

JERSEY / JUDGMENT

AG v Murphy [2005] JRC 080 (10 June 2005)

[2005] JRC 080

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE COMMISSIONER: 1. We turn immediately to the offence of affray which as we have said before in *A. G. -v- Shewan* [1999]JRC22 is by its very nature a particularly grave matter. Coupled with that, of course, is the assault just before Christmas of last year in Conway Street which was apparently unprovoked. In both those cases alcohol played a part. 2. Of course the offence of affray covers a very wide variety of situations and in his work *Principles of Sentencing* Professor Thomas talks of the level of violence used, the scale of the affray and the extent to which it was premeditated or spontaneous. 3. Now in both these cases, the assault and the affray, your behaviour was cowardly and unpleasant. The alarming thing about the detailed reports that we have read is the passage which says that you show alarming, limited victim empathy and no remorse. You have youth on your side and you have pleaded guilty at an early stage. We note that you have already served 4 months in youth custody. 4. However, I am bound to explain to you that under Article 4 (2) of the Criminal Justice (Young Offenders) (Jersey) Law 1994 the offence, or the totality of the offending is so serious that a non-custodial sentence cannot be justified. The question that we have had to face is how long you should serve for these very serious offences. 5. We are going to sentence you to 3 months on Count 1, and 6 months on Count 2, consecutive; that is 9 months in total, and you have already served 17 weeks and 2 days which is approximately equivalent to 6 months. I hope you use the remaining opportunity to try to turn your life around, but I have to tell you that there will be an exclusion order and this is in addition to your sentence. It does not apply to Category 6 licenses, which are off-licenses, but it applies to all other Categories of licensed premises and that will come into effect for 6 months from the date of your release. I have to tell you that you may be subject to a period of supervision once you have come out youth custody. Authorities *A. G. -v- Shewan* [1999]JRC22. Thomas: *Principles of Sentencing*, pp 110-112. Criminal Justice (Young Offenders) (Jersey) Law 1994 Page Last Updated: 18 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2005/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-murphy-2005-jrc-080-10-june-2005>

Prepared on 25 October 2026 · Esheria