

JERSEY / JUDGMENT

AG v Capuano [2002] JRC 222 (22 November 2002)

[2002] JRC 222

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JUDGMENT

THE DEPUTY BAILIFF: 1. The Probation Officer summed up your situation when she said this: "When well, you display qualities of a loving son, devoted father and diligent worker"... 2. The trouble is that, as your long record shows, when you do not take your medication, or when you sniff glue, then you can be violent and aggressive, and you can cause considerable fear to other people. 3. The reports before us, which are very detailed and helpful, suggest that at long last you recognise this and with the help of your fiancée, whom we are pleased to see in Court to support you, you are determined that in future you will take your medication and this hopefully will control your medical condition. 4. We are very encouraged by what Dr. Cox said in his report: "I regard his prognosis for remaining stable as better than at any time in the past two years". 5. Now arson is a serious offence and it normally merits a sentence of longer than 12 months' imprisonment. We take full account of the procedural difficulties which have bedevilled this case; in particular the fact that the prosecution stuck rigidly to a charge of grave and criminal assault, even against all the arguments of your counsel, but then shortly afterwards committed a volte face and agreed that it was indeed only a case of common assault. 6. We have read your letter carefully, and we note the suggestion of a probation order, but the reports suggest that that is not really what you need. The Probation Service is willing to offer you voluntary help so they will be there to assist you. Of course, the main help you need is from the Psychiatric Services and they will also be there to help you. 7. We think the right sentence in this case is a sentence of 10 months' imprisonment. You have already served 9½ months; so therefore it means you have another ten days or so to serve. We want to explain to you why we have settled on that period. We think that it will be useful for there to be a further week or ten days for the Probation Service to try and make sure that everything is arranged before your release - in particular they may be able to help you with possible employment - and that the Psychiatric Services are prepared, and your fiancée is prepared, so that everyone is well placed on your release. We think that is preferable to releasing you today, but we are persuaded that in the unusual circumstances of this case, we must grasp the nettle now and ensure your release promptly so that you will be home for Christmas. You must realise the responsibility you are taking on. You must take your medicine. 8. There will be times probably when you will think that you are better and that you do not need your medicine. That would be an error, because, if you do not take your medicine, you will get

into trouble again; you will be back before the Courts; and you will be back in La Moye. You must continue to take your medicine. You will have the support of your fiancée, the Probation Service, and the Psychiatric Services; so you look to them for help and assistance if you are tempted not to continue taking your medication. We hope that this is indeed a turning point and that we will not see you before us again. 9. The sentence, therefore - I must tell you formally - is as follows: Count 1: we will not impose a fine, simply 1 week's imprisonment; count 2: 2 weeks' imprisonment; count 3: 2 months' imprisonment; count 4: 1 week's imprisonment; count 5: 2 weeks' imprisonment; count 6: 2 months' imprisonment; count 7: 2 weeks' imprisonment; count 8: 10 months' imprisonment; count 9: 10 months' imprisonment; count 10: 10 months' imprisonment; count 11: 10 months' imprisonment and count 12: 2 months' imprisonment; all of those to be concurrent, making a total of 10 months, and we discharge the binding over order. Authorities C. S. P.: March, 2001: p.23901. Blackstone's Criminal Practice, 2001: pp.454-5. Hales -v- AG (1999) 2 Cr. App R (S) 113. A. G. -v- Aubin (18 th January 2002) Jersey Unreported: [2002/18]. A. G. -v- Hervé (6 th December, 1991) Jersey Unreported. Page Last Updated: 20 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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