

Assault with intent to resist arrest

There are two parts of this offence

1. Assaulted.

An assault is any act by which a person whether intentionally or recklessly causes another to apprehend immediate violence.

**Any pushing or punching without consent is an assault.

2. With intent to resist or prevent lawful apprehension or detainer.

Lawful apprehension or detainer in this case means arresting ** and putting handcuffs on him. You can infer someone's intent by looking at all the circumstances.

In this case, it is not disputed that PC ***** was acting lawfully. In the circumstances, he was entitled to arrest and handcuff ****. It is also not disputed that *** ran away because he was seeking to avoid arrest. So you may not have to spend too much time thinking about the second part of Count *.

So, the key questions for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you are

Did D** assault PC **?

At that time did he intend to resist or prevent his arrest?"

If you are sure that the answer to both questions is "yes", D** is guilty of Count *.
If the answer to either question may be "no", he is not guilty of Count *.