

JERSEY / JUDGMENT

AG v Yeaman [2001] JRC 82 (06 April 2001)

[2001] JRC 82

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JUDGMENT

THE DEPUTY BAILIFF: 1. This was a not uncommon incident in the streets of St. Helier where people fuelled with alcohol get involved in an argument which then turns into jostling with punches being thrown. 2. The defendant's friend received a binding over order from the Magistrate's Court. Clearly we do not know the full circumstances of the mitigation available but we wish to comment as a matter of general principle that, where people can afford to go drinking in public houses, get into disputes of this nature and commit public order offences, a binding over order is, in our judgment, not usually an appropriate way of dealing with the matter. It should be dealt with by way of a fine if it is of that level of seriousness where neither probation, a custodial sentence, nor community service is required. It is the Court's opinion that any person who commits a public order offence through drinking should usually be made to suffer by paying a financial penalty; a binding over order is too lenient. 3. Furthermore, we would add that, in general terms, the fine moved for by the Crown is, in our judgment, too low. Again, having regard to a defendant's means, we think that a fine of a greater level than £50 is called for in respect of these sort of offences. However, we bear in mind in this particular case that the defendant's friend did receive only a binding over order; that this case has been hanging over the accused for some time; and that he admitted the offence immediately. We do not feel able simply to impose a binding over order for the reason we have already mentioned, but we will adopt the conclusions of the Crown. Therefore, Yeaman, you are fined the sum of £50 or 1 week's imprisonment in default of payment and we must emphasise once again that had it not been for the fact that your friend was dealt with too leniently in the Magistrate's Court, the fine would have been higher. No Authorities. Page Last Updated: 02 Nov 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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