



JUDICIARY OF
ENGLAND AND WALES

IN THE CROYDON MAGISTRATES' COURT

01LX044521

THE KING

-v-

DANIEL JARVIS

VERDICT AND REASONS

Representation and Reasons for Refusing to Adjourn

1. The prosecution is represented by Miss Grindey.
2. The defendant is not represented today.
3. When these proceedings were first before this Court in October 2021, he was represented by Centurion Law Ltd as he had been granted legal aid. In February 2022, upon the defendant's application, the Court discharged his representation order; the reason for so doing was that he had instructed Duncan Lewis solicitors and was funding his representation privately.
4. When the matter was listed for trial on 10th June 2022, but could not go ahead because the defendant had tested positive for COVID-19, he was represented by counsel instructed by Duncan Lewis solicitors. On Friday 22nd July 2022 the Court was notified by Duncan Lewis solicitors that they had withdrawn from representing the defendant.

5. When the matter was listed again for trial on 25th July 2022, the defendant was not in attendance nor represented. He had recently been bereaved. Initially he produced a certificate of unfitness for work; following an attendance at a surgery later in the day he produced a letter from a General Practitioner stating that he was “tearful, depressed anxious and would not be able to attend court hearings ...”. Despite the unsatisfactory nature of the letter, I adjourned the trial because of the recent bereavement.
6. Yesterday the Court received an e-mail from Centurion Law Ltd, applying to adjourn the trial for two reasons; an application that was renewed by the defendant orally today. The first reason relates to the defendant’s health. The application attached a letter from a General Practitioner which reads as follows: “At present he is suffering from severe anxiety and agitation with a history of bereavement in the family also. He is not in the right mental state to attend court proceedings this week.”
7. This medical certificate is unsatisfactory, for the reason set out in paragraph 5C.4 of the Criminal Practice Directions: it certifies the defendant as suffering from anxiety and there is no indication of him recovering within a realistic timescale. Further, it fails to meet all of the minimum standards set out in paragraph 5C.5 of those Directions: it does not set out the date on which the medical practitioner examined the defendant, it does not set out the exact nature of his ailments, it does not set out why his ailments prevent him from attending court, and it does not provide an indication as to when the defendant is likely to be able to attend Court (and I note (i) that the same reason was given for the defendant’s inability to attend Court on 25th July 2022 following a bereavement earlier that month, and (ii) that the defendant in fact was able to attend Court today and participate fully in the trial).
8. Paragraph 5C.3 of the Criminal Practice Directions makes clear that the Court is not bound by a medical certificate. For the purposes of deciding whether to

proceed with the trial today, I disregarded the medical certificate because of its unsatisfactory nature and its failure to comply with any of the basic requirements of such a document: I exercised my discretion, provided for in R v Ealing Magistrates' Courts, ex p. Burgess [2001] 165 J.P. 82, to do so.

9. The second reason given by Centurion Law Ltd for seeking to adjourn today's hearing related to the defendant's legal representation: it is said that the defendant now wishes to be represented by Centurion Law Ltd once again and they wish to ascertain whether that will be by re-applying for legal aid or whether the defendant will pay for the representation himself. I refused to adjourn on that basis for four reasons: (i) despite having suggested to the Court by e-mail on 25th July 2022 that he wished to explore representation by Centurion Law Ltd, the defendant has not resolved the funding position to enable Centurion Law Ltd to act, (ii) the issue in the case is straightforward (namely whether he intended to disrupt the Test Match), (iii) he would not have had to cross-examine any witnesses (the entirety of the prosecution case being witness statements read to the Court under section 9 of the Criminal Justice Act 1967 and video and other visual evidence exhibited by the Officer in the Case), and (iv) despite having representation until July 2022 he failed over a period of several months to respond to the prosecution application to adduce evidence of his bad character (an application which I determined today in a separate, oral, ruling before the trial began).

10. In my judgment, neither the purported medical condition of the defendant nor his lack of representation, given the history of the case, meant that it was in the interests of justice to adjourn. I therefore refused the application.

Undisputed Facts

11. Friday 3rd September 2021 was the second day of the Fourth Test Match between England and India at the Oval Cricket Ground.

12. During one of England's innings, the defendant video recorded himself in a bathroom close to the field of play. There, he either changed into Indian cricket team whites or removed the clothing that he had been wearing over the whites. He had a cricket ball in his possession. Whilst he was in the bathroom, the tannoy announced a change of bowler from the Vauxhall end. Shortly afterwards, the defendant received a telephone call in which an associate said "now". He therefore left the bathroom and made his way towards the playing field.
13. Whilst this was happening, and either immediately before the first ball of the over or between balls, Umesh Yadav had the match ball in his hand and had reached the point from which he would begin his run-up to bowl to Oliver Pope. Mr. Pope was in front of the stumps, about to take his stance to receive the ball. Jonathan Bairstow was at the non-striker's end.
14. By this time, Mr. Jarvis had entered the playing area from the Vauxhall End. He was wearing an Indian cricket shirt with the number 69 and his nickname 'Jarvo' on the back. He had a cricket ball in his hand. He ran past the bowler, up to the bowling crease. The umpire at the bowler's end tried to deter him from continuing, but Mr. Jarvis rotated his arm and bowled the ball. By this time Mr. Pope had stepped back, away from the stumps. Mr. Jarvis's follow-through led him to collide with Mr. Bairstow.
15. Mr. Jarvis was detained on the playing surface by members of staff from The Oval. He was escorted from the field (around a minute or so after entering it), and was arrested by PC Peter Holley. The Test Match resumed after an interruption of approximately 5 minutes.
16. Mr. Jarvis was interviewed under caution by the police. He declined to answer their questions.

17. Friday 3rd September 2021 was not the first occasion upon which Mr. Jarvis had entered the playing area during a Test Match between England and India:

- a. On 12th August 2021 he had entered the pitch as the players returned from lunch during the Second Test at Lord's. He walked towards the stumps and the India team (who were about to take their fielding positions) before being detained and removed from the ground by security staff. He was within the boundary rope for less than 90 seconds. At the time Mr. Jarvis entered the playing area, the players were not in position ready to continue the match.
- b. On 25th August 2021 he had entered the pitch during a break in play (whether a drinks break or at the start of a playing session is unclear) during the Third Test at Headingley. He walked up to the batting crease, dressed as a batter for the India team. The umpire took issue with his presence on the pitch. He was detained and removed from the ground by security staff. He was within the boundary rope for less than 90 seconds. Again, at the time Mr. Jarvis entered the playing area, the players were not in position ready to continue the match.

The Charge, Legal Principles and Evidence

18. Mr. Jarvis is charged with aggravated trespass, contrary to section 68 of the Criminal Justice and Public Order Act 1994. Broken down into the elements of the offence, the particulars of the charge alleged are that the defendant:

- a. on 3rd September 2021 having trespassed on the Oval Cricket Pitch/playing field,
- b. did an act, namely run onto the pitch colliding with a player and attempting to participate in the game,
- c. which he intended to disrupt an activity, namely playing Test Cricket,
- d. which people were lawfully engaged in on the land.

19. I remind myself that it is for the prosecution to prove each and every element of the offence, and that the prosecution succeeds in proving an element of the offence only if I am satisfied so that I am sure of it. I also remind myself that ignorance of the law is no defence.
20. When considering Mr. Jarvis's intention, I remind myself that I may find that he intended to disrupt the Test Match, though that was not his purpose, if (i) disruption of the Test Match was a virtually certain consequence of his actions, and (ii) he knew that it was a virtually certain consequence of his actions (R v Woollin [1999] 1 A.C. 82).
21. I have received the following evidence from the prosecution: three statements from Philip Davies, senior safety and security manager for the England and Wales Cricket Board; the oral evidence of PC Olivia Jay; and the statement of PC Peter Holley. PC Jay's oral evidence was to exhibit video footage from the official broadcaster of the Test Match, from a handheld camera seized from Mr. Jarvis on 3rd September 2021, and two videos from Mr. Jarvis's YouTube channel; in February 2022 (5 months after the incident) she also recorded the route Mr. Jarvis had taken to the field and in November 2021 she took a photograph of a sign displayed along that route (though it is not clear whether the sign was in place in September 2021).
22. Mr. Jarvis gave evidence. He told me that on each occasion he entered the cricket pitch (at Lord's, Headingley and The Oval) he did so in order to make people happy. He said that he received positive feedback both from his videos and from the crowd on each occasion, and that he had been told his videos assist people with mental health difficulties. He said that the funniness about the situation is that when he goes on the pitch dressed as a player it causes confusion. Regarding the events of 3rd September 2021, he said that an associate of his was in control of when he entered the field of play, that he had not intended to collide with Mr. Bairstow, and that once he had released it, "if the ball had hit the wicket it would

have been good". He was adamant that he had not intended to disrupt the match, and was unaware that it was against the law to enter the field of play.

Findings

23. From the evidence I have seen and heard I am sure that on 3rd September 2021:

- a. spectators were not permitted to enter the field of play during the match, so when the defendant entered the field of play at the Oval Cricket Ground he did so without permission (he trespassed upon the land);
- b. members of the England and India men's test cricket teams, and the umpires, were lawfully engaged in the playing of Test Cricket there; and
- c. the defendant ran onto the pitch, attempted to participate in the game (by bowling a ball) and collided with a player.

24. I reject the defendant's evidence that he did not know it was against the (civil) law to enter the field of play at a match. Having been detained on and removed from the playing field at Lord's and Headingley I am sure that he knew he ought not be within the boundary rope.

25. Further, the tannoy announcing the change of bowler from the Vauxhall End informed all present within the ground that the match was in play. That tannoy was clearly audible in the bathroom from which Mr. Jarvis set off. Having heard that which he could hear within the bathroom, as a result of his video recording, I reject his evidence that it was background noise; it was clearly audible and there was no other obvious noise coming from anywhere other than his telephone at any time during his recording. In any event, I am sure that when he approached the boundary rope, before crossing it, Mr. Jarvis saw the location of the players and umpires on the field and realised play was underway.

26. Nevertheless, he continued with his actions, which in his own words he thought were funny because they would cause confusion, and he intended if possible for the ball to hit the wicket.

27. I am sure that the defendant knew (a) that play could not continue with him on the field (based on his experiences at Lord's and Headingley), (b) that running on to the field and bowling a ball would cause confusion to the players and umpires at a time when he knew the match was in play, and (c) that the ball hitting the wicket would mean that play could not continue whilst the stumps were repositioned, the bails re-set and his ball removed from the field. I am sure that he knew these were the virtually certain consequences of his intended actions and each of these constituted disruption of the Test Match.

28. I am therefore sure that in entering the playing field whilst the match was in play and bowling a ball, Mr. Jarvis's intention was to disrupt the Test Match.

Verdict

29. I find Mr. Jarvis guilty of aggravated trespass.

DISTRICT JUDGE (MAGISTRATES' COURTS) DANIEL BENJAMIN 14th September 2022