

JERSEY / JUDGMENT

AG v Owens [2000] JRC 1 (06 January 2000)

[2000] JRC 1

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

[Home] [Databases] [World Law] [Multidatabase Search] [Help] [Feedback] [DONATE]
Jersey Unreported Judgments You are here: BAILII >> Databases >> Jersey Unreported Judgments
>> AG v Owens [2000] JRC 1 (06 January 2000) URL: https://www.bailii.org/je/cases/UR/2000/2000_1.html Cite as:

[2000] JRC 1 [New search] [Help] 2000/1 3 pages ROYAL COURT (Samedi Division) 6th January, 2000. Before: Sir Peter Crill, K. B. E., Commissioner and Jurats Le Ruez and Le Brocq. The Attorney General -v- Kevin Patrick Owens Sentencing by the Inferior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 26th November, 1999, following guilty pleas to the following counts: FIRST INDICTMENT. count of: grave and criminal assault (count 1). SECOND INDICTMENT. counts of: malicious damage (counts 1, 2). Age : 30. Plea: Guilty Details of Offence: Count 1: Malicious damage. Whilst drunk, punched bonnet of car causing damage estimated at £222. Count 2: On same date punched serving counter in take away pizza premises causing damage (value unknown). Count 3: Accused, a building labourer, who had earlier that day been evicted from the campsite where he was temporary resident had returned to the campsite and overheard some females (whom he considered were responsible for his eviction from the campsite) talking about him in their tent. He entered the tent and was verbally abusive towards them. He then left the tent but returned almost immediately and went towards a male (victim), who may have punched accused once in the shoulder. Accused grabbed the victim by the throat, threw him backwards down onto a camp bed, straddled him, and then punched him six to ten times in the face causing 1.5cm laceration above the eye, extensive bruising and a fractured cheek bone. As he was punching the victim, accused told victim to apologise and if did so accused said that he would stop punching. Victim apologised and accused stopped punching. Accused left the campsite because females were distressed but not with a view to evading his capture and had intended to give himself up the following day to the police. Accused was arrested by the police later that evening, taken to police headquarters where he made full admissions during the course of a question and answer interview. Guilty plea. No weapon or kicking involved. Accused intoxicated at time (an aggravating factor). Previous convictions for public order drink related offences and offences of violence

(7) and criminal damage (7) between 1988 and 1997. . Details of Mitigation: Grave and Criminal Assault : Guilty plea. Co-operation with the police during question and answer interview. Victim may have punched accused once in shoulder before accused assaulted victim. Felt aggrieved by treatment he had received from the females and the part accused believed that they had played in his eviction from the campsite. No premeditation. No kicking or weapon. Left campsite because females were distressed (i.e. to defuse situation). Malicious damage: Unable to pay fine and will serve default sentences. Two incidents occurred during short interval of time, default sentences moved for by the Crown ought to be concurrent to each other but consecutive to grave and criminal. Previous Convictions: 7 convictions for offences against the person. convictions for criminal damage, and convictions for offences of dishonesty. Had previously served a 12 month period of imprisonment for theft of a vehicle and theft (shoplifting). Conclusions: FIRST INDICTMENT. Count 1: 15 months' imprisonment. SECOND INDICTMENT. Count 1: £500 fine or 5 weeks' imprisonment in default of payment; Count 2: £500 fine or 5 weeks' imprisonment in default of payment. Default sentences to run consecutively to each other and to sentence imposed on first indictment, if need be. TOTAL: 15 months' imprisonment; £1000 fine or 10 weeks' imprisonment in default of payment. Sentence & Observations of the Court: FIRST INDICTMENT. Count 1: 2 years' imprisonment. SECOND INDICTMENT. Count 1: £500 fine or 5 weeks' imprisonment in default of payment; Count 2: £500 fine or 5 weeks' imprisonment in default of payment. Default sentences to run consecutively to each other and to sentence imposed on first indictment, if need be. TOTAL: 2 years' imprisonment; £1000 fine. or 5 weeks' imprisonment in default of payment; default sentence to run concurrently. P. Matthews, Esq., Crown Advocate Advocate P. C. Sinel for the accused.

JUDGMENT.

THE COMMISSIONER: We deal first of all with the relatively minor offences: counts 1 and 2 of the second indictment: malicious damage. On count 1 you will be fined £500 or 5 weeks imprisonment in default of payment. On count 2 similarly, £500 or five weeks imprisonment in default of payment. The five weeks will run concurrently if you do not pay the fines, and concurrently with the sentence for the grave and criminal assault, which I am about to announce. As regards the grave and criminal assault, the Court has looked at previous cases. They are no more than a rough guideline to help the Court, and each can be distinguished from the present case. You have a bad record, you have a record for violence, and you have not learned yet not to drink too much which may be the cause of these offences. Under all the circumstances, and even after taking account of the mitigation, which is fairly substantial as your counsel has said, and the fact that no weapon was used, and that you did not kick the victim, nevertheless this was a serious assault which this Court cannot countenance, and we consider that the appropriate sentence is one of two years, and you are therefore sentenced accordingly. I am to say that the Court finds it extraordinary, when there is public concern in the Island about the increase in the population that there is still no form of control on people coming over in order to get jobs, particularly with people such as the accused, who have criminal records. However, that is not a

matter for us. It is merely our view that perhaps it is about time the authorities did something about it. Authorities A. G.-v-Mundy (26 th April, 1996) Jersey Unreported. A. G.-v-Mulligan (9 th October,

1999) Jersey Unreported. A. G.-v-Gale (26 th November,

1999) Jersey Unreported. A. G.-v-Norris (3 rd June, 1992) Jersey Unreported. A. G -v- Smitton (29 th July,

1993) Jersey Unreported. Page Last Updated: 19 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII URL: https://www.bailii.org/je/cases/UR/2000/2000_1.html

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/2000/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-owens-2000-jrc-1-06-january-2000>

Prepared on 26 October 2026 · Esheria