

JERSEY / JUDGMENT

AG v Carter [2022] JRC 289 (19 December 2022)

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for three counts arising out the same incident. The first is a common assault on PC Alicia Parker, the second a grave and criminal assault by biting a member of the public who went to aid her, and the third is resisting arrest. 2. We do not need to set out the facts in full detail as these have been fully referred to by the Crown. The incidents took place late on the evening of the 31 st August this year. You had been drinking and PC Parker noted that you were purposefully approaching an individual outside the entrance of the General Hospital. The police officer, when approaching you and the other individual who was your then partner who was there with parents, noted that you were angry and it appeared to the officer that you could barely control yourself, tensing up and holding your fist tightly and clenching your jaw. The officer ordered you to leave which you ignored, and you were warned that you would be arrested. As the officer turned away to contact the police control room you struck the back of her head and the officer then turned and placed you under arrest. We have reviewed the CCTV which shows that you struggled with the officer and spun her to the ground, landing on top of her. She then pressed the emergency assistance button. 3. The member of the public came to help, and you struggled and fought with him, biting him on the right side of his neck. Officers who attended shortly afterwards noted that you were constantly screaming, swearing and being abusive both towards the police and other members of the public. You were to all intense and purposes out of control. 4. We have noted the injuries sustained by the member of the public and indeed sustained by the police offer and we note that during the course of your interviews and indeed otherwise until very recently you do not appear to have offered any expressions of remorse. 5. As you are under the age of 21 at the time of your offending and on the date of conviction you benefit from the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 2014 . In brief that law states that a court will not pass a sentence of youth detention unless it considers that no other method of dealing with the person is appropriate, because it appears to the court that either the person has a history of failure to respond to non-custodial penalties or is unable or unwilling to respond to them, or, only a custodial sentence would be adequate to protect the public from serious harm from the person or, thirdly, the offence or the totality of the offending is otherwise so serious that a non-custodial sentence cannot be justified. 6. You do not have any previous convictions for similar offences or indeed at all. Nor do you have

a history of non-compliance with court or community service orders. Accordingly, we agreed with the Crown that the correct consideration for the court is deciding whether the offending is so serious that a non-custodial sentence cannot be justified. You will know that the court takes a very serious view indeed of offences involving biting and we repeat the statement of the court set out in the AG v Housley

[2014] JRC 084 where the court said "the Court has said on more than one occasion that assaults involving biting are treated very seriously and the reason is that it is impossible to predict the gravity of the injuries." 7. The Crown has quite rightly directed us to the factors set out in the case of Harrison v AG

[2004] JLR 111 and we largely agree with the Crown's submissions in that regard and indeed you have through your counsel accepted that the Crown's characterisation of the facts is true. We have noted the example cases put before us by the Crown. We also have noted the contents of the Social Enquiry Report and the Addendum Report, and the Psychological Report and we have taken these fully into account. You are assessed at being at a high risk of reoffending and it is clear that initially in interview you did not appear to empathise with your victims, preferring to assert your own rights and complaining that the police officer was not listening to you. 8. On the other hand we note that you have pleaded guilty, and you are entitled to full credit for those guilty pleas. We also note the contents of your letter of remorse, with the apology contained in it, and we are prepared to take that at face value and as genuine. We also note your references and we have considered the other mitigation available to you advanced by your counsel in submissions before us. 9. Having considered all of the matters in round we conclude that the offending in this case is not of such seriousness that a non-custodial sentence must be imposed, and we are prepared to proceed on the basis of a non-custodial sentence. In the circumstances you are sentenced as follows: (i) Count 1, 100 hours' Community Service, which is the equivalent of 4 months' youth detention and a 12 month Probation Order; (ii) Count 2, 180 hours' Community Service, the equivalent of 12 months youth detention and a 12 month Probation Order; (iii) Count 3, 70 hours' Community Service which is the equivalent of a 2 month youth detention, and a 12 month Probation Order; Counts 1 and 3 to run concurrently with Count 2 making a total of 180 hours' Community Service, equivalent 12 months youth detention coupled with a 12 months' Probation Order. 10. You will understand that a Probation Order means that you must follow the requirements and directions of the Probation Officers and that will mean that you will undergo whatever assistance they think is necessary for you. 11. We would also like to say that we would wish to commend the member of the public for his public-spirited actions in involving himself and protecting the police officer. He put himself at risk and he is to be commended for doing so. It appears to us the police officer acted in the most reasonable way and gave you many opportunities not to engage and she dealt with you with a high measure of patience and professionalism. 12. The Court has given you this chance, you are described as being at high risk of reoffending and it is down to you and only you to make this work. If you do not obey the Probation Officers, if you otherwise breach your Probation Order, if you

otherwise fail to complete your community service, you will come back here and you will be dealt with and you will have squandered the chance that we have given you. We have every hope that what we have been told through your counsel about your desire to turn your life around, to start afresh is to be taken at face value and we have given you the benefit of the doubt. So please do not be back here again. 13. We were asked to consider a compensation order. In our view the amount of time that realistically we would have to give in order for the compensation order to be discharged makes it unrealistic for us to impose a compensation order at this point. That is not to say that the member of public, to the extent he is able, cannot apply in the appropriate way for compensation but we are not making an order at this point. Authorities Criminal Justice (Young Offenders) (Jersey) Law 2014. AG v Housley [2014]JRC084. Harrison v AG

[2004] JLR 111 . AG v Afonso

[2013] JRC 190 AG v Housley

[2014] JRC 084 AG v Cox

[2014] JRC 115 AG v de C

[2004] JRC 071 AG v Bisson (23.08.02) unreported [2002/157] AG v Jones

[2003] JRC 015 AG v Buesnel

[2020] JRC 233 AG v Cameron

[2008] JRC 182 Y v AG

[2021] JRC 143 AG v J

[2022] JRC 153 Crime (Disorderly Conduct and Harassment (Jersey) Law 2008 Whelan - Aspects of Sentencing in the Superior Courts of Jersey Magistrates Court Sentencing Guidelines Page Last Updated: 27 Jan 2023 Back to top About JLIB Accessibility Contacts Disclaimer Feedback Privacy policy Site map © Jersey Legal Information Board 2001- This website is not compatible with your web browser. You should install a newer browser . If you live in Jersey and need help upgrading call the States of Jersey web team on 440099. BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 27 October 2026 · Esheria