

JERSEY / JUDGMENT

The Attorney General v Ryan Francis John Matson

COURT

Royal Court

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**Inferior Number Sentencing – being drunk and disorderly –
obstructing a police officer – assault.**

[2015]JRC143

Royal Court

(Samedi)

30 June 2015

Before :

W. J. Bailhache, Esq., Bailiff, and Jurats

Olsen and Sparrow

The Attorney General

-v-

Ryan Francis John Matson

Sentencing by the Inferior

Number of the Royal Court, following guilty pleas to the following charges:

1 count of:

Being drunk and disorderly (Count 1).

1 count of:

Obstructing a police officer (Count 2).

1 count of:

Assault (Count 3).

Age: 33.

Plea: Guilty.

Details of Offence:

Count 1 – on 30th

December, 2014, Matson, who was intoxicated, was verbally abusive to the officers, shouted, and stood in the middle of the road outside the Hospital. When arrested he tried to escape and fought against the officers.

Count 2 – on 31st

December, 2014, police officers were called to the Shelter as Matson was refusing to leave. He had been denied entry as he was intoxicated.

He was persuaded to leave by the manager, but returned shortly afterwards. Police returned and gave him a lawful order to leave.

Matson did not respond, but mumbled gibberish. He was warned that he would be arrested

if he did not leave. He did not leave, and so was arrested.

Count 3 – on 2nd

January, 2015, Matson was at HMP La Moye, and was due to attend Court that morning. Prison Officer Simkiss

opened Matson's cell in order to let him prepare for Court. Matson demanded tobacco and to be moved

to a different wing. PO Simkiss

tried to calm him down, but Matson forced his way past the officer before turning and attempting to punch him with both fists – the punches did not connect. An assault ensued which

was caught on CCTV. Matson kicked

PO Simkiss in the groin before falling backward onto a pool table. He then kicked the officer to the chest

and lashed out with both arms. PO

Simkiss then “bear hugged” Matson, who rolled off the pool table,

landing on his feet. He then took

hold of PO Simkiss' legs and attempted to lift him up. Both men fell to the floor. A

second Prison Officer arrived on the

scene and assisted in restraining Matson.

He was lifted from the floor, but refused to put his legs down and so

had to be carried away by six prison officers.

PO Simkiss received no injuries save

for slight back pain resulting from carrying Matson.

In interview, Matson was initially

rambling and incoherent. When asked

what he could remember about the incident, Matson said he could not remember PO

Simkiss coming to get him out of his cell.

When asked why he assaulted the officer, Matson replied: “I wouldn't, I like him.”

When shown the CCTV he said: “Fucking hell, that can't be me, that can't be me.”

Details of Mitigation:	The Crown: Guilty pleas, serious and long standing mental health problems (there had been a fitness to plead hearing), extensive psychiatric reports. The Defence: Matson was aware of, and did not object to the Crown's conclusions. Counsel confirmed that the necessary arrangements had been made for Matson to be detained under the English Mental Health Act.
Previous Convictions:	53 previous convictions, including an assault on a police officer in 1999, common assaults in 2006 and 2013, and a grave and criminal assault in 2013.
Conclusions:	The offences with which Matson was charged would normally be dealt with at Magistrate's Court level and had been committed only because of the concerns regarding his fitness to plead. He had already served the equivalent of 8 months and 27 days' imprisonment on remand. It was neither necessary nor appropriate for Matson to be subject to further imprisonment – the offences he has committed did not warrant it. Should the Court grant or reduce the Crown's conclusions the likelihood was that Matson, who was on remand at a secure hospital in England, would remain detained under English Mental Health legislation.
Count 1:	1 week's imprisonment.
Count 2:	2 weeks' imprisonment, concurrent.
Count 3:	8 months' imprisonment, consecutive. Total: 8 months' and 2 weeks' imprisonment.
Sentence and Observations of Court:	The sentencing took place by video link with the defendant, who was on remand at a secure unit in England. The Court reiterated that Prison Officers would have the Court's protection. Conclusions granted. Ms E. L. Hollywood, Crown Advocate. Advocate P. S. Landick for the Defendant.

JUDGMENT

THE BAILIFF: 1. The Court is going to grant the conclusions which have been moved for by the Crown Advocate on behalf of the Attorney General. 2. Accordingly you are sentenced to 1 week's imprisonment on Count 1, being the charge of drunk and disorderly, 2 weeks' imprisonment, concurrent on Count 2, being the charge of obstruction, and 8 months' imprisonment, consecutive on Count 3, which makes a total of 8 months' and 2 weeks' imprisonment. That you have already served, in the sense that you will get remission of one third against that sentence. Accordingly, you are released immediately from custody as far as this Court is concerned. 3. I just

wish to say something further for the sake of the record which I ought to say and that is this. You have committed an assault on a prison officer in Jersey and you have already expressed some remorse for that assault because, as you said straight away, you cannot believe that you did that because you liked him. It is absolutely clear that part of the motivation for that assault must have arisen from the medical difficulties from which you suffer. But it is important to recognise, for the record, that prison officers are entitled to the Court's protection. They have a difficult job to do and prisoners, all prisoners, must appreciate that if they assault a prison officer there will be severe punishment. The fact that the victim of an assault is a prison officer makes the assault itself more serious and on this occasion you delivered kicks and attempted to deliver punches to him. That does not affect the sentence we have just imposed, it is as I have indicated but it is important for the purposes of the publicity which is given in Jersey to the sentence imposed that those who read the sentencing remarks realise that prison officers will get protection from this Court. You are sentenced accordingly. Authorities Harrison-v-AG

[2004] JLR 111. AG-v-Letchford 2000/173A.

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