

JERSEY / JUDGMENT

AG -v- Jarman [2014]

JRC 061 (07 March 2014)

[2014] JRC 061

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JUDGMENT

THE DEPUTY BAILIFF: 1. The defendant stands to be sentenced for seven offences committed over the course of one night in three separate incidents, all of which were committed when he was seriously intoxicated with drink. 2. The first incident consisted of an assault on his then girlfriend together with causing malicious damage to a pane of glass in the back door of his girlfriend's property, caused either by a punch or a head butt. We understand from Mr Landick that the defendant is very clear that it was caused by a head butt. Whilst fortunately the injuries sustained by his former girlfriend were minor this was, we agree, a terrifying incident for her and this particularly so when she was on the telephone to the police and the defendant had returned to her property clearly intent on re-entering the property. 3. The second incident concerned a grave criminal assault on Acting Police Sergeant Meikle and the possession of two offensive weapons, namely an iron bar (part of a scaffolding pole) and a lock knife. The defendant had brought these from his flat and upon opening the front door to the block of flats had then attempted to strike Acting Police Sergeant Meikle with the pole. The lock knife was opened and was in the defendant's back pocket. Fortunately the officers present saw the defendant approaching and we able to take immediate action to restrain him without any injury being suffered by any of the officers present. In interview the defendant admitted that it was his intention to attack whoever was at his door as he was seeing red at the time. 4. The third and final incident occurred at the Police Headquarters where police officers were trying to check his injuries and to cell place him due to his drunk and aggressive behaviour. During the procedure he bit Custody Sergeant Kemp but he made contact with the officer's fleece rather than the skin, and in relation to PC Morgan it is perhaps more appropriate to describe it as attempted bites at the officer's right hand and then a short while later at his right ankle. 5. It seems to the Crown that the defendant has a history of biting people when his is involved in violent altercations. In the Crown's view, and we agree, the most serious offence is that of Count 3, being the grave and criminal assault upon Acting Police Sergeant Meikle. 6. The defendant has a bad record, including three previous convictions for grave and criminal assault and two for assaults on the police. He is assessed at a high risk of reconviction and to be a high risk to the public. He has had a very traumatic and disruptive upbringing and it is clear from the reports has an array of psychological issues that have not been addressed. 7. The Crown, having applied the criteria in

Harrison-v-AG

[2004] JLR 111 , seek a total sentence of 3 years, comprising 2 years for the grave and criminal assault committed on the police officer in the second incident, and 6 months for the first and third incidents on the basis that the total sentences for each incident, whilst concurrent with each other, will be consecutive to the sentence for the other incidents. 8. In terms of mitigation the defendant has pleaded guilty and was cooperative with the police in his interview. In particular having seen the video of the second incident, taken by one of the officers, he was very apologetic and shocked by his actions and, we accept, has expressed remorse. To his credit, despite his problems with alcohol he had, we understand, been abstinent for some 5 years before starting to drink again last year at weekends, and it would seem that his drinking increased with his relationship with his girlfriend. We received a good reference from the Shelter which goes to his credit and we have considered all of the mitigation put forward on his behalf by Mr Landick. In addition we have received a very helpful and concerned letter from the defendant's sister who, understandably, says that the defendant needs help, and we agree with that, so that he does not offend in the future. We appreciate what she says but these offences are just too serious for us to impose a community sentence. The first incident with the girlfriend was, as we have said, clearly terrifying for her, and the assaults on the police serious. It was clear that anyone he came into contact with that night was in serious danger. We have no means to order the defendant to seek treatment that is recommended but we can only express the hope that with the support of his family the defendant can seek that help both in the prison and once he is released; in particular the help that has been recommended by both the psychiatrist and the psychologist, to address his psychological problems and his alcohol problems. 9. In terms of the sentence we do, however, regard the totality of the sentence here as being too high to reflect the criminality involved. We wish to stress the policy of the Court to treat assaults on the police as always justifying serious punishment and we agree with the Crown that 2 years for the grave and criminal assault on Acting Police Sergeant Meikle in the second incident is appropriate. We are, however, going to make the sentence arising out of the third incident concurrent and that will bring the total sentence down to one of 2½ years which we think properly reflects the criminality involved here. 10. In relation to Count 1 you are sentenced to 6 months' imprisonment; Count 2, 1 month's imprisonment, concurrent; Count 3, 2 years' imprisonment, consecutive; Count 4, 6 months' imprisonment, concurrent; Count 5, 6 months' imprisonment, concurrent; Count 6, 6 months' imprisonment, concurrent; and Count 7, 6 months' imprisonment, concurrent. Which makes a total sentence of imprisonment of 2½ years. 11. We order the forfeiture and destruction of the metal pole and lock knife. Authorities Harrison-v-AG

[2004] JLR 111 . Page Last Updated: 23 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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