

JERSEY / JUDGMENT

AG v Harvey and McLoughlin

[2002] JRC 95 (10 May 2002)

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JUDGMENT

THE BAILIFF: 1. The Court wishes to state at the outset that violence of this kind on the streets of St Helier is completely unacceptable and will not be tolerated by the Court. This incident took place at about 8.20 p.m. on a main street in the centre of the town, at a time when families with children might well be expected to be present. It was no doubt fuelled by the alcohol that the accused had drunk during the day and that is another aggravating factor. We have had the opportunity of viewing the incident on the video tape on which it was recorded. It is clear that the second part of the attack on the doorman in which both the accused were involved was completely unprovoked. Furthermore, it followed more than 4 minutes after the first incident and the ejection of the accused from the public house, during which there was some opportunity for tempers to cool. 2. There is of course mitigation available to both accused. So far as Harvey is concerned he has no previous convictions for violence and he pleaded guilty at an early stage to the offence. We accept that he has shown remorse and that he has shown a wider responsibility to the community by offering to share his skills as a footballer with children under the auspices of the Jersey Child Care Trust. 3. So far as McLoughlin is concerned, he is not a first offender in terms of violence, but nonetheless he has pleaded guilty to the indictment. He is younger than his co-accused, and we have regard to the terms of Article 4 of The Criminal Justice Young Offenders (Jersey) Law, which prevents the Court from imposing a sentence of youth detention other than in certain circumstances. We have reached the conclusion, however, that no other method of dealing with McLoughlin is appropriate in this case, because the offence is so serious that a non-custodial sentence cannot be justified. 4. We had initially been considering increasing the conclusions of the Crown, but having regard to the mitigation outlined very ably by counsel for the defence, we think that the conclusions are in fact correct. We cannot avoid imposing custodial sentences in order to send out a clear message that unprovoked attacks of this kind in a public place will be punished by the deprivation of liberty. 5. Harvey you are accordingly sentenced to 15 months' imprisonment. McLoughlin you are sentenced to 12 months' youth detention, and I have to tell you that on your release from youth detention you will be liable to supervision by a Probation Officer or other official in accordance with the Young Offenders Law. Authorities A. G.-v- Mallett (24 th May, 2000) Jersey Unreported [2000/87]. A. G.-v-de Freitas (20 th April, 2001) Jersey Unreported [2001/86B]. A. G.-v- Porteous (15 th June, 2001) Jersey Unreported

[2001/138]. A. G.-v- Bonhomme (16 th July, 2001) Jersey Unreported [2001/146]. A. G.-v-Blackley (23June, 2000) Jersey Unreported [2000/114]. Page Last Updated: 21 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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