

JERSEY / JUDGMENT

AG -v- Corbel [2010] JRC 151B (19 August 2010)

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JUDGMENT

THE BAILIFF: 1. The most serious of the three offences for which you are to be sentenced is the arson. We accept that you set fire to the bedding in your flat on the spur of the moment intending only to harm yourself, but it was a reckless thing to do because, as is so often the case, the fire spread and it could so easily have spread further and have caused injury to others. That is why arson is always treated as a serious offence. The second most serious offence is the grave and criminal assault when you threw the charity box at a member of the staff in MacDonald's who had quite reasonably refused to serve you, given previous difficulties, and the ashtray hit her on the shoulder. You then created a general disturbance and no doubt the incident would have been frightening for customers who may well have included children at the time. We do agree that the grave and criminal assault is towards the lower end of the scale as your Advocate has submitted and fortunately no-one was injured. 2. You have got a poor record but you have no convictions since 1997, so that is some 13 years. This appears to have coincided with the period that you resided in the Old Mill Support Group home where you also received treatment from the Mental Health Services. Unfortunately in 2009 you made the decision to move out and it is clear from the reports that you found this increasingly difficult. Combined with relationship difficulties and the consumption of alcohol, you were clearly at high risk of beginning to re-offend and that is exactly what has occurred. But it is also clear that you were trying to tell the Mental Health Services that you felt that your life was unravelling and that your mental health was deteriorating and, as we have already said, the arson was a cry for help. 3. We do take into account in mitigation the guilty plea, which was made early, and we give you a full discount for that; we also take into account the long gap in your offending; we take into account your mental health difficulties as set out in Dr Harrison's report and we note the contents of the reports generally, including the fact that you are very remorseful for what you did. In relation to the arson we do also take into account in mitigation that you called the fire brigade yourself, fairly shortly after you had started the fire and you did advise them that there were probably others inside so that they responded with commendable speed and urgency. As we have said the offence of arson is a serious one and it almost invariably attracts a prison sentence. 4. As you can tell by the time we have been in retirement we have not found this an easy case. Given the mental health background we would, if accommodation which could meet your mental health requirements had been available, have

passed a non-custodial sentence on the ground that the interest of society would best be served by trying to get you back into the state that you were for the last 13 years when you did not re-offend, in other words back in suitable accommodation with suitable mental health treatment. But we are advised that such accommodation is simply not available at present. In the circumstances we are left with no alternative but to pass a prison sentence. Nevertheless, taking into account the mental health background and all the mitigation that we have described, we think we can reduce the conclusions; we think that the arson is less serious than some of those referred to in the cases which have been cited. In addition, as we say, we think there is exceptional mitigation because of the background to this particular case. 5. The sentence of the Court is as follows: on Count 1; £100 or 1 week's imprisonment, on Count 2; 9 months' imprisonment, on Count 3; 2½ years' imprisonment. Normally the grave and criminal assault sentence would undoubtedly be consecutive to the arson because they occurred on completely separately occasions but given the background we think exceptionally we can make them concurrent, therefore the sentence is one of 2½ years in total. 6. What we would like to add is this; we urge the Mental Health Service to continue the defendant's treatment in prison and we are sure this will occur because it has been referred to in the reports, but what we also would expect to happen in this case is that planning should start now for the defendant's eventual release. What is quite clear is that, if he is not to re-offend, he must be found the appropriate accommodation and appropriate treatment which meets his needs; that needs to be planned and his release date will be known exactly; so planning should start now so as to ensure that, when he comes out of prison, he can move into the right sort of accommodation which will protect society from re-offending. Authorities *Coutanche v AG* 1989/032. *AG v Fortun* 2002/205. *Harrison v AG*

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