

JERSEY / JUDGMENT

AG -v- Milon [2016] JRC 159 (09 September 2016)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for two counts of grave and criminal assault. Both offences, which took place on separate occasions, occurred during the afternoon, were in public and were witnessed by members of the public. They were fuelled by alcohol which is an aggravating factor. 2. On the first occasion there was a verbal altercation following which you punched your victim and kicked him in the face whilst he was on the ground. His injuries were significant, he sustained a fractured jaw and a broken tooth. On the second occasion, you responded violently to a physical prank by punching your victim several times. It cannot be said that you were cooperative with the police. Your record is a bad one with other convictions for violence and a failure to respond to a non-custodial measure. 3. In mitigation, however, we note your guilty pleas, which are of value in this case, and we have read the letters both from you and the references to which your Counsel referred, and we accept your remorse as genuine. We also accept that you have made good use of your time in custody thus far, and you have explained through Counsel your interest in taking up the opportunity of a placement at Silkwood Lodge and we hope that you will continue to express that interest and carry it into effect. And we also consider the delay in bringing Count 1 before the courts as a not insignificant factor. 4. However, the policy of the Court, both where drink fuelled violence is concerned, and where there is the use of a shod foot in an assault, both indicate custodial sentences save in exceptional circumstances. There are no exceptional circumstances in this case, and therefore a custodial sentence is inevitable. 5. However, we feel that we can reduce somewhat the conclusions moved for by the Crown and taking all of the mitigation to which I have just made reference into account, and also considering the totality, we sentence you in respect of Count 1; 20 months' imprisonment and to Count 2; 4 months' imprisonment, consecutively, making a total of 24 months' imprisonment. 6. We also make an Exclusion Order in the terms moved for by the Crown, excluding you from st , 2 nd , 4 th , 5 th and 7 th category licensed premises, excluding the Multiplex Cinema, the Airport and the ferry terminal at Elizabeth Harbour, and this for a period of 12 months, taking effect from the day in which you will be eligible for release, having served two-thirds of your sentence. Authorities Harrison-v-AG

[2004] JCA 046. AG-v-Anderson

[2013] JRC 230 . AG-v-Le Chevere

[2015] JRC 053 . AG-v-Silva

[2015] JRC 153 . AG-v-Sharman

[2016] JRC 067A . AG-v-Vieira

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