

JERSEY / JUDGMENT

AG -v- Ollivier [2005] JRC 147 (21 October 2005)

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JUDGMENT

THE COMMISSIONER: 1. In AG -v- Driscoll [2005]JRC083 the Deputy Bailiff cited the authority of AG -v- Harben and Harben (9 th February 2001) Jersey Unreported [2001/34] where the 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 And the learned Deputy Bailiff added the words: "We would add a not insubstantial prison sentence". In Harrison -v- AG [2004]JLR 111, the Court said at page 114: "The Crown, when drafting the statement of facts in the case of a grave and criminal assault, and the Jurats, when considering the appropriate sentence to pass, should make an assessment of the seriousness of the offence and should consider inter alia - a) the nature of the deliberation with which the assault was carried out; b) whether the blow was aimed; c) whether the incident was committed in cold blood; d) the degree of force with which the blow was struck; e) the nature, extent, gravity, and permanence of the injury caused; f) if a weapon was used, the nature of such a weapon; g) whether the weapon was carried or seized on the instant; h) how many were concerned in the assault and the circumstances which gave rise to their involvement; i) the nature and extent of any provocation offered by the victim; j) whether the offender had a record of committing the same or similar offences or constituted a danger to himself or the public." 2. We have of course taken all those matters into account, but let us look at what happened. Ollivier is smoking in a police station and he is there legitimately. A police officer, PC Cunningham, asks him to stop. The reply is 'No it's not bothering anyone'. There is a no smoking policy in the Police Station. There are signs to that effect. The request is polite. Worse was to follow, foul language follows similar further requests. There is assault where several police officers had to assist and the assault is on PC Cunningham, but Ollivier was not told he would be arrested for smoking, he was told he would be arrested if he did not obey orders to leave the premises. His final response was "Go on, fucking arrest me. I'd like to see you fucking try". 3. We have carefully considered all the background reports, the medical reports. It is fair to say he has an appalling record and a history of heavy drinking which is apparently paid for out of his welfare payments. This Court cannot and will not condone assaults on police officers and in our view an assault in the precincts of the police station merely compounds the offence. 4.

Despite the interesting address of Advocate Pearmain we will follow the recommendations of the Crown and at the age of 35 Ollivier must help himself and take advantage of the advice of his personal officer at the prison. 5. We are going to sentence you to 2 years' imprisonment which includes the time already served in custody. Authorities Harrison -v- AG [2004]JLR111. AG -v- Driscoll [2005]JRC083. Page Last Updated: 18 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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