no question of a non-custodial sentence where an offence of this nature takes place against a police officer. It is clear to us that drink is the problem. When the defendant has been drinking he cannot control his temper and that is what happened on this occasion. 5. But there is, against that, much to be said in his favour. He has pleaded guilty and been extremely co-operative. Although he does have a previous record, he really appears to have made efforts to turn his life around, the last offence being in 1994, save for one in 2003. He has a good work record and we have been shown the references. In particular there is clearly a good side to him and he is willing and able to help people when they are in trouble. He is remorseful and we have read the other matters in the Social Enquiry Report. 6. But, as we say, there is no alternative to a prison sentence in this case for behaviour of this nature. However, given the nature of the assault and the mitigation which appears we think we can reduce the sentence. 7. The sentence is one of 18 months' imprisonment on the count of grave and criminal assault and 1 month's imprisonment concurrent, on the resisting arrest making a total of 18 months' imprisonment and we make an exclusion order for 6 months from 1 st and 7 th category premises to commence from the date of release. Authorities Harrison -v- A. G. [2004]JCA046. A. G. -v- Waller (25 th November 1997) Jersey Unreported [1997/211]. A. G. -v- Letchford (6 th September, 2000) Jersey Unreported [2000/173A]. A. G. -v- Harben and Harben (9 th February, 2001) Jersey Unreported [2001/34]. A. G. -v- Blackley (26 th October, 2001) Jersey Unreported [2001/217]. A. G. -v- Smith (14 th November, 2003) Jersey

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