

ROYAL COURT

101.

22nd July, 1991

Before: The Deputy Bailiff, and  
Jurats Le Ruez and Vibert

---

The Attorney General

- v -

Robert Christopher Dowden

---

Police Court Appeal - appeal against sentence

---

Miss S.C. Nicolle, Crown Advocate.  
Advocate A.D. Robinson for the appellant.

---

**JUDGMENT**

DEPUTY BAILIFF: This appellant appeals against a sentence of one week's imprisonment for being drunk and incapable and six weeks' imprisonment concurrent for violently resisting police officers, making a total of six weeks' imprisonment.

The appellant is a public nuisance. Analysis of his previous record shows that this was his tenth conviction for being drunk and incapable and his eleventh conviction for

violently resisting the police. Additionally, he has twelve previous convictions for being drunk and disorderly; ten for being drunk or disorderly on licensed premises; eleven for breach of the peace or conduct likely to cause a breach of the peace; seven for obstruction of the police; three for assaults on the police and three for other assaults; and one for resisting the police. Additionally, he has convictions for malicious damage and for offences involving dishonesty. We see no purpose in thinking of probation supervision or assistance unless and until the appellant himself shows some motivation for giving up drink.

On this occasion the appellant was asleep in the flower beds at Charing Cross; attempts to arouse him proved negative, he smelt very strongly of drink and he was conveyed to Police Headquarters. Some five minutes after arrival there he became extremely violent and had to be physically restrained and handcuffed.

The violent resistance cannot have resulted from pushing and shoving by the police because the appellant had already been in the detention room for some five minutes before. He became violent when he was told that he would be arrested, not when he was moved from the detention room to the cell. The appeal, therefore, is without merit.

However, in order that the police be fully protected there should be consecutive sentences for violently resisting police officers and for assaults on police officers. In order to guide the Police Court in this matter, we are going to vary the sentence.

The sentence for being drunk and incapable will be two weeks' imprisonment. That for violently resisting the police

will be four weeks' imprisonment consecutive, making the same total of six weeks. Mr. Robinson will have his legal aid costs.

Authorities cited

Thomas' Principles of Sentencing (2nd Ed'n):  
p.p. 20-22: The intermediate recidivist;  
The inadequate recidivist.