

JERSEY / JUDGMENT

AG -v- Passman [2009] JRC 036 (27 February 2009)

[2009] JRC 036

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JUDGMENT

THE commissioner: 1. Passman was born on 12 th November, 1989, he is therefore 19 years of age and on the 14 th November last, he was celebrating his birthday. He was in a pub at St Peter's and then apparently drank around nine pints of beer and three shots of whisky. He had also apparently taken an anti-depressant tablet. 2. He had an argument with the landlord who was investigating some damage done to window latches at the pub. The landlord asked for Passman's passport and an argument developed. There was an altercation. On leaving the pub, Passman deliberately smashed a window and the police were called. He was on licence having been released following his arrest, when he committed the present offences. 3. We have a letter from Mandy Passman, Passman's mother which says that "I know that Robert would not lash out at anyone for nothing, something must have happened to make him act like that. I know my son and it takes a lot to make him do that." And yet on 7th December, Passman received a sentence of 12 months' youth detention for grave and criminal assault on another. 4. We know and we have read most carefully of Passman's unhappy background but his assault on two police officers is not forgivable. The Social Enquiry Report that we have only just received, but which we have read most carefully on retirement, recommends a 2 year Probation Order and a period of Community Service. This is not acceptable to us. A deliberate assault on a police officer of this kind is, as we have said, very serious. 5. In Kelly-v-AG

[2001] JLR 108 the Court of Appeal cited from R-v-Hall

[1997] 1 Cr. App. R. (S) 62 and said:- "Every day of the year policemen and policewomen go out to do their duty to safeguard the interests of the public and to protect the public as appropriate. In the world in which we live, unfortunately, they face damage or the risk of danger whenever they go out on the beat in patrol cars and in all other ways in which police officers go into the community to serve the public". We have read all the reports most carefully and we have listened very carefully to Advocate Pearmain and everything she had to say. 6. Because of his age we have had regard to the Young Offenders (Jersey) Law 1994 . As I have said he was on licence when he committed his present offence but he has always completed his programmes and has received good reports in the past, but he has re-offended. The last two occasions have been the most serious and we must take into

account the present high risk of re-offending. His lack of remorse as expressed in the interviews is concerning to us. We find in the light of Article 4 of the Law that this offence is so serious that a non-custodial sentence cannot be justified but in any event we regard the offences as being connected. We are going to make the sentences concurrent and not consecutive. 7. On Count 1 we feel that that should be reduced to 1 month's youth detention, on Count 2; 18 months' youth detention, Count 3; 9 months' youth detention but you will serve not 2 years and 6 months' which it would have been if a consecutive sentence had been imposed but a total of 18 months. We urge you to take advantage of all the expert advice that will be available to you in prison. 8. On your release from prison you will be supervised. Authorities Young Offenders (Jersey) Law 1994. Kelly-v-AG

[2001] JLR 108 . R v Hall [1997] 1 Cr. App. R. (S) 62. AG-v-Ollivier

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