JERSEY / JUDGMENT

AG v King [2023] JRC 219 (15 November 2023)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Stephen King, you are 46 years old and fall to be sentenced for an offence of grave and criminal assault committed on your erstwhile friend, (the victim), and an offence of malicious damage. You pleaded guilty to the second count at the first opportunity and the more serious matter, on 14 July, when you were indicted. This was not a plea entered at the first opportunity. Nonetheless, you will receive significant, although not full, credit for your guilty plea. 2. You have a bad criminal record, including receiving a 3½ year sentence in this Court in 2013 for offences of breaking and entering, and a 5 year sentence in 2008 for importation of heroin. 3. Earlier this year, you were sentenced to prison for six months for a driving offence. You were released on 5 May 2023 and the victim, to whom we have already referred, kindly arranged for you to live and work at a campsite as a kitchen porter, a campsite where he worked as head chef. During your second shift at the campsite on 6 May 2023, the day after your release from prison, you drank alcohol, ignoring the victim's advice that you should not do so whilst working. You also took cocaine. That night, whilst in the victim's flat as his guest, you became aggressive whilst drunk. The victim asked you to leave his home and contacted his partner - asking her to call the police. Whilst he was trying to remove you from the flat, you punched him several times in the face in his sitting room and in response he punched you. The victim tried to restrain you at which point you bit him on the arm so as to draw blood and cause injury. The victim's partner arrived at the flat and tried to help him to restrain you and the victim pushed you towards the front door. You responded by taking a large, sharp kitchen knife with a 6 inch blade from the kitchen sink area, raised it above your head and lunged towards the victim. Not only was his partner present by this time, but her children were too

- aged 3 years 11 weeks. The victim thought he could die as you might stab him. 4. You threw the knife across the room and during the victim's partner's call to the police, you can be heard shouting " I'm gonna fucking cut you up mate ". 5. The victim repeats in his statement for the Court today that he felt there was a real threat of you killing him owing to your presentation that evening. 6. When the police arrived, they could see blood on the victim's arm and observed that he was in distress. You were arrested and whilst in police custody at the police headquarters you smeared blood from an existing cut to your thumb on the walls of your cell. 7. In interview, you accepted that you had drunk heavily during the day and

were on medication that you knew should not be mixed with alcohol. You said that you had threated to " slash up " your victim. You claimed not to remember the incident but said that you had been assaulted first and you denied touching any knives at any point. The account that you gave was in many respects a false one. 8. This was a serious assault on any view. You bit a man in his own home and then subsequently, in the presence of his partner and young children, you threatened to cut him and slash him; you brandished a knife; you lunged towards him with it to the extent that he thought you might try kill him. The assault has had a real and lasting impact on the victim. We have read his statement which speaks of anxiety, nightmares and a fear that owing to your introduction to the campsite that he might lose his job. 9. We have taken into account the letter you have written to the Court and we accept that you regret involving yourself as you did in this offence. You are assessed as being at very high risk of reconviction, as this case demonstrates as you offended very shortly after release from custody. 10. The victim asks the Court to make a restraining order and we do, in the terms suggested by the Crown, and for a period of 5 years. 11. The Crown referred to a number of previous Jersey cases of grave and criminal assault featuring knives, but the Defence drew the key case to our attention namely the decision of the Superior Number sitting as a Court of Appeal in the case of Coelho v AG

[2020] JRC 216 . This is a significant authority and we are grateful to Defence counsel for reminding us of the facts of that case which were in some respects similar to the facts of this case. However, we do bear in mind and repeat what was said by the Superior Number in the case of Coelho at paragraph 14 where the Court said (when considering previous cases referred to in the lower court and on appeal in that case):- "Each case involved an offender of different age with different antecedents carrying out different acts constituting the offence of grave and criminal assault, with different aggravating and mitigating features." We endorse what the Court said in Coelho at paragraph 15 to " agree with the approach of the Inferior Number [in that case], which was to extract the relevant principles to be drawn from those cases, without considering [or indeed in that case mentioning] the sentences imposed in any of them." 12. The focus of this Court, as your counsel said on your behalf, has to be the principle aggravating feature of this offence, which is the use of the knife in the way that we have described. Accordingly the offence with which we are concerned at Count 1 is so serious that only a custodial sentence can be justified. Both counsel are agreed that the correct sentence is one of 2 years' imprisonment and that is the sentence of the Court. 13. On Count 2, we have accepted the submissions made by your advocate and impose a sentence of 1 month consecutive making a total of 2 years and 1 month imprisonment. 14. We are encouraged by the fact that you have chosen to engage with the substance misuse therapist at La Moye, and that you have demonstrated that you can be trusted in custody by reference to what you have done so far as a prisoner. We trust and hope that you will make the best use of your time at La Moye. Authorities Coelho v AG

[2020] JRC 216 . Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 Criminal Procedure (Jersey) Law 2018 Harrison v AG

[2004] JLR 111 AG v King

[2008] JRC 125 AG v Horn

[2010] JRC 104 AG v Lockhart

[2011] JRC 025 AG v Mawer

[2013] JRC 116 AG v Afonso

[2013] JRC 190 AG v Housley

[2014] JRC 084 AG v Evans

[2014] JRC 010 AG v Coelho

[2020] JRC 140 AG v Keeble and Stearn

[2020] JRC 172 AG v Buesnel

[2020] JRC 233 AG v Passman

[2021] JRC 204 AG v Goncalves

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