

**ROYAL COURT**  
**(Samedi Division)**

39.

21st February, 1994

**Before: The Bailiff, and Jurats**  
**Vint and Herbert**

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**Police Court Appeal**

**Douglas Hamilton Corbett**

- v -

**The Attorney General**

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Appeal against total sentence of 3 months' imprisonment passed on 14th January, 1994, following guilty pleas to:

- 1 charge of           contravening the Licensing (Jersey) Law, 1974, by being disorderly on licensed premises, on which charge he was sentenced to 1 month's imprisonment.
- 2 charges of       violently resisting police officers in the execution of their duty, on each of which charges he was sentenced to 1 month's imprisonment, consecutive.

Appeal allowed: sentences reduced as follows:

- charge 1:       1 week's imprisonment  
charge 2:       2 weeks' imprisonment consecutive  
charge 3:       2 weeks' imprisonment, concurrent.

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**Advocate P.C. Harris for the Appellant.**  
**S.C.K. Pallot, Esq., Crown Advocate.**

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**JUDGMENT**

**THE BAILIFF:** The Court agrees with the Crown Advocate that violently resisting the police is a serious offence and does merit a term of imprisonment, unless there are exceptional circumstances which were not apparent here. You had been drinking that evening, nevertheless the Court accepts what your counsel has said: that you did not have the opportunity of putting the mitigating facts as you saw them to the Magistrate and if there was a dispute between you and the witnesses as to those facts you did not have the opportunity of what the lawyers call a "Newton" hearing.

The Court feels under the circumstances that the question of the sentence in respect of the two charges of resisting arrest should have been concurrent.

Under all the circumstances we allow the appeal in part and substitute the following sentences:

On charge 1, you are sentenced to 1 week's imprisonment; on charge 2, you are sentenced to 2 weeks' imprisonment consecutive; on charge 3, you are sentenced to 2 weeks' imprisonment concurrent, making a total of 3 weeks' imprisonment which will result in your being released today. Mr. Harris, you will have your legal aid costs.



**Authorities**

Manning -v- A.G. (28th May, 1985) Jersey Unreported.