

JERSEY / JUDGMENT

# AG -v- Bayliss [2015] JRC 071 (13 April 2015)

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## JUDGMENT

THE commissioner: 1. The defendant, who is 40 years of age, stands to be sentenced for one count of possession of a small quantity of diazepam tablets and two counts of grave and criminal assault, which were committed simultaneously by the defendant driving his car at two people, neither of whom were injured. The Crown accepts that the defendant put these two people in fear, recklessly, rather than intentionally, and that the defendant had suffered considerable provocation at the hands of a Mr Lagadu. Without that provocation he would have left the scene peaceably and without further incident. 2. The defendant has a long-standing history of substance misuse; he is currently undergoing methadone treatment and uses valium for pain relief and to reduce anxiety. He has no previous record for violence but has numerous convictions for drug-related offences. As a consequence he is assessed at a high risk of reconviction. 3. The Crown seeks a sentence of 1 month's imprisonment for the possession of the diazepam tablets and 8 months' imprisonment, consecutively, for the assaults, a total of 9 months' imprisonment. 4. In terms of mitigation the defendant has pleaded guilty; he did so shortly prior to his trial but it was a valuable change of plea and he gets credit for that. He has the support of his family, his mother and father and his girlfriend, who are in court, and he has written us a good letter showing that he is remorseful. In our view he has an understandable sense of frustration that Mr Lagadu is not before the Court, bearing in mind that as the Crown Advocate responsible at the relevant time apparently said in open court "this incident would not have happened had not Mr Lagadu pursued the defendant". 5. As the Court of Appeal in the case of AG-v-Harrison

[2004] JLR 111 states at paragraph 120 the court has to consider that state of mind of the offender and, in our view, we have an offender here who had been seriously provoked and who was in fear both for himself and his girlfriend, resulting in an incident that was out of character. The use of a car as a weapon can, of course, lead to the most serious consequences but the facts of this case are, in our view, unusual. In the judgment of this Court these offences can be dealt with by way of a community-based sentence. 6. On Count 1 you are sentenced to 50 hours' community service, which is equivalent to 1 month's imprisonment, on Count 2 you are sentenced to 130 hours' community service, which is equivalent to 7 months' imprisonment, concurrent, and on Count 3 you are sentenced to 130 hours' community service, which is equivalent to 7 months' imprisonment, concurrent, that makes a total of 130 hours' of community service, which

is equivalent of a total sentence of 7 months' imprisonment. On all three counts we impose a Probation Order, concurrent with each other, on the usual conditions and with the aims that are set out in paragraph 27 of the social enquiry report. 7. We also order the forfeiture and destruction of the drugs. Authorities AG-v-Harrison

[2004] JLR 111 . De La Haye v AG

[2010] JLR 218 . AG v De La Haye

[2010] JRC 005 . Page Last Updated: 27 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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