

JERSEY / JUDGMENT

AG v Hepburn [2024]

JRC 059 (08 March 2024)

[2024] JRC 059

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JUDGMENT

THE COMMISSIONER: 1. Over a four-week period, in the autumn of 2023, the Defendant subjected the Victim to persistent, abusive and controlling behaviour leaving her scared in her own home. The Defendant's obsession with the prospect of the Victim seeing another man resulted in him turning up at the Victim's home unannounced, shouting at her from outside her home and entering the address whilst she was not there to rifle through her possessions. He took her work phone, read her diary and accessed her work laptop without her permission. 2. I should at this point remind members of the press that the Victim is not to be identified in any reports. 3. His behaviour consumed her life and, since his remand in prison, she has described how life has been quiet and calm. People are entitled to regard their home as a place of safety and, Hepburn, you violated the Victim's entitlement to a safe place, not only for her but also for other members of her family. 4. We have decided that we can deal with this matter by way of a non-custodial penalty, but we regard it as necessary to include an element of punishment in addition to the period that the Defendant has already spent on remand in custody and therefore, we are going to include an element of community service. Had the Court been passing a custodial sentence, we would have been looking at a sentence of imprisonment in the region of some 12 months. However, taking into account the time that the Defendant has spent in custody, we consider that a Community Service Order of 110 hours, the equivalent to 5 months imprisonment, would be an appropriate sanction. 5. We are going to make a Probation Order of 18 months with a Community Service Order of 110 hours, coupled with a Treatment Order. The Treatment Order will require the Defendant to attend all appointments with Probation and Alcohol and Drug Service, to undergo random drug testing and, should the Alcohol & Drug Service prescribe medication, then the Defendant is to take the medication as prescribed. As part of the Probation Order, we are ordering that Mr Hepburn participate in the Jersey Domestic Abuse Programme, the Emotional Coping Skills programme, the Relapse Prevention Programme, and we order that the Defendant will be subject to the notification requirements of the Domestic Abuse (Jersey) Law 2022 until 8 March 2029, a period of 5 years. 6. We have been assisted by the Probation Service and we have been impressed with the efforts that they have gone to to assist the Defendant. We have also noted that the Victim in this case has been reconciled with the Defendant and has been very supportive of him and it is perhaps that unusual feature that has led us to deal with this matter in

the way that we have. 7. We also recognise that the Defendant had made efforts to deal with his mental health issues shortly before the offence was committed and, as the Probation Service report notes, he has engaged and does seem willing to address the issues that led to the commission of the offence. 8. The drug taking cannot ever be an excuse for the Defendant's behaviour, but it does provide some explanation and we are pleased to note that this is recognised by the Defendant and that he is making efforts to address the issues that he has. He is perhaps fortunate that the Probation Service and other services have made themselves available to provide the necessary programmes and we very much hope that the Defendant will avail himself of that assistance with a view to continuing a more normal relationship with the Victim and her family. 9. We are therefore placing you on probation for a period of 18 months, with a requirement to carry out 110 hours of Community Service and we are coupling that with a Treatment Order in the terms that I have described and the other conditions again that I have set out. 10. It is very much up to you what you now do with your life. We have been heartened to hear that you are willing to address the problems that you have. You are fortunate that you have a supportive partner, and I think that has made a significant difference but you should be under no illusions that, should we find you back in this Court for similar behaviour, you will certainly be dealt with severely. Authorities Domestic Abuse (Jersey) Law 2022 AG v Goncalves

[2022] JRC 097 . Coehlo v AG

[2020] JRC 216 . AG v De Freitas and Hepburn

[2015] JRC 191A . R v Khellaf [2016] EWCA Crim 1297. R v Herrington

[2017] EWCA Crim 889 . Page Last Updated: 04 Jun 2024 Back to top About JLIB Accessibility
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