

JERSEY / JUDGMENT

AG -v- Monet [2015] JRC 088 (30 April 2015)

[2015] JRC 088

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for a single count of common assault. The facts on which you fall to be sentenced are that on 17 th August last year you, together with a friend, encountered the victim, a 17 year boy with autism, in Queen Street and walked with him some way down Halkett Place and into Waterloo Street. Following an exchange of words you forcibly grabbed him by the lapel. The boy shouted for help, you released him and he fell to the ground. Whilst he was still shouting you leant over him and again took hold of his lapel to pull him up; you were then confronted by passers-by and left the victim. Your friend had played no part in the incident. 2. You were not at all co-operative with the police when you were arrested on suspicion of an attempted robbery. You were vocal and you were aggressive and you offered no explanation for your actions. It is fair to say that you have a very poor record indeed. You have 94 previous convictions including convictions for violence although we note that the most recent for violence was as long ago as 2001. 3. The Court notes that this was a relatively minor assault and, although the effect on the victim was serious and has taken him some time to recover from, he did not sustain serious injuries. We are conscious that had you not originally been charged with robbery and grave and criminal assault you would have been dealt with in the Magistrates Court. 4. We have listened very carefully to all that your advocate has said on your behalf. We have read the letter that you have sent to us and the letter from your wife and they speak well of you. We also accept that you were unaware of the victim's autism at the time. We note that alcohol, which so often aggravates matters of this kind, did not play a part or at least did not play a significant part. We were asked by your Counsel to take certain matters relating to the victim into account which appear to us to have no evidentiary basis and we decline to do so. 5. The Courts policy about violence, any violence on the streets of St Helier, is a clear one and you have failed to respond to non-custodial measures in the past, but until this incident there was some sign that you were turning things around possibly as a result of your marriage. Because of the Court's policy and in part because of your record and the other matters to which I have referred, we think that a custodial sentence is appropriate but we are prepared to suspend that sentence. 6. Accordingly you are sentenced to 2 months' imprisonment, suspended for 1 year. Now that means that you will not go to prison if, within a year's period, you do not commit any other criminal offence for which a prison sentence could be passed, in other words if you keep your nose clean for a year then you will not have to worry about this 2 months custodial sentence. 7. For the reasons advanced by your counsel we are not satisfied that we should make a

Compensation Order although that, of course, does not prevent the victim from making a civil claim through the Petty Debts Court should he think that that is advisable to do so. Authorities Harrison-v-AG

[2004] JLR 111 . AG-v-De Oliveira

[2012] JRC 156 . AG-v-Carrel

[2012] JRC 111 . Whelan on Aspects of Sentencing in the Superior Courts of Jersey. Page Last Updated: 24 Jan 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 29 October 2026 · Esheria