

JERSEY / JUDGMENT

AG -v- Richomme [2014] JRC 240A (03 December 2014)

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JUDGMENT

THE commissioner: 1. The defendant stands to be sentenced for assaulting a woman police officer, being drunk and disorderly and illegal entry with intent to commit a crime. The offences took place over a period of some eight days in July of this year. The assault on the woman police officer was unprovoked. The defendant was intoxicated and the officer was, in fact, coming to his brother's aid. She was pushed to the ground and suffered bruising. The illegal entry was a particularly nasty incident. The defendant and a number of others came to the basement flat of a young couple, aged 16 and 17, banging on their door, accusing the boyfriend of selling drugs to a young person. One of the group smashed open the front door and the defendant came in and walked aggressively straight at the boyfriend, forcing him to retreat back into the kitchen. After protestations from the girlfriend it would seem, the defendant, who's breath smelt of vodka, apologised and left their flat. The girlfriend called the police who found her scared and distressed. 2. The policy of the Court has always been to protect police officers who are carrying out their duty on behalf of the community. The Court has also made it consistently clear that it will not tolerate vigilante attacks of this kind and this attack involved breaking into and violating the security of this young couple's home. 3. The defendant has seventeen previous convictions including four offences of breaking and entering in 2012, and is assessed at a high risk of reconviction. He has breached three of his four previous non-custodial sentences both by non-attendance and by reoffending but, on the positive side, he has completed a Community Service Order of 120 hours. The Crown has taken into account the defendant's youth by moving for custodial sentences of considerably shorter duration than would be appropriate for an adult offender. 4. In terms of mitigation the defendant has the benefit of youth and he has pleaded guilty. He is supported here today by his mother and it is clear that he has had a very troubled background. We also accept that at the time of these offences he was under great emotional strain, for a variety of reasons, which are set out in the social enquiry report and the letters that we have received. 5. The real issue for the Court is whether, despite his record and the seriousness of these offences, we are forced to the conclusion that under the provision of the Criminal Justice (Young Offenders)(Jersey) Law 1994 youth detention is the only method of dealing with him. The defendant has come right to the line on this but after some considerable debate, the Court has decided, with a great sense, I have to say, of misgiving, that the defendant's

youth, he was 18 at the time, does warrant giving him what will be a last chance. In doing so we are taking a considerable risk but we are prepared to take that risk because of his youth. We are not going to reduce the conclusions of the Crown and the community service will therefore extend for 276 hours and will take some 2 years to complete, far longer than the youth detention sentence he might otherwise have served. Community service is not a soft option and the defendant will pay a very considerable penalty for what he has done and he will make a contribution to our community by the work that he will do. 6. We therefore sentence the defendant as follows:- Count 1; 200 hours' community service, which is the equivalent to 18 months' youth detention, Count 2; 76 hours' community service, which is the equivalent to 3 months' youth detention, consecutive, Count 3; 40 hours' community service which is the equivalent to 1 week's youth detention, concurrent, and that gives a total of 276 hours' community service, which is the equivalent to 21 months' youth detention. We will allow the defendant 24 months to complete the sentence and we will also impose a 6 month Probation Order in respect of all three counts. 7. Mr Richomme, we wanted to make it clear to you that we really have taken a chance for you today. It is a considerable risk on our part but we think that your youth deserves that chance. It is really now up to you. If you do not comply with this Community Service Order, if you do not comply with the Probation Order, if you do not attend interviews or appointments, you will come back here and we will almost certainly send you to prison. Authorities Criminal Justice (Young Offenders)(Jersey) Law 1994. AG v Harben & Harben 2001/034 AG v Da Silva

[1997] JLR N 14a. AG-v-Da Silva 1997/218. AG v Gouveia

[2013] (2) JLR N 9. AG-v-Gouveia

[2013] JRC 132 . AG v Cabot 2000/55B. R v Smith-Bryant & Ors (1989) 11 Cr. App. R. (S) 49. Attorney General's Reference Nos. 17 & 18 of 1994 (Chamberlain & Or) (1995) 16 Cr App R (S) 418. Evans and Phillips v AG 1997/065. AG v W

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