

# Judicial Communications Office

30 July 2020

## COURT SENTENCES FOR COVID-19 SPITTING OFFENCE

### Summary of Judgment

His Honour Judge David McFarland, Recorder of Belfast, sitting today in Belfast Crown Court sentenced Pauline Burns to a determinate custodial sentence of nine months for spitting in the face of a key worker during the Covid-19 pandemic.

Pauline Burns (“the defendant”) pleaded guilty to one count of common assault committed on 4 April 2020. The Court heard that she was intoxicated at the time. She approached a woman who she knew who was getting into her car to deliver food to her father who was self-isolating due to the Covid-19 restrictions. The defendant asked the woman for a hug, which was refused, and then started shouting at her and spitting into her face. The woman, who is a mother, key worker and carer for her father, was very concerned about becoming infected with Covid-19 but fortunately she did not. The defendant was arrested at her hostel address and admitted knowing the woman and being drunk but could not remember asking for a hug or spitting in her face. The Recorder commended the police and prosecution for the speed which they processed this case and brought it before the Crown Court.

The Court was told that the defendant has over 200 convictions, mainly for disorderly behaviour and assault when intoxicated. She has also been found in breach of bail, breach of probation orders and breach of suspended sentences on a number of occasions. She received short prison sentences in June and October 2019 and a four month sentence in February 2020, with this offence occurring just after her period of remission had expired.

A report by a consultant psychiatrist referred to an extensive history of alcoholism throughout the defendant’s extended family and her very difficult childhood. It said her life for the past 15-20 years has been a “revolving door between prison and hostels” and that her prognosis for abstinence from alcohol is very poor. This is made more difficult by uncertainty about housing arrangements which impacts on her chances of engaging in a meaningful way with community based addiction services.

The Recorder noted the aggravating factors in this case are the defendant’s criminal record and the nature of the assault. The offence took place two weeks after Covid-19 restrictions had been imposed and the judge said her actions would have been motivated by an intention to cause fear or serious harm, including the transmission of the virus: “This fear would have extended to infection of the victim’s family, given the highly contagious nature of this disease”. In mitigation, the judge took into account the defendant’s guilty plea and her overall background including her alcohol addiction.

The maximum sentence for common assault when tried in the Crown Court is two years imprisonment. Sentencing guidance states that spitting is equated to head-butting, biting and attempted strangulation and is an aggravating factor. The Recorder commented:

“The current Covid-19 emergency has created an entirely new experience for the community. The public have become exposed to a virulent and highly contagious virus, with a significant risk of death. The efforts taken to combat it have resulted in a

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massive economic toll on the community, and significant sacrifices have been made by many individuals. The uncertainty about the disease has naturally led to widespread fear within the community at a level that is unprecedented.”

The Recorder referred to two recent cases in England where defendants were convicted of spitting at police officers and key workers where sentences of six months and eight months were imposed. He said that at any time spitting into another person’s face is a serious matter, but with Covid-19 it must be met with a robust penalty:

“This will mean, in almost every circumstance, an immediate prison sentence. There is a need for a strong deterrent message to be sent so that those who would in any way be tempted to act in this way will desist. It is also necessary to re-assure the public, and in particular those working on the front line providing service and protection to others.”

The Recorder said that given the nature of this assault and aggravated by the circumstances and the defendant’s criminal record, the appropriate sentence after a contest would have been 15 months. Taking account of the defendant’s plea of guilty and her co-operation in allow the case to be deal with expeditiously and without the need for a pre-sentence report, he reduced the sentence by 40% and imposed a determinate custodial sentence of nine months’.

## NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Judiciary NI website (<https://judiciaryni.uk>).

**ENDS**

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