

JERSEY / JUDGMENT

AG -v- Richomme [2015]

JRC 096 (08 May 2015)

[2015] JRC 096

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JUDGMENT

THE commissioner: 1. On 3 rd December, 2014, (AG-v-Richomme

[2014] JRC 240A) you appeared before the Court for an assault on a police officer and a nasty illegal entry with an element of intimidation. 2. The Court said it was going to give you a last chance because of your youth and I am going to remind you what the Court said on that occasion:- "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." 3. The warning could not have been clearer Mr Richomme, but despite that, only a month later you committed this affray, as described by the Crown Advocate. We accept that it was in the family home and towards the lower end of the scale as affrays go, but it was clearly very frightening for some of those who were present. We also accept that the knife was used only to threaten self-harm, but as the Court said in the case of AG v Heard

[2012] JRC 132 the vice of knife crime is that one can never predict how somebody in possession of a knife will react to events. 4. Now article 4 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 applies to you, but we are satisfied that you have shown a repeated failure to respond to non-custodial sentences, you have been given a number of them, you have breached them frequently and now you have breached a non-custodial sentence again. 5. Advocate Bell, who has said everything that could be said on your behalf, has referred us to what the Court said in the case of AG-v-Cameron

[2008] JRC 182 and in particular he referred us to this passage, quoting from an English case before that. In relation to youth it is said "the recognition that in consequence sentencing them should place greater emphasis on rehabilitation and less on retribution and deterrent's than in the case of adults." We entirely agree with that and that, no doubt, is why the Court gave you the chance in December; but where young offenders are given a chance and they fail to take advantage of it, then we are afraid that they must take the consequences. 6. Now we take into account the mitigation that Advocate Bell has put

forward. You pleaded guilty from the outset which is to your credit; we have read the background report which describes your very difficult background; we have of course taken into account your youth and we have also read your letter of remorse and the references and the letter that your mother has written and which was handed up today. But nevertheless we cannot impose a non-custodial sentence in view of your failure to respond. As I have just indicated, adults and young offenders have to understand that if they fail to take advantage of the opportunities given to them by the Court they will pay the penalty. But we are very pleased to hear of the progress you have been making in youth detention and that you are taking advantage of the courses there. We urge you to continue to do so because, if you do, what that means is that when you are released you will be in a much better position to move forward with your life and we hope very much that that can be done. 7. Now where a person is sentenced for offences committed in breach of probation or community service, the sentences should normally be consecutive, as the Crown Advocate has said, because otherwise there is no real punishment for the new offending. But on this occasion the Crown has exceptionally asked that they be concurrent in view of your youth, and we can understand why that was so; because of your youth and in particular because of the progress you have made on remand, we are going to reduce the conclusions very slightly. 8. The sentences are as follows:- on the Breach offences, Count 1; 15 months' youth detention, on Count 2; 3 months' youth detention, on Count 3; 1 week's youth detention, the 3 months being consecutive to the 15 months, making 18 months' and 1 week's youth detention, concurrent. On the Count of affray on the Indictment it is 6 months' youth detention but, as we say, exceptionally we will make this concurrent so that is 18 months' youth detention in all. I must tell you that you may be liable to supervision when you are released. Authorities AG-v-Richomme

[2014] JRC 240A . AG v Heard

[2012] JRC 132 . Criminal Justice (Young Offenders)(Jersey) Law 1994. AG-v-Cameron

[2008] JRC 182 . AG-v-Burrell and others

[2003] JLR N53. Louis-v-AG

[2010] JLR N 45. Page Last Updated: 27 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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