

ROYAL COURT (Inferior Number)

3rd April, 1985.

Police -v- Gary Grant Stringfellow

(Appeal against conviction imposed by the Police Court on the 28th January, 1985)

Deputy Bailiff:- "The Police have a difficult task keeping order in this town late at night when people have been drinking and we are quite aware of the provisions of Article 3 of the Police Force (Jersey) Law, 1974, to which our attention was drawn by Miss Nicolle. Nevertheless, we have come to the conclusion that it would be unsafe to allow the conviction on charge one to stand. Having regard to the conflicting evidence which was before the Magistrate, we think there was insufficient evidence before him to find that the accused, or the appellant as he now is, was drunk and incapable. That being so, the arrest was unlawful and charge two also fails. Therefore the appeal is allowed with costs.

So far as the behaviour of the Police is concerned in effecting the arrest, it is always very difficult for Police Officers confronted with a position to know exactly what to do. We think, however, that they did overreact, but we are not prejudging any other proceedings which may or may not be brought, but certainly I will say this, that if, and it is only if, either of the Police Officers used the expression "piss off", that is not an expression which we would expect a Police Officer to use in public."