

JERSEY / JUDGMENT

AG -v- Geddes [2011] JRC 097 (13 May 2011)

[2011] JRC 097

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced on an Indictment which contains two counts, one of grave and criminal assault and the other of malicious damage. The grave and criminal assault charge arises out of an incident at night when you and one of your friends chased the victim from one street to another, set upon him and kicked and punched him while he was on the ground. This was a very serious assault. The Court has said many times that it will deal severely with offences of violence committed on the streets of St Helier, especially when committed at night, which is even more frightening for the victim because there are fewer people on hand to help him; and this was a nasty and a cowardly offence because there were two of you ganging up on one person who tried to get away. 2. There was no provocation as far as the Court can tell on the part of the victim, certainly none that has been identified and there really is no excuse for your behaviour that evening. The offence calls for a severe sentence. 3. In fact we are going to avoid a custodial sentence in your case. Some people who do not know better think that a sentence of community service is some form of let off or a soft sentence. This Court knows that it is not. A sentence of community service deprives offenders of their liberty in their leisure time, but it enables them to work constructively during the working week so that they are not a burden on the public purse. The work that is done benefits charities, community centres, hostels and the elderly in particular, but it is worth emphasising that an Order for community service is a deprivation of liberty during the time that the service is performed. 4. The Court has taken into account the fact that you have served some five months or so on remand between November last year and 25 th March when you were granted conditional bail and notes that that has been a short shock to you. That is very much taken into account as one of the reasons why the Court feels able to avoid a long custodial sentence. We have also taken very much into account your youth and the remorse which is well expressed by your counsel and particularly the fact that you have used your time sensibly since being granted bail and have been offered a job. Indeed, we note the support of your family, and your mother being present in Court today. 5. I want to warn you that if you breach the Order which we are about to impose you will be brought back to this Court and it is the very strong recommendation of this Court that the alternative sentence in custody should then be imposed. 6. Having regard to those factors we sentence you on Count 3 to 240 hours' community service, the alternative would have been a sentence of 18 months' imprisonment and in addition you are put on probation for 18 months. In relation to Count 4 you will be fined £200 or 4 days' imprisonment in default of payment, and we will give you one month in which the pay

the fine. Authorities Magistrate's Court Guidelines. Whelan's Aspects on Sentencing in the Superior Court of Jersey. Harrison-v-AG

[2004] JLR 111 . AG-v-Hilario

[2010] JRC 039 . AG-v- Wakeling and O'Driscoll

[1990] JLR N20c. Page Last Updated: 18 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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