

JERSEY / JUDGMENT

AG -v- Modzelewski_ [2009]

JRC 111 (05 June 2009)

[2009] JRC 111

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JUDGMENT

THE BAILIFF: 1. This defendant has pleaded guilty to an affray during which he committed several acts of drunken violence including punching and kicking people while they were on the ground. It is clear, from the CCTV footage that the Court has viewed, that the defendant was restrained by his friends from further acts of violence and that he has a lot to be thankful for in the sense that his friends acted with that restraint. So far as the defendant was concerned he was plainly drunk and out of control. The fighting on the streets of the town presented an appalling spectacle. 2. We are not persuaded that no passers by witnessed any of the violence. It is true that the CCTV cameras did not reveal the presence of others but at that time of night it seems to the Court at least possible that others not within the range of the cameras witnessed the fighting and would have been put in great fear by it. The Court is determined to make it clear that this kind of behaviour will not be tolerated and will attract severe punishment. 3. We think that the conclusions of the Crown Advocate, notwithstanding the mitigating factors of the guilty plea and other matters are correct. 4. Modzelewski, you are accordingly sentenced to 15 months' imprisonment. 5. So far as the question of deportation is concerned we have asked ourselves whether the continued presence of the defendant is detrimental to the interests of the community. On balance we answer that question in the negative. The defendant has pursued sporting interests in the island, has learnt the language, has been in employment and has produced good references to the Court. We accept the submission of defence counsel that the events on this occasion were out of character and should not be repeated. 6. We decline therefore to make any recommendation to the Lieutenant-Governor for deportation. Authorities *Gill-v-AG* 1999/160. *AG-v-Lovegrove* and *McShane* 2002/154. *AG-v-Harvey* and *McLoughlin* 2002/95. *AG-v-Burke*

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