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ROYAL COURT

21st October, 1991

151,

Before: The Bailiff, and
Jurats Myles and Le Boutillier

Attorney General

- v -

Ian Stuart Anthony Miller

Appeal against total sentence of 20 weeks' imprisonment imposed in respect of assault (2 Counts); grave and criminal assault (1 Count); and violently resisting the police (1 Count).

Advocate S.C.K. Pallot for the Crown;
Advocate Miss S.E. Fitz for the accused.

JUDGMENT

BAILIFF: We accept that this appeal has merit in the sense that the Magistrate ought not to have imposed consecutive sentences in respect of the assaults on the police. On the other hand we are satisfied that we have the power to remedy that if we take an overall view of the offences. We have listened to what you have

said Miss Fitz but we cannot overlook the fact that your client had been drinking; that the fact of his condition was not challenged before the Magistrate. At least two witnesses testified to his condition, P.C. Beckford and Miss Evans. People who go out and get drunk and then commit assaults on the police and cause trouble in the way your client did must take the consequences.

This Court has said time and time again that policemen and public officers who are assaulted by people require protecting.

We vary the sentence accordingly; on charge 2, you are sentenced to four weeks' imprisonment concurrent; on charge 3, eighteen weeks' imprisonment concurrent; on charge 4, two weeks' imprisonment concurrent; on charge 5, this remains at two weeks' imprisonment consecutive. Therefore the total of twenty weeks' imprisonment remains. Miss Fitz, you shall have your legal aid costs.

Authorities

R -v- Crimes (1983) 5 Cr. App. R. (S) 358.

R -v- Watkin (1984) 6 Cr. App. R. (S) 416.

Thomas: Principles of Sentencing pp. 53-61.

C.J. Jemms: A Practical Approach to Sentencing: pp. 119-123.