

JERSEY / JUDGMENT

AG v da Silva and da Silva

[2001] JRC 60 (09 March 2001)

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JUDGMENT

THE BAILIFF: 1. This was a ridiculously violent exchange which escalated with great speed. The violence was started by Rui da Silva who was inflamed by alcohol and who caused a serious injury to Paulo da Silva. Paulo da Silva's retaliation however was out of proportion to that injury. 2. Taking Paulo da Silva first. We accept that the Crown Advocate's starting point of 4 years is correct but we think that insufficient allowance has been made for the very serious provocation he suffered. He should not have been in the garage but at the relevant time he was asleep and causing harm to no one. He then suffered a blow which nearly removed his ear. His retaliation, although not excusable, was perhaps not surprising. We think that the appropriate penalty is one of 12 months' imprisonment. Paulo da Silva you are therefore sentenced as follows: count 1, 2 weeks' imprisonment; count 2, 12 months' imprisonment, consecutive; count 3, 2 weeks' imprisonment, consecutive, making a total of 12 months' and 4 weeks imprisonment. 3. Rui da Silva, you behaved stupidly and aggressively and ordinarily the Court would send a person committing this type of offence to prison. We accept, however, that this was out of character, that you have good record and that your employer speaks very highly of you. We must impose punishment on you but we feel able to substitute an order for community service which is the equivalent of 12 months' imprisonment. We therefore place you on probation for 12 months, subject to your performing satisfactorily 180 hours of community service. Authorities A. G. -v- da Silva (21 st November,

1997) Jersey Unreported. A. G. -v- da Silva (4 th December,

1997) Jersey Unreported. Mallett -v- A. G . (14 th July, 2000) Jersey Unreported CofA . A. G. -v- da Silva (4 th January, 2001) Jersey Unreported . Page Last Updated: 20 Jun 2016 BAILII:
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