

JERSEY / JUDGMENT

AG v N [2019] JRC 251 (20 December 2019)

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced for one count of grave and criminal assault that took place on 1 st September. The assault and the circumstances are to the Court's mind unusual and they have been fully referred to by the Crown. We accept, as did the Crown, that the assault came about because you were enraged at the entirely mistaken thought that the complainant in this case was having sexual relations with other men in your house. Whilst it is true that a knife was involved in this incident it remained in its sheath throughout and was not used to cause injury. There was no blow, there were no injuries and we agree with the Crown's characterisation of the incident against the factors set out in *Harrison v AG*

[2004] JLR 111 . 2. The principles referred to by the Crown concerning the Court's approach to domestic violence are correct as is the aggravating effect of alcohol and, we have in the reports been assessed as presenting a high risk of general reconviction. 3. We accept however that there are factors in this case which enable the Court to take a different approach than it might otherwise have done. We acknowledge firstly the difficulties with your mental health that you face and, we bear in mind that treatment is available to you. We think that all of the circumstances revealed in the documents amount to exceptional circumstances which enable us to take, as I have said, a view that we might otherwise not have felt able to take. We have read the letters both your own letter, which we take as genuine, and the letters from the members of your family that have been put before us and it is clear that you continue to have the support and love of your family and you are in that extent very blessed indeed. The letters we found to be eloquent and persuasive. 4. We note the care package that is available and has been put in place for you. And we also note that you have voluntarily started treatment and engagement with the appropriate bodies to help you whilst you have been on remand. 5. We see that there is real cause here for some optimism and to that end we are going to grant the conclusions of the Crown; you should take this as a rare opportunity, possibly the last opportunity, to get your life in order, to secure the treatment that you need, and to live, as we have no doubt you are able, as a valuable member of society and a committed family man. 6. Accordingly, we sentence you as the Crown has indicated to a period of 2 years' probation together with a treatment component, also lasting for 2 years and we stipulate that you must engage with any programs or interventions deemed appropriate by both the Adult Mental Health Service and the Alcohol and Drugs Service for the benefit of your ongoing treatment. 7.

We note and make plain in these few remarks the observations of Dr Englebrecht that not only should you comply with directions but that will include that you remain abstinent from alcohol, that you attend appointments with the Alcohol Pathway Team, you agree to be breathalysed for alcohol when required and you comply with the medication regime to support you in remaining abstinent from alcohol if such is recommended following the appropriate assessment. 8. We order the forfeiture and destruction of the knife. 9. We make an Exclusion Order, which you have not opposed through counsel, that you are excluded from licensed premises of the 1 st , 2 nd , 4 th , th and 7 th category for the same duration as the Probation Order, namely 2 years, with the exception of, as is normal, the Multiplex Cinema, Jersey Airport and the Ferry Terminal at Elizabeth Harbour. 10. We strongly urge, given that you will be released into Probation at a time of year that is normally associated with celebration and the drinking of alcohol more so than others that no alcohol is kept at your home or premises when you go back. You should ensure, and we urge others to ensure on your behalf, that you do not have presented to you temptation to indulge in alcohol in any way at all. Do you understand? 11. That is the order of the Court. Authorities Harrison v AG

[2004] JLR 111 . AG v Michel

[2019] JRC 179A AG v Michel

[2019] JRC 205 AG v Henderson-Bell

[2019] JRC 187 AG v Crabtree

[2017] JRC143 AG v Duffy

[2017] JRC131 AG v Horn

[2010] JRC 104 AG v McDougall

[2010] JRC 072 Page Last Updated: 03 Jan 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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