

JERSEY / JUDGMENT

AG -v- Porter [2013]

JRC 092A (15 May 2013)

[2013] JRC 092A

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced on a count of grave and criminal assault where the circumstances were that, despite some provocation on the part of the victim, you swung your arm to punch him and in your hand you were holding a glass, which made contact with the victim's face, and caused him some serious injuries. This, which is colloquially known as "glassing", is a serious offence and the Court nearly always sends people to prison for it, particularly if alcohol is a feature and particularly where the offence takes place in a public place. 2. We are not going to send you to prison on this occasion. We accept that the victim in this case was responsible for initiating the whole incident and that puts it in a different category to many of those that this Court has to deal with. We also accept that this was not a deliberate case of glassing on your part and, indeed, we have looked at the case which your counsel has produced of AG-v-Holmes and Parry 2001/83 and the Court there said:- "...this was not a conventional glassing; this was in effect a punch where you happened to have a glass in your hand". Well that was an instinctive reaction in that case and we think it was an instinctive reaction in your case. Nonetheless, it was the wrong instinct and you, no doubt, will have learned substantially from the way you reacted on that occasion. 3. Having regard to everything which your counsel has said, we think the Crown's conclusions are correct and you are sentenced to 120 hours' Community Service, which is the equivalent to 6 months' imprisonment. 4. I should warn you that if you do not perform the community service as directed by the community service manager, then you are liable to be brought back before this Court and you can be sentenced afresh for the offence which you have committed. 5. We are not going to impose a Probation Order because it is not recommended as being necessary in the light of your absence of previous convictions, and we are not going to impose any Exclusion Order, again because we are not satisfied that it is necessary to do so. Authorities AG-v-Holmes and Parry 2001/83. Harrison-v-AG

[2004] JLR 111 . AG-v-Saville

[2007] JRC 110 . AG-v-Saldana

[2009] JRC 032 . AG-v-Rodrigues

[2007] JRC 185 . Page Last Updated: 16 Sep 2016 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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