

JERSEY / JUDGMENT

AG -v- Woolley [2018] JRC 023 (26 January 2018)

[2018] JRC 023

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for one count of grave and criminal assault which took place on the night of the 21 st August last year. We do not need to repeat the Crown's explanation of the facts. Suffice to say that you were ultimately the attacker, you threw punches, you used your leg to kick him once with an attempt to take him to the ground and when you were both on the ground with you on top, you subjected him to what was referred to as " a flurry of blows". 2. As the Court has said, persons who commit violent assaults on the streets of St Helier normally are sent to prison unless there are exceptional circumstances. In this case your victim did not wish to complain and, fortunately, his injuries were moderate. We accept that there was a substantial element of provocation which caused you in part to lose control in this way. 3. You have no relevant previous convictions and you are a low likelihood of further violence and why you did this is frankly inexplicable to us. You do not only have the benefit of an absence of bad character but you have a positive good character. You have supported your grandparents for a protracted period in a practical way, and you have a good employment record. 4. There is other mitigation available to you. Not only of course is there your plea of guilty but the letter of remorse which we accept as genuine and which is also reflected in the letter of apology to your victim. We also have had regard to the number of references which speak very well of you indeed. It would not be going too far to describe those references themselves as exceptional. We note in particular the reference from Mr Jones which points to very good and courageous action on your behalf. 5. You have already suffered as a result of your inexplicable act and foolishness. You are now denied the career that you have chosen and worked and devoted yourself to, and that is a matter of regret going forward. 6. Although the custody threshold is undoubtedly passed for this offence we think looking at the matter as we are invited to do in the round there are exceptional circumstances which enable us to avoid a custodial sentence on this occasion. You will serve the equivalent of a 9 month sentence of imprisonment by carrying out 150 hours of community service. 7. We now turn to the question of compensation. In our view it is appropriate, particularly as we have taken the exceptional course of not sentencing you to imprisonment, to enable some element of compensation to be paid to your victim. We direct that you will pay £400 by way of compensation to your victim, to be paid at a rate of £100 per month. As we are required by the law we say that there will be a sentence in default of 4 weeks. In other

words, if you fail to make any payment a 4 week imprisonment default sentence will kick in. Of course that does not happen if you maintain the payments as you have been directed. Authorities Harrison-v-AG

[2004] JLR 111 . AG-v-Silva

[2015] JRC 153 . Criminal Justice (Compensation Orders) (Jersey) Law 1994. UK Courts Compensation Guidelines. Page Last Updated: 19 Mar 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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