

JERSEY / JUDGMENT

AG -v- Richomme [2013]

JRC 223 (15 November 2013)

[2013] JRC 223

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JUDGMENT

THE BAILIFF: 1. You face three counts of common assault. The principal victim in the case is your former partner. She has made it clear that she will not come to court to give evidence and that she does not support the prosecution. In those circumstances the prosecution has accepted your version of events, as do we, and we pass sentence on the basis of that version; but it is important to record that it is not uncommon for victims of domestic violence to change their minds for a variety of reasons and to feel that they do not wish to proceed. There is nevertheless an important public interest in ensuring that offenders who have committed domestic violence do suffer the consequences of what they have done. 2. The version on which we are going to sentence is that you were invited to your former partner's house, an argument developed and in the course of that you threw a plastic bottle in the direction of her friend; you then fell asleep and when you woke up the victim confronted you about your relationship with another woman, details of which she had seen on your phone whilst you had been asleep. You tried to leave but she held onto you by the leg; she then bit your thumb, at which stage you punched her once in the face causing bruising to the eye, a cut to the inside of her mouth and a sore nose. 3. Subsequently you were so argumentative at the hospital, where you had been taken because of the bite to the thumb, that the police removed you to the police station. At the police station the booking-in process could not be completed because you were so argumentative and finally, once you were in your cell, you assaulted a police officer by grasping him by the cheek through the hatch of the cell door. You have an appalling record, you have numerous convictions for assault and public order offences and the present offences put you in breach of a Probation Order which was imposed in February of this year for breach of the peace and possession of cannabis. 4. In mitigation Advocate Pearmain has referred to your guilty plea, to your letter which we have read carefully, together with the letters from your mother and the victim, as well as the other letters put before us. We are pleased to hear of the progress that you have made whilst on remand and that you are expressing a determination to change. We note that you say you wish to undertake the ADAPT course which is to deal with questions of domestic violence. We also take into account the fact that whilst on remand you have served the equivalent of just over 10 months' imprisonment. We have carefully considered what Advocate Pearmain has said. She has urged that we should place you on probation so that you can undertake the ADAPT course and any other

necessary measures. 5. But in view of your previous record and what you did on this occasion, we do not think there is any alternative to custody. Now Advocate Pearmain also argued that 12 months was too long for the common assault on your former partner which consists of one punch. She referred to the case of AG-v-Giles

[2011] JRC 194 , but as the Court has repeatedly said, it is very difficult and indeed dangerous to pick one other case and compare the facts with it. It is impossible to know exactly what influenced the Court in that case but certainly one immediate obvious possibility is that there were many other charges before the court and the court no doubt had regard to the totality principle. 6. In your case, as we have already said, you have many previous convictions for assault and public order offences. We think in the circumstances therefore that 12 months for this particular assault is correct. 7. The sentence of the Court is as follows:- on Count 1; 12 months' imprisonment, on Count 2: 1 month's imprisonment, concurrent, on Count 3; 2 months' imprisonment, consecutive. We repeat that police officers are entitled to the protection of the Court and therefore sentences for assaults on police officers should normally be consecutive. As to the breach, we impose 1 month concurrent on each offence but consecutive to the others making a total of 15 months. 8. And can we just say this. You say you wish to change and we accept that you do, but as the Probation report makes clear, the ADAPT course can be attended voluntarily. You will not be in prison for much longer, something between 3 and 4 months given that you have already served the equivalent of 10 months, and there will be every possibility of your attending the ADAPT course voluntarily when you come out, if you mean what you say. You will also then be in a position to be a father to your child. 9. We discharge the Probation Order. Authorities AG-v-Giles

[2011] JRC 194 . AG-v-Barwise

[2009] JRC 182 . AG-v-Letchford 2000/173A. Page Last Updated: 16 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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