

JERSEY / JUDGMENT

AG -v- Stewart [2016]

JRC 084A (15 April 2016)

[2016] JRC 084A

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for one count of grave and criminal assault and one count of possessing a small personal amount of cannabis. The assault took place in a local nightclub and was undoubtedly fuelled by the quantity of alcohol that you had consumed and this is an aggravating rather than a mitigating factor. You do not remember the incident and that is worrying of itself. You threw a glass at your victim, a stranger, causing serious lacerations to him. You were, both of you, incredibly lucky that the injuries were not much more severe, they could have been life-threatening. 2. We have read the victim's statement and the effect on him has been significant and serious and we have to bear that in mind. The Court's policy has been stated on a number of occasions and it is clear - when confronting alcohol-fuelled violence and particularly the use of weapons, the normal disposal is a custodial sentence, and rightly so. When a glass smashes, it can cause serious injuries and seldom can that be predicted or controlled. ` 3. You have much to be said for you by way of mitigation and it has been ably said by counsel on your behalf. We include amongst those things your early guilty plea, the absence of a relevant criminal record, or indeed any criminal record, and importantly, the positive character that you are able to show to the Court. To that we include your work ethic and we have read with great care the references that have been provided on your behalf and indeed the letters of remorse that you have sent both to the Court and to the victim, which we accept as being genuine. We have, in addition, noted what the victim has said and we have also noted all of the matters raised in the social enquiry report and we have noted the consequences that have fallen upon you as a result of this incident and the effect that it may have on your career going forward. 4. Taking all of that in the round, we feel that we can treat this matter as amounting to exceptional circumstances and permit the Court to mitigate the effect of its policy. 5. Accordingly, you are sentenced to carry out a period of community service amounting to 240 hours, the equivalent of 18 months' imprisonment, with regard to the grave and criminal assault (Count 1). For the possession of cannabis (Count 2) we impose 40 hours' community service, to run concurrently. 6. We make the Exclusion Order in the terms moved for by the Crown for a period of 12 months. 7. We also make a Compensation Order in the sum of £94.49 to be paid within one week or 1 week's imprisonment in default. 8. We also order the forfeiture and destruction of the drugs. 9. We do not make an order for costs. In our view if it is the policy that costs are sought in

cases of this nature then we would ask the Crown to find a suitable case and argue the matter fully before us on an appropriate occasion. 10. As you will have heard we place trust in what we have been told by those who have spoken very eloquently today on your behalf. You have them, to a very large measure, to thank for this disposal and we hope very much that we will not see you here in this capacity again. Authorities Harrison-v-AG

[2004] JLR 111 . AG-v-Conway

[2008] JRC 060. AG-v-Hickling

[2008] JRC 038. AG-v-Furness

[2015] JRC 124 . AG-v-Baker

[2011] JRC 103 . Page Last Updated: 01 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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