

JERSEY / JUDGMENT

AG v Bartlett [2023] JRC 013 (23 January 2023)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Mark Barlett, you are 28 years old and fall to be sentenced for two offences of grave and criminal assault, committed on 10 th March and 28 th April 2020. You pleaded guilty to these offences after the jury had been sworn and counsel for the Crown had opened the case to the jury. Accordingly, this was a very late plea of guilty. Nonetheless you are entitled to some credit for your guilty plea but the credit is reduced by virtue of the timing of your plea. Although your victim was spared the ordeal of giving evidence, she was anxious in the months approaching trial at the prospect of so doing. 2. The events to which you pleaded guilty are encompassed by Counts 3 and 4 on the Indictment. The victim was also aged 28 and you began a relationship with her in 2019. The relationship, your victim said, was initially good with you being attentive to her. It was clear from communications between you and the victim that you had difficulty in controlling your temper. On 10 th March 2020 you were with the victim in her flat in St Helier. Her young children (aged 3 and 6 at the time) were staying with their father elsewhere. An argument took place and you took the victim's mobile telephone, locked yourself in the bathroom and tried to access the telephone only to find that she had changed her password. You left the bathroom, went into the bedroom and threw the telephone at her, grabbed her by the throat and threw her onto the bed. She said that you squeezed her neck so hard she struggled to breathe. You then punched her in the face on a number of occasions. This left her face swollen and purple with bruising. She was understandably upset and you left the flat apologising by message the next day. You were angry that she had told a number of friends what you had done to her. 3. Nonetheless, the relationship continued and on 28 th April, another argument occurred at the victim's flat, this time about an ex-partner of hers. Both offences are indicative in our view of a controlling relationship on your part. You threw her into the door of her wardrobe, in her bedroom, causing the wardrobe door to crack. The relationship continued nonetheless until on 18 th October, after another argument, your victim publicised the photograph taken of her after the first assault. The relationship ended soon after and, following engagement with an independent domestic violence advisor, your victim made a complaint to the police by video disclosure in April and May 2021. 4. You were interviewed a few months later and you denied the allegations made against you. You were not charged until April of last year, and we take into account the delay of almost three years between these incidents occurring and you

being sentenced for them. You were responsible for part of that delay by maintaining not guilty pleas until the eleventh hour. But much of that period of delay you were not responsible for, and we have taken that into account when deciding what sentence to impose upon you. 5. This was a case of domestic violence and we have had regard to the decision of the Superior Number on appeal in the case of *Coelho v Attorney General*

[2020] JRC 216 . As the Court said in that case, at paragraph 21 of the judgment: "...there is now a greater awareness in the community as a whole of the damaging effects, which may give rise to long term or permanent consequences, of domestic abuse/violence..., a general abhorrence of such conduct and a need to deter offenders and others from similar offending. This [understanding and awareness] has led to penalties for domestic violence increasing [in recent years]." 6. These offences took place in the context of a relationship and you breached the trust that was reposed in you by your victim. In breach of that trust, you attacked her on two occasions and discouraged her from reporting your offending to third parties. 7. Accordingly, we found the following aggravating features present in this case in addition to the fact that these were violent and unpleasant assaults: (i) This was an abuse of trust and an abuse of power. (ii) You attempted to prevent the victim from reporting to third parties. (iii) You assaulted the victim in the place that she was entitled to feel safest, her home, in fact her bedroom. (iv) Your victim has, as a consequence of your offending, suffered substantial psychological harm. She suffers from post-traumatic stress disorder, including flashbacks and nightmares. The court proceedings have further compounded that distress. She experiences intrusive and distressing recollections of the assaults. In the opinion of the expert who assessed her, the severity of the psychological harm caused falls within the extreme harm category. She seeks a Restraining Order preventing contact between you and herself and her children and is worried about any contact with you when you are released from custody. 8. We note from the Probation Report that you display a degree of remorse and are ashamed about what you did. You were, at the time, a man of good character with a strong employment record. We have read some excellent references from your current partner, from her family and (perhaps strikingly) the father of your partner's child who speak of you - as indeed does everyone who has written to the Court - in affectionate terms, and one letter speaks of you as being a kind and thoughtful person who is supportive and understanding to your partner and her child. 9. We have read from the report of Ruth Emsley, the psychologist instructed to assist the Court on sentence. She observes that you have had four reasonably lengthy relationships in your life and all bar this relationship were free of any evidence or suggestion of domestic abuse. We accept that to some extent this could be characterised as a volatile relationship and we note from what Ms Emsley says in her report that you have a sound understanding of what she describes as the toxic nature of the relationship that you had, and that you take responsibility for your actions and are ashamed of what you did. She also observes that in relation to the most serious offence on the Indictment that you take responsibility and demonstrate remorse for your behaviour. 10. These offences, although violent and inexcusably so were, as the Crown accept, not pre-

meditated. Nonetheless, we are satisfied that this offence is so serious that only a custodial sentence can be justified. We are satisfied the offences should be dealt with by concurrent sentences and should reflect the fact that the first offence was more serious than the second, and the sentence on the first offence should also reflect the fact that you went on to assault your victim on a second and subsequent occasion. 11. Accordingly, on Count 3 the sentence of the Court is 2 years' imprisonment. Count 4, the sentence of Court is 18 months' imprisonment, concurrent, making a total of 2 years' imprisonment. 12. We make the Restraining Order sought by the Crown without limit of time. Authorities Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. Coelho v AG

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