

JERSEY / JUDGMENT

AG -v- Woolley [2018]

JRC 077 (24 April 2018)

[2018] JRC 077

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JUDGMENT

THE BAILIFF: 1. On 26 th January, 2018, the defendant was sentenced by the Inferior Number of this Court to 150 hours' Community Service Order, the equivalent of which was a 9 month sentence of imprisonment, in respect of a grave and criminal assault which took place on the streets of St. Helier, in August of last year. 2. He has performed 3 weeks' 15 hours of that Community Service Order and then failed to attend on the fourth week, and the Crown presented a Representation asserting that he was in breach. The breach was denied, we have heard evidence and I have already indicated the court by majority had found that the breach was established. 3. We have subsequently looked at the CCTV footage of the assault which was something not available as we understand it to the court, on the first occasion. And we looked at it because two members of this court had seen it in a different context, (a licensing reference), and we thought it was important that we could see it again to ensure, first of all, that we were not prejudiced by what we had seen on the previous occasion and arguably had misremembered the footage; and secondly to ensure that we had a proper grasp of the nature of the assault, and there is no doubt at all that it was a serious grave and criminal assault, as we have said committed on the streets of St. Helier, at night. 4. The Court's Sentencing Policy in relation to such assaults is that unless there are exceptional circumstances a sentence of imprisonment will follow, and so we have had to consider today whether or not to impose a sentence of imprisonment in the light of the breach of the Court Order. 5. We have had regard to the basis of plea which was shown to the court on the previous occasion, and we have seen that as well, and have regard to that. We have decided to revoke the previous Order of Community Service and we are going to substitute it with a further Order of Community Service. 6. Mr Woolley, you must learn that when the Court makes an Order it expects that Order to be performed. This was a serious assault. I watched you when the video was being played. You did not look at it. You did not look at it, presumably because you did not want to see quite how badly you behaved on that occasion; and you did. It was a very serious assault, as I have indicated. We think that the sentence which the Court imposed last January would have been much higher if that court had seen this assault. 7. What we have decided to do is to revoke the previous Order and we are going to substitute an Order of 210 hours Community Service, the equivalent of which is 15 months' imprisonment. The time you have done already is disregarded so you will have to start again. 8. I want you to understand that

if there should be any breach of the Community Service Order this time around, speaking for myself I think it would be absolutely extraordinary that a prison sentence is not imposed. Whether or not any allowance will be given to you for any time you have spent, I do not know, it may not, but I want you to know that today you have come within a whisker of a prison sentence. You have done twice actually and you should not walk out of this court and think otherwise, so when the Community Service team, whether it is Mr Le Marrec or anybody else gives you an instruction you follow it, because if there is any question of a breach in the future, as I say you will be treated very seriously indeed, so just perform because this is the way it is done. 9. The previous Community Service Order is revoked. You are sentenced to 210 hours' community service starting from today. The period starts from today in which it must be performed and in lieu there would be 15 months' imprisonment if you are returned back to this court for any reason at all. The Compensation Order stands as previously. Authorities Page Last Updated: 29 May 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 22 October 2026 · Esheria