

JERSEY / JUDGMENT

AG -v- Laffoley [2014] JRC 053 (28 February 2014)

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JUDGMENT

THE DEPUTY BAILIFF: 1. In June 2012 you were brought before this Court charge with an assault and a grave and criminal assault. You were then aged 17. The grave and criminal assault was a particularly nasty assault and you were given a substantial period of community service to perform and given warnings that you must perform it and you should stay out of trouble or you would be in danger of being sentenced again. 2. In November last year you were brought back before the Court on breach proceedings because you had not performed the community service as you had been directed. When you came back the Bailiff said this to you:- "please understand you have been fortunate; please understand that if you come back on a similar representation because you have failed to turn up then, even though you will have done the bulk of it, the Court will really be left with no alternative but to send you inside and that would be tragic because it would probably interfere with your work, with your apprenticeship; you would lose everything you have gained. So, if you wake up on a Saturday morning and part of you says "I'm a bit tired I'm not sure I can make it" just think what the consequences will be." 3. Within 48 hours of being back in this Court and the Bailiff saying that to you, you were committing an offence of being drunk and disorderly, and it is clear from all the papers we have seen that alcohol is a serious problem with you, particularly because of the binge drinking which you do not seem to realise not only leaves you exposed to behaving badly and committing offences of this kind, but actually does serious damage to your body. 4. I can tell you that in the light of the Bailiff's warning the Court has been really concerned about what we should do with the offences which are now before us, the Count on the Indictment and, by virtue of the Criminal Justice (Community Service Orders)(Jersey) Law 2001 the original offence of grave and criminal assault. The Court is divided. The Jurats are divided about what should be done. One Jurat thinks that you should be given a period of youth detention to mark the fact that the Court's warnings are not to be disregarded. The other Jurat feels that, in the circumstances of this case, you should be given one last chance. It is a very fine line indeed and you must realise that. The orders of this Court are not to be flouted. With some hesitation I am going to side with the Jurat who considers that you should not be given youth detention but should be given another chance. 5. In the circumstances the Court orders that you be placed on 1 years' probation in relation to the Count of being drunk and disorderly, and that you should, in relation to the breach proceedings, continue to complete the

30 hours' community service which is outstanding; but in addition we are going to impose an exclusion order under the Licensed Premises (Exclusion of Certain Persons)(Jersey) Law 1998 . We think we certainly have jurisdiction to do that because you fall to be sentenced again for the grave and criminal assault. It is certainly arguable that we also had jurisdiction to do it in relation to the violence connected with being disorderly. At any rate we are going to impose an exclusion order for 12 months to run from today's date. Essentially that means that you are not to enter any licensed premises in the Island for the next 12 months, save for premises which sell food and you will be permitted to enter any premises for the purpose of your work with the condition that you not consume alcohol on the premises. 6. You have been extremely lucky. You are not to be seen in this Court again please, because if you are then you can expect the Court will have absolutely no alternative but to sentence you to periods of youth detention. Authorities AG-v-Laffoley

[2013] JRC 216 . Criminal Justice (Community Service Orders)(Jersey) Law 2001. Licensed Premises (Exclusion of Certain Persons)(Jersey) Law 1998. Page Last Updated: 23 Sep 2016
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