

JERSEY / JUDGMENT

AG -v- Nimmo [2012]

JRC 145A (30 July 2012)

[2012] JRC 145A

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

JUDGMENT

THE commissioner: 1. The defendant stands to be sentenced for two counts of common assault upon members of the ambulance crew who attended upon him at his mother's request, one count of grave and criminal assault on his mother, and for breaching a 12 month Probation Order resulting from an earlier common assault on his mother. 2. The social enquiry report in our view encapsulates the position here. The defendant is a 55 year old man with a serious and chronic alcohol problem. He has not been fit to work for the last ten years partly due to his drinking and partly due to genuine chronic back pain. Since settling in Jersey thirty two years ago he has rarely lived independently of his mother and they appear to have an inter-dependant dysfunctional relationship. He appears to have few contacts outside his home. Despite twenty years of alcohol-related offending, much of it violent, the defendant has never actively sought to address his alcohol misuse. During his last period in custody he acknowledged the problem but on his return to the community last August he started drinking heavily again and denied the fact until his arrest for drunkenly assaulting his mother a month later. Over the years the repeated instances of violent offending while either on bail or under probation supervision indicates either a lack of understanding of the seriousness of his conduct or a disregard for it. It also indicates an unwillingness to comply with community-based court sanctions. 3. Accordingly, in all these circumstances, the Probation Department are not able in the interests of his mother's safety, a person they describe as physically and emotionally fragile, to recommend a community-based sanction for the defendant who they assess at a high risk of re offending and as presenting a serious risk of harm to his mother and indeed to other people attending the home; views endorsed by Doctor Emsley. 4. The Crown submit that ambulance staff should expect the same level of protection while carrying out their duties as do the police and prison officers and we have been referred to the case of AG-v-Letchford 2000/173A in that respect. We agree with that submission. In this case they had been asked to attend by the defendant's mother who was concerned that he had suffered a stroke. They were met by a barrage of abuse which escalated into threats to kill with the defendant picking up a piece of wood and threatening to get a gun. For that reason we are going to increase the sentences sought by the Crown for these offences, which we agree should be served consecutively. We wish to send out a clear message that the Court will act to protect ambulance staff called out to assist members of the public. 5. We also

endorse the comments of the Court in the cases of AG-v-Barwise

[2009] JRC 182 , AG-v-Da Silva

[2011] JRC 113 and AG-v-Horn

[2010] JRC 104 that domestic violence is a crime which the Court will treat severely and that people who commit these crimes can expect the Court to focus on the victim and not on the hardships and difficulties of a defendant. In that respect we have taken into account the impact statement of the defendant's mother. However we conclude that the sentence of 2 years sought by the Crown on Count 4 is too high bearing in mind the particular circumstances of this case. 6. In terms of mitigation the defendant has pleaded guilty and must receive credit for that and although at odds with what he informed the Probation Department, he has written letters of remorse both to the Court and to his mother which we have taken into account and we have also considered all of the other mitigation ably put forward by Mr Haines on the defendant's behalf. 7. The defendant will therefore be sentenced as follows: taking first the breach of the 12 month Probation Order you are sentenced to 3 months' imprisonment. Taking next Count 1, the common assault, you are sentenced to 6 months' imprisonment which will be concurrent to the breach of the Probation Order. In respect of Count 2, the common assault, you will be sentenced to 6 months' imprisonment, which will be concurrent to Count 1 and to the breach of the 12 month Probation Order. In respect of Count 4 you will be sentenced to 21 months' imprisonment, which will be consecutive to the other sentences so that you will serve a total of 2 years and 3 months' imprisonment. 8. Turning to the Exclusion Order, we agree that that should be made so the defendant will be excluded from all licensed premises for a period of 12 months following his release from custody, with the exception of shops selling food, the Multiplex Cinema, Jersey Arts Centre, Jersey Airport, Elizabeth Ferry Terminal and the Opera House. Authorities Licensed Premises (Exclusion of Certain Persons)(Jersey) Law 1998. Harrison-v-AG

[2004] JCA 046. AG-v-Letchford 2000/173A. AG-v-Barwise

[2009] JRC 182 . AG-v-Da Silva

[2011] JRC 113 . AG-v-Horn

[2010] JRC 104 . Page Last Updated: 10 Jun 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/2012/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-nimmo-2012-jrc-145a-30-july-2012>

Prepared on 24 October 2026 · Esheria