

JERSEY / JUDGMENT

AG -v- King [2013] JRC 241 (29 November 2013)

[2013] JRC 241

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are indicted with nine counts in all comprising five of malicious damage, one of breaking and entering and damage, one of urinating in a public place, a grave and criminal assault and, finally, possession of a personal amount of cannabis. The offending took place for the most part on 13 th July, and over the period 22 nd

- 23 rd of July. The malicious damage charges reflected mindless damage, inflicted with a stick or bar of some sort, on cars in a public road, in one case involving loss in excess of £1,000, and then discharging a fire extinguisher in a residential hostel into which you had broken. In the course of those offences a residential child care officer on the premises was extremely frightened and scared. The grave and criminal assault was committed some two weeks later when you seriously assaulted your partner. The relationship was already in a difficult state and she was on the point of moving out, it appears, of accommodation which you shared together. During the course of the assault you gesticulated with a large kitchen knife which frightened her considerably, so much so that even though you may not have intended to threaten her with it, she thought that it might be "the end". You grabbed her hair, banged her head against the door and punched her in the face about two or three times; you put her in a head lock when she tried to flee the building, as a result of which you both fell to the floor. You were under the influence of alcohol when committing all these offences, which is an aggravating factor, as was your abusive reaction to police officers doing their duty. 2. The offending is serious. The grave and criminal assault is a most serious offence and the Court wishes to make it absolutely clear that domestic violence is completely unacceptable and will usually result in a custodial sentence, in some cases, a significant one. In this case this is your second conviction for an offence of domestic violence. A custodial sentence is inevitable. During and after your sentence we suggest that you take advantage of all the help you are offered to keep yourself under control. The breaking and entering is also serious. We cannot accept the statement that it was just chance that you broke into this particular hostel when it is clear from the summary that you saw the residential child care officer, though you did not know she was a residential child care officer, was on the telephone. 3. We take into account your guilty plea, although in the case of the 13 th July incident it was probably inevitable you would face a conviction. We take into account that there may have been some

provocation before the assault but there was nothing to explain or justify your conduct. We have read the references which have been provided by your family and obviously have taken those into account. 4. In the circumstances we think the Crown's conclusions were entirely correct. The offence of breaking and entering and the malicious damage in the residential hostel was one which, frankly, called for a longer sentence than the 18 months which has been moved for but it is right to reduce that on grounds of totality. In the circumstances the conclusions are granted, and you are sentenced to a total of 3½ years imprisonment, broken down in respect of each count as concluded by the Crown. 5. We also order the destruction of the drugs. 6. The consumption of alcohol was, as we have indicated, a contributory factor and also an aggravating factor in relation to the offences and therefore we make an Exclusion Order. You are, for a period of 12 months taking effect from the day of your release, excluded from 1st, 3rd, 4th, 5th and 7th category licensed premises, other than the Multiplex Cinema, Jersey Arts Centre, Jersey Airport, the ferry terminal at Elizabeth Harbour and the Opera House. Authorities Harrison-v-AG

[2004] JLR 111 . AG-v-da Silva

[2011] JRC 113 . AG-v- Barwise

[2009] JRC 182 . Whelan on Aspects of Sentencing in the Superior Courts of Jersey. AG-v-da Silva

[1997] JLR N 14a AG-v-da Silva 1997/218. Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 1998. Page Last Updated: 16 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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