

293.13 Police officers/Public officials etc.

R v Peet 2014 EWCA Crim 2800, 2015 1 Cr App R (S) 48 (p 34) D pleaded (full credit) to section 20 and two assault charges, (presumably common assault). D appeared in Court for breach of his Non-Molestation Order. In court when handcuffed, he grabbed the little finger of a custody officer, V1, and said, "I am going to fucking snap it off." He pulled it back and the officer heard his finger crack. D then spat at V1's face hitting his cheek, as he and his colleague, V2, walked D out of the dock. In the custody van D spat at V2 through the grill. Some spit landed on V2. V1's proximal phalanx of his finger was fractured. V1 was unable to work for about six weeks and his right hand was in a cast for four weeks. V1 could not drive or perform normal daily tasks. D had previous convictions for assaulting PCs. The Judge started at 4 years for the section 20 and gave 2 months consecutive for the assault charges and consecutive to each other making with plea 3 years. This was concurrent to the sentences for the breach of the Non-Molestation Order. Held. The culpability was high and the injury significant. We start at 3 years, so with plea **2 years**. We make the spitting offences concurrent but consecutive to the section 20 making 2 years 2 months in all.

293.14 Pubs/After drinking

R v Jones 2015 EWCA 542 D pleaded on the first day of her retrial. D went to a social club and in the ladies lavatory, D said to V, aged 76, "What the fucking hell are looking at, you cow?" V said something like, "What are you on about, you silly woman?" D left first. V left and tried to pass D who was at the top of a small flight of stairs. D said something and pushed V in her chest. V fell backwards and down the stairs. V screamed and lost consciousness. She suffered a comminuted compound fracture (meaning more than two fragments) of two bones in her wrist and a minimally displaced fracture of her humerus. She was in hospital for five days. It was predicted she would have restricted shoulder movement and stiffness. The doctor described the wrist injury as severe. D was aged 47 and had no violent previous convictions, but she had two burglary and other [non-minor] convictions. While in custody her partner had died. The basis of plea said D did not intend to push V down the stairs. The pre-sentence report said D was addressing her alcohol misuse. Held. The victim was particularly vulnerable. There was greater harm. The case was on the cusp of Categories 2 and 3. There was a single push and some remorse. With a slight discount for the plea, **9 months** not 20.

293.20 Sporting

R v Billam-Stevens 2015 EWCA 1636 D pleaded early to section 20. During a seven-a-side football match, V's elbow made contact with D's chin while they were [clashing over the football]. D demanded an apology. V refused to give one. D complained to the referee who took no action. A few seconds later, D punched V hard on the jaw, knocking him over. V's cheek bone was fractured. V left the pitch but returned to play in the second half. After the game, D said to V if he had apologised it would not have happened. D offered to shake V's hand and advised him to apply ice to his jaw which was swollen. Both sides went to the police. V's fracture required an internal metal plate and V had to live on a soft food diet over the Christmas period. D was aged 27 and of good character. He was genuinely remorseful and was supported by his employers. Held. There was clearly greater harm. There was an element of pre-meditation but not significant premeditation, so it was Category 2 not 1. We start at 18 months, so with plea, **12 months** not 20.

293.24 Victim seriously injured Unexpected

R v Broad 2014 EWCA Crim 2319 D pleaded (full credit) to s 20. D and V, who was with a girl, were dancing in a nightclub. There was bumping between D and the couple just under ten times, most of which was initiated by D. D and V tapped each other in the face and they were smiling. Eventually, V told D to “fuck off”. As V walked away, D punched him in the eye from behind. V struggled to see out of his eye and had two tears in the vascular (muscle) layer beneath the retina, resulting in permanent loss of his central vision. It is likely V may become permanently blind in that eye. D was 18 and of good character with impressive references and a promising future. D was remorseful and wrote a letter of apology. The PSR proposed a suspended sentence with unpaid work and it was agreed this fell into Category 2. Held. There was some deliberation about the assault, it was not completely spontaneous. However, the aggravating and mitigating factors balance out, so starting at 18 months makes **12 months’ detention**, not 18.