

JERSEY / JUDGMENT

AG -v- Noble [2015] JRC 246 (27 November 2015)

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JUDGMENT

THE commissisoner: 1. The defendant stands to be sentenced for three counts of grave and criminal assault committed over a period of some 7 months upon his then partner within their home. The defendant responded to issues within their relationship by excessive alcohol consumption and by reacting violently to his partner without any concern for her safety. However no weapon was ever involved and the victim, who had herself been consuming alcohol, suffered bruising, although it is clear from her statement that this abuse has had a psychological effect upon her. She eventually moved out to the Women's Refuge. 2. The defendant is assessed at a low risk of general reconviction but he would pose a risk of harm to future partners within any intimate relationship. 3. In terms of mitigation, we have listened to everything that his counsel has said to us. He has pleaded guilty and is of good character. He has written a letter or remorse to the victim accepting responsibility and expressing genuine regret. He has, as Advocate Grace has pointed out, an exemplary work record and has the support of a network of friends, we understand some of whom are in Court, and he has offers of accommodation and of work should he be released. 4. Any form of domestic violence is to be deprecated but, as the authorities show, each case must be judged on its own merits and, in our view, these assaults are at the lower end of the scale. On the particular facts of this case we conclude that, having already served the equivalent of nearly 4 month in prison, the defendant should repay his debt to society by serving a term of community service, together with a Probation Order on condition that he participates in the ADAPT programme which has been deemed to be suitable. 5. The Crown sought consecutive sentences following AG-v-Le Feuvre 1996/079 and we agree that, ordinarily, consecutive sentences would be appropriate in a case of this kind subject, of course, to the totality principle but, for the purposes of imposing a sentence of community service, we are going to impose concurrent sentences. 6. On each count you are sentenced to serve 180 hours' community service, which is equivalent to 12 months' imprisonment, concurrent, so you will serve a total of 180 hours, which is equivalent to a total of 12 months' imprisonment. In arriving at that sentence we have taken into account the time you have already served. You will also be placed on probation for 18 months on condition, in particular, that you participate in the ADAPT programme, you have already agreed to do that, and we do grant an Exclusion Order on the basis set out by the Crown which will allow you to carry on your trade within the hospitality industry.

Authorities AG-v-Le Feuvre 1996/079. Harrison-v-AG

[2004] JLR 111 . Le Feuvre-v-AG

[1996] JLR N 9B. Le Feuvre-v-AG 1996/115. AG-v-Barwise

[2009] JRC 182 . AG-v-Horn

[2010] JRC 104 . AG-v-Nimmo

[2012] JRC 145A . Whelan on Aspects of Sentencing in the Superior Court of Jersey. Page Last
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