

JERSEY / JUDGMENT

AG v Lloyd - 07-Apr-2021

[2021] JRC 096 (07 April 2021)

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JUDGMENT

THE Deputy Bailiff: 1. Shane Lloyd you are 37 years old and on the 18 th December, 2020, in the early evening the police were called to Co-op Grand Marché where you, in the presence of a young person known to you, had been abusive to a member of staff. You had been drinking and you were asked to leave the store by the police. 2. As you continued to shout and swear in the street, you were arrested for disorderly conduct. You pulled away from the officer saying "get your fucking hands off me" and ran up a metal stair case whilst, it seems, apologising. The police followed you up the stairs and you were sprayed with PAVA, and Count 1 of grave and criminal assault relates to grabbing one of the police officers and shouting "I'll throw you down the fucking stairs". The officer felt that you might be thrown over nearby railings resulting in serious injury. Three other officers arrived on the scene, one managed to apply one handcuff but you refused to permit the other handcuff to be applied until another officer intervened. 3. A 37 year old female police officer described you as " increasingly violent " and Counts 2 and 3 cover the assaults upon her. By now you had come down the stairs and you were upset to see that the young person known to you had been restrained. Whilst officers tried to subdue you, you kicked the female officer in the left knee, causing her intense pain and bruising; you were wearing trainers at the time and by now the young person known to you was in tears. 4. You were sprayed with PAVA again and the officers restrained you on the floor faced down. By now the female officer had her knees on the floor either side of you in order to prevent you from arching your body. She told other officers to use leg restraints upon you and you called her a "bean paedo rapist" and used other abusive terms. You then grabbed her between the legs over her cloths asking her "do you feel me touching your fanny" . You were arrested for indecent assault and you replied, "fuck off" . 5. In interview were very apologetic and said that you were ashamed of yourself and fully admitted what you had done. You said you were awfully sorry about the indecent assault and described it as disgraceful behaviour. 6. Although you have previous convictions you have not committed a sexual offence before. You do have certain relevant previous convictions, including an offence sometime ago for resisting arrest and more recently a 5 month sentence imprisonment for harassment in 2016, and a suspended sentence of imprisonment for battery in 2017. Both these offences were committed in England and you came to live in the Island in 2018. 7. We have been provided with the helpful guidance given by the Court of Appeal in Harrison v

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- [2004] JLR 111 in relation to the offences of grave and criminal assault and also the English Sentencing Counsel, Sexual Offences Definitive Guidelines in respect of the offence of sexual touching without consent. These latter guidelines are now routinely drawn to the Court's attention in sexual offence cases and they were of assistance to the Court in this case. 8. We note that the maximum sentence for sexual touching without consent is 10 years' imprisonment in Jersey, compared to 7 year's imprisonment maximum for the equivalent offence in England and Wales. We note and endorse the approach to the English guidelines in recent authorities, as conveniently summarised by Commissioner Clyde-Smith in AG v T
- [2017] JRC 169 , in particular at paragraphs 18 to 20 and paragraphs 34 to 36. As noted by the Commissioner in AG v T the guidelines are helpful in assessing harm, culpability, aggravating factors and mitigating features. 9. The guidelines have also influenced upwards the sentencing imposed by Jersey courts and the Jurats are entitled to have regard to those guidelines if they are of assistance. As Commissioner Clyde-Smith noted at paragraph 35 of his judgment: "The position now is that the Court has started a process of review of sentencing levels imposed for sexual offences by reference to the Guidelines. They were found to be of assistance in AG v K and we found them of assistance in this case. We have not considered the Guidelines for other kinds of sexual offence, but if they are found to be of assistance, then defendants can expect to be sentenced accordingly." 10. We have not found the Guidelines to be of assistance in this particular case in respect of length of sentence, but we have found them useful in relation to identifying harm, culpability, aggravating factors and mitigating factors and we find that this offence was aggravated by the fact that it took place in the presence of a young person known to you and the fact that your victim was working as a police officer. Both of these are aggravating features. As to mitigating factors we note your remorse. 11. We also agree with what was said by the Probation Officer at paragraph 24 of her report where she says "The offence was not deemed to be sexually motivated as [Mr Lloyd] obtained no sexual gratification from the act; it was more designed to humiliate and degrade the female officer concerned." 12. We have read with care the Social Enquiry Report and given particular weight to the fact that your daughter came to Jersey in 2019 following the breakdown of her relationship with her mother. We know that she relies on you, you have given her a fresh start in the Island, and she is doing well at school. We were impressed with the fact that before you were remanded in custody not only did you realistically, but entirely appropriately, made arrangements for your daughter to be cared for by your brother and his partner, but you came to Court having put the needs of your daughter first and ready for that custodial remand. It is great pity that you did not put your daughter first when you committed this offence, but we note that you want to apologise and do apologise to everyone involved and we fully accept that you wholly regret what you did. We have seen that you have worked closely with your daughter's school to provide more stability and consistency in your parenting and in respect of her education. 13. These were serious

offences and serving police officers acting in the course of their duty are entitled to look to the Court for protection and to the Court to impose sentences and deter others of assaulting police officers in execution of their duties. 14. Usually this leads to an immediate custodial sentence, but we are able to take a different course today and we do so: (i) Firstly, because you have been in custody since 26 th April when you pleaded guilty. (ii) Secondly, your clear remorse and the extensive references supplied to us and explored by your counsel in mitigation today, and (iii) Thirdly, and perhaps more importantly the position of your daughter. We have today been given an email from a Social Worker addressed to your advocate which says that, if you receive a significant custodial sentence then it would be very likely that your daughter would have to return to the care of her mother in the United Kingdom which he says, from history has not gone well for your daughter and from a social, emotional, and academic perspective would lead to deterioration in her wellbeing. Her prospects would therefore in his view be adversely affected should this further move be the only option available to the family. 15. For those reasons we are going to impose a Probation Order today upon you and a Community Service Order. The Probation Order will be coupled with a treatment component, and during the course of the order you will be expected to complete alcohol and drug related work with the Probation Department Substance Misuse Practitioner and to complete offence focus work including emotional coping, anger regulation, and to engage in sessions with the Department's Restorative Justice Officer regarding the impact of offending on victims and making reparations. 16. So accordingly, in relation to Count 1 on the Indictment we impose a Probation Order of 12 months and a Community Service Order of 180 hours, equivalent to 12 months' imprisonment. On Count 2, we impose a Probation Order of 12 months, with 120 hours' Community Service concurrent, equivalent to 6 months' imprisonment. On Count 3, we impose a Probation Order with the same conditions for 12 months and 180 hours' Community Service equivalent to 12 months' imprisonment, making a total Probation Order of 12 months with 180 hours' Community Service equivalent to 12 months' imprisonment. 17. We also, for the reasons set out in the Probation Report at paragraph 2, impose a notification period under the Sex Offenders (Jersey) Law 2010 for a period of 2 years. 18. You should understand that if you do reoffend or fail to comply with the Order then you will be liable for 12 months' imprisonment.

Authorities Harrison v AG

[2004] JLR 111 . England and Wales Sexual Offences Sentencing Guidelines AG v T

[2017] JRC 169 . Sex Offenders (Jersey) Law 2010 AG v Ben- Fradj

[2020] JRC 225 AG v Dumitrache

[2020] JRC 092 AG v Rebelo

[2019] JRC 215 AG v Dobrin and Ors

[2019] JRC 097 K v AG and AG v F

[2016] JCA 219 AG v Cummins

[2006] JRC 070 . AG v Driscoll

[2005] JLR Note 25 . Page Last Updated: 21 Jun 2021 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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