

JERSEY / JUDGMENT

AG -v- Singh [2016] JRC 114 (01 July 2016)

[2016] JRC 114

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JUDGMENT

THE commissioner: 1. The defendant, who is 30, is to be sentenced for one count of grave and criminal assault, committed in the late evening of the 5 th February, 2016, outside the Halkett Public House, where he, his brother and the victim had been drinking. There is a history of antagonism between his brother and the victim who were having what appears to have been a somewhat heated exchange. At one point his brother slapped the victim lightly to the side of his face. A doorman intervened to protect the victim when, without warning, the defendant head-butted the victim violently in the face, breaking his jaw and damaging his teeth. The victim will make a full physical recovery from the injuries but still needs to endure further dental treatment. He has prepared a statement explaining the impact upon him; he tells us that he has suffered from depression prior to the assault but that this has worsened as a consequence and he has lost his employment. He is currently in receipt of short-term incapacity benefit. 2. In interview the defendant explained that he assaulted the victim because he thought that he was about to insult his late father. He said that the incident would probably not have happened if he had not been drinking. 3. The defendant has a previous conviction for a grave and criminal assault in 2012 but, notwithstanding this, he has a stable family background and is assessed at a low risk of reoffending within the next 12 months. 4. The prosecution have taken us through the factors set out in the leading case of Harrison-v-AG

[2004] JLR 111 and reminded us of the policy of the Court as set out in the case of AG-v-Huet

[2014] JRC 130A at paragraph 3:- "I have to tell you the Court has found this a very difficult decision. We have listened very carefully to everything your advocate has said, we have read your letter, we have read the references which have been supplied, we have noted your guilty plea and we have taken account of your age. But the Court's policy is clear that drink-fuelled violence on the streets of St Helier will, save in exceptional circumstances, attract a prison sentence. This is not only to deter others but it is also to reflect the community's fear and concern about such behaviour. People want to feel safe when they are walking out for a night in St Helier, tourists want to feel safe. The sort of violence which you handed out causes people to be frightened." 5. In terms of mitigation, the defendant admitted the assault when first interviewed. He has clearly been very cooperative with the police, and pleaded guilty at the first opportunity. He has been in employment since leaving school and has been employed by a roofing contractor for the

last five years, from whom we have a reference. He lives at home with his mother and brother and is a keen sportsman. He is clearly very remorseful and we have a good letter from him. 6. However, having taken all of the mitigation put forward on his behalf by Advocate Turnbull, which we have considered very carefully, in our view this assault was just too serious to justify an exception to the Court's clear policy. 7. On Count 1 you are sentenced to 9 months' imprisonment. 8. In terms of compensation we make a Compensation Order in the sum of £1,190 to be paid within 2 years of today's date with a 3 months' imprisonment sentence in default and in terms of an Exclusion Order we are going to make an order in the terms set out in paragraph 21 of the Crown's conclusions for a period of 18 months' from today's date. Authorities Harrison-v-AG

[2004] JLR 111 . AG-v-Huet

[2014] JRC 130A . AG-v-Da Silva and Singh

[2012] JRC 122 . AG-v-De Freitas 2001/86B. AG-v-Fenn

[2010] JRC 045 . AG-v-Marin

[2016] JRC 045 . Criminal Justice (Compensation Orders) (Jersey) Law 1994. Licensed Premises (Exclusion of Certain Persons) (Jersey) Law 1998. Page Last Updated: 03 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 25 October 2026 · Esheria