

JERSEY / JUDGMENT

AG v Gora [2024] JRC 033 (09 February 2024)

[2024] JRC 033

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JUDGMENT

THE Deputy BAILIFF: 1. Lucian-Mihai Gora, you are 39 years old and have previous convictions recorded against you in your native Romania, and in Spain and in Jersey. In relation to your previous conviction in Jersey we note that that arose out of circumstances that took place on 7 August 2022 when police were called to help an ambulance dealing with you and to the paramedic who was a woman. You threatened to punch her and called her a "fucking bitch". Then you were seen at the Robin Hood Takeaway. You punched the glass with force and spat on the glass, and when you were arrested by the police you were abusive. You called the officer a "fucking bitch" and then spat in her face when you were taken to the police station. 2. Let us move onto the offences that have led you to appear in front of us today. On 21 October last year, you entered a bar in St Helier. You were recognised by the bar staff as someone who had caused problems in the past and the doorman, Mr Raffray, told the staff not to serve you and asked you to leave. You became aggressive. You called Mr Raffray "scum". The owner of the premises, Ms Shrive, intervened. You swore at her. You spat at her in her face and you called her a "bitch". You were thrown out of the premises and outside you spat at Mr Raffray on his head and were verbally abusive to him. 3. A few minutes later you were walking up La Colomberie towards Howard Davis Park. A group of four teenagers including a 15 year old girl were walking in the other direction. You made offensive and sexually suggestive remarks to the 15 year old girl. Owing to your behaviour, one of the girls slapped you twice in the face and three of the four teenagers including the girl who had slapped you ran off leaving the 15 year old alone. Your response was to assault her. You hit her in the head three or four times with your jacket which had a solid object within it. She hit you back and you hit her again causing her to fall to the ground. There you kicked her, she thought in the stomach once or twice, and she was now apparently barely conscious. 4. A member of the public saw more of what happened. He saw you throw a glass bottle towards the 15 year old girl, which did not hit her, before the assault. He describes you as kicking your victim on the ground, to her face and body five or six times with the force of someone kicking a football. The member of the public said that your victim was screaming and not reacting to you as she lay on the floor curled up. The member of the public told you to stop and you ran off. Your victim was helped off the ground and had a visible injury to her forehead which was bleeding. 5. Shortly thereafter you were arrested just opposite the

entrance to Howard Davis Park. You were abusive to the police officer and spat at him too - on his neck. On each occasion that you spat at these three persons to which we have referred you made contact with their skin. 6. You were arrested and taken into police custody. When you were interviewed, you said you had drunk a lot of alcohol on the day in question and you denied assaulting the 15 year old girl. 7. That girl, the victim of your assault suffered a large bruise to her forehead, a laceration to her forehead which had bled and needed to be treated, and bruising to the back of her head. The doctor said the head injury was likely to have caused concussion for 2-3 weeks and the victim was shocked and distressed by your behaviour. 8. You entered guilty pleas before the Magistrate on your first appearance the following day and you will receive full credit for those pleas. 9. We have had regard to the Pre-Sentence Report and your antecedents. You are at high risk of reconviction and high risk of harm to the public. You have a serious problem with alcohol. You take little responsibility for what you did and indeed your reaction to these remarks has confirmed that you still fail to accept some of what you did. You have, as your 15 year old victim discovered, an "indiscriminate propensity for violence". 10. The common assaults - the offences involving spitting - were disgusting offences, committed against people who were simply doing their jobs, working in St Helier at night. Police officers, doormen and those who work at night in town are entitled to the protection of the court. Each of these three assaults were accompanied by extreme and unpleasant verbal abuse and one of your victims who has made a statement to the police made the following remarks. She spoke about being spat at by you directly in her face and she says said this: "It is an extremely degrading thing to do to someone and it causes panic and worry, as I do not know anything about this male, what or any health conditions he may or could have and being spat at with it contacting you has potential to cause harm." And she speaks about the effect it had on her on a day which was in fact her wedding anniversary. 11. The Crown has asked for the Court to impose a consecutive sentence on Count 4, the offence of spitting at a police officer, consecutive to the sentence imposed for the assault committed on the 15 year old girl. We agree with this approach and but for principles of totality we would have imposed consecutive sentences for the offences of spitting at Counts 1 and 2.. 12. As to the assault on the 15 year old girl, this was a gratuitous assault committed in drink upon a child who was a total stranger to you, culminating in you kicking her on the ground. Violence in these circumstances will always be met by a significant custodial sentence. 13. We have no hesitation in the circumstances in granting the Crown's conclusions. Accordingly the sentences we impose are in accordance with those conclusions, namely on Count 1, 6 months' imprisonment; Count 2, 6 months' imprisonment, concurrent; Count 3, 2 years and 6 months' imprisonment, concurrent; Count 4, 6 months' imprisonment, consecutive making a total of 3 years' imprisonment. 14. As to deportation, having regard to the offences you committed in 2022, these offences and the contents of the Pre-Sentence Report, we are in no doubt that your continued presence in the Island is detrimental to the people of Jersey. As for the second stage of the test, you have been in Jersey since the summer of 2021. You came here to work although you are currently unemployed. You have no partner or children in the Island and there are no circumstances in our judgment outweighing the prima facie position that you should be deported at the end of your sentence and there are no or insufficient Article 8 rights of persons connected to you which are engaged which would displace the balance which, in our judgment, falls clearly in favour of deportation. The

Court unhesitatingly makes a recommendation for your deportation at the end of your sentence. 15. In the unlikely event of you remaining in the Island at the end of your sentence, and in any event, we make an exclusion order for the period of 18 months excluding you from all licensed premises apart from the cinema, the airport and the ferry terminal. Authorities Harrison v AG

[2004] JLR 111 AG v Capuano

[2013] JRC 084 Uddin v AG

[2020] JRC 221 Camacho v AG

[2007] JLR 462 Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 1998. Page Last Updated: 06 Mar 2024 Back to top About JLIB Accessibility Contacts Copyright Disclaimer Feedback Privacy policy Site map 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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