

R v Bennison

Crown – Miss Owen

Def – Mr Sweeney

13th July 2017

DJ reasons 14:37

Mrs Bennison was working at the air show on a day in August, attended by thousands of people

She was working with other council staff

A service road, Pier Gap, used to gain access to the pier in normal circumstances.

It should have been closed as people were at danger

Drivers thought it was for them and no one else

Exactly what the prosecution witness did, he wanted to go and drop off his family, perhaps he was late, or just arrogant.

I accept Mrs Bennison's evidence and the 2 independent witnesses, he was driving in a thoroughly careless and dangerous manner. No regard to children when carrying out the manoeuvres.

He wanted to use the road and wasn't going to listen to anyone else, if they were not police officers he wasn't going to listen to them.

She decided it needed to be dealt with, and I admire her for doing this, no one else did.

She went up to Mr Chandler and asked him to slow down.

He denied using unpleasant language but on the evidence of defendant and 2 independent witnesses he did.

Unfortunately for me and those around me, we are not shocked by it as we hear it every day

He says she slapped him, but more importantly 2 other members of staff quite clearly saw her slap.

He did what you would expect from a boorish bloke, he punched her square in the face, didn't think of anyone's safety.

He drove off and didn't make a report.

Police attended and she gave an account

During this she quite openly said her first reaction to swearing quite openly at her, was to slap him

This concurs with the 2 witnesses who had not yet made statements

He tells the officer when tracked down the same thing, although he wouldn't have been aware of what she had said

What she told the officer wasn't made under caution, she was being spoken to as a victim and it was only when she said what she did she was treated as a suspect

Interview not before me, the CPS didn't put it before me

Sadly I have to apply the law, and I have no doubt that she did slap him, a reaction not surprisingly by a boorish oaf

He wasn't acting in self defence, he was being violent.

He quite clearly assaulted her, but he is not the defendant

My duty as a judge is to convict, but that said I can't understand why any lawyer for the CPS would bring these proceedings, and not against him for careless driving, threatening behaviour and assault on her

On all the evidence I have heard he assaulted her, drove carelessly without consideration for other road users, and abusive language

I did consider s44 OPA 1861 but it wasn't relevant in these circumstances.

FG of assault by beating.