

JERSEY / JUDGMENT

AG -v- Brown [2017] JRC 184 (30 October 2017)

[2017] JRC 184

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JUDGMENT

THE BAILIFF: 1. The defendant is here to be sentenced on one count of having committed manslaughter by the killing of the victim in October 2016 and the first thing to say is that a full judgment is going to be delivered later and the remarks I am going to make now are very much preliminary. 2. This is a case, all manslaughter cases are, where the death of a human being is a tragedy and we start by saying that we express our sympathy to the family of the victim; they have to take prime place in what we are considering. 3. The next thing to say is that the Court accepts that the evidence before us today is that this defendant has a low level of culpability as a result of the injuries which he sustained in prison in 2003. But the Court is unanimously of the view that the risk which he presents is such that the public must be protected on his release from custody and we therefore consider that the life sentence is the only way of achieving that. 4. There has not been consensus in the Court as to the minimum period which the defendant should serve. We think the Crown's conclusions on the minimum period are much too high given the low level of culpability. Four Jurats considered that the minimum period should be 6 years' imprisonment, two considered it should be 5 years' imprisonment from today, in other words taking into account already time served. 5. In the circumstances therefore the sentence is that the defendant is sentenced to a period of life imprisonment and must serve a minimum period of 6 years from today and full reasons for that will follow in a judgment to be delivered as soon as possible. 6. We thank counsel and the experts as well for their assistance. Authorities Homicide (Jersey) Law 1986. Criminal Justice (Life Sentences)(Jersey Law 2014. AG-v-Rzeszowski

[2012] JRC 198 . C-v-AG

[2015] JCA 159 . R-v-Clive Wood

[2009] EWCA Crim 651 . R-v-Beaver [2015] EWCA Crim 653. Page Last Updated: 27 Nov 2017
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