

JERSEY / JUDGMENT

AG -v- Richomme [2017]

JRC 109 (14 July 2017)

[2017] JRC 109

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JUDGMENT

THE commissioner: 1. The defendant stands to be sentenced for one count of robbery and one count of harassment. The robbery took place on 19 th January, 2017, in the daytime at the home of the victim who was known to the defendant. The defendant knocked at the door and when the victim opened it he immediately punched him in the mouth and demanded all of his money. Out of fear for his safety the victim gave him some £1,400 in cash held in a box in the kitchen cupboard, representing money the victim and his partner had been saving towards a deposit on new accommodation. The defendant also demanded any jewellery in the property but left the premises when the only jewellery available was an identity bracelet with the victim's name on it. The victim immediately called the police and the money was never recovered. 2. The harassment took place between 3 rd and 9 th January, 2017, when the defendant bombarded his former partner with telephone calls and some 160 texts, many of which were seriously abusive in nature. His former partner and the defendant had a young child together, although their relationship had ended shortly before the abusive messages were sent when the defendant was seeking contact with his son. When he did not get what he wanted he became aggressive and the messages included threats to kill his former partner, to terrorise her, the making of false allegations that their child would be taken into care, threats towards future partners, threats towards any future child of hers, threats of harming himself and a refusal to stop harassing her. The former partner's responses were measured and calm despite the extreme provocation. She made numerous requests to him to stop contacting her but to no avail. 3. We have read the former partner's personal statement and appreciate the impact of this harassment upon her. Bearing in mind the defendant's appalling record including a 23-month prison sentence for domestic violence on his former partner when she was pregnant with his child in 2015, his threats of violence towards her were real and generated genuine fear and distress on her part, aggravated by the involvement of their child. Society now recognises the serious nature of this kind of harassment. In our view it constitutes a serious offence justifying a deterrent sentence to deter the defendant from such conduct in the future and anyone else who may be tempted to harass another person in that way. 4. The length of sentence we can impose for the harassment is limited to a maximum of 2 years but the sentence we are going to impose will be served consecutively to mark the serious nature of the offence. 5. As to the robbery we have been referred to Whelan on Aspects of Sentencing in

the Superior Court of Jersey and a number of previous cases. As the Court made clear in *Gill-v-AG*

[1999] JLR Note 18c, 1999/160: "No community can tolerate violent robberies of this kind, and any person who commits such a violent robbery in Jersey, whatever may be the circumstances of the robber, must expect to receive severe punishment by a long prison sentence." 6. We have been referred by the prosecution to a number of cases including *AG-v-Power*

[2006] JRC 073 , *AG-v-Sheldrake* 1985/017, *Stopher and Louis-v-AG*

[1990] JLR 222 and *AG-v-Mendes* 2002/25 where sentences of 4 years, which is the sentence that the prosecution is seeking for this offence, were imposed, each with very different facts but without setting out those facts we do find they involved a greater degree of violence and fear including the use of weapons and often involving vulnerable witnesses which is greater, in our view, than the violence and fear generated in the case before us. The defendant is assessed at a high risk of reoffending and a high risk of future violence towards his former partner. 7. In terms of mitigation we have considered everything that has been put forward by Advocate Turnbull on his behalf. He has of course pleaded guilty. We have received and reviewed references written on his behalf and the letter that he has also written to us in which he does now express remorse, something the Probation Department found difficult to detect when they interviewed him. He does have a troubled past but it seems to us that he has been given every opportunity to turn that around. 8. We have considered the case law referred to us by Advocate Turnbull and, as we said earlier, we do agree that the sentence sought by the Crown for the robbery is too high, but we bear in mind that this was a robbery of the victim in his home and for a substantial sum which was never recovered. As for the harassment, the facts of each case will differ but, again, as we have said, we regard this as a serious case in which serious threats were made, threats which the defendant himself has described as evil. 9. In our view the former partner needs the support of the Court and we agree with the prosecution that a restraining order in the terms sought is justified, but we will set that at a period of 6 years from today, the defendant of course having a right to apply to amend that at any stage in the future. 10. On Count 1 you are sentenced to 3 years' imprisonment and on Count 2 you are sentenced to 1 year's imprisonment, consecutive, which makes a total of 4 years' imprisonment. 11. We make the restraining orders sought by the Crown which are in the following terms: (i) That the defendant shall not contact directly or indirectly nor via third parties the former partner or her son unless such contact is via his lawyers or in all other cases has been approved by the Royal Court; (ii) That the defendant shall not enter any part of the premises known to him to be a nursery, school or other care provider that the former partner's son is attending, or loiter within 100 feet thereof, except where such entry has been approved by the Royal Court; (iii) That the defendant shall not enter any part of the premises known to him to be the home address of the former partner, or loiter within 100 feet thereof; (iv) That the defendant shall not enter any part of the premises known to him to be the work address of the former partner, or loiter within 100 feet thereof; and (v) That should the defendant come into contact with the former partner or her son in any public

or private place, where such contact has not been approved by the Royal Court, he must take action to avoid any breach of the order by removing himself from the situation as soon as reasonably possible. And as we said that will all remain in force for a period of 6 years from today's date (14 July 2017). Authorities Whelan on Aspects of Sentencing in the Superior Court of Jersey. Gill-v-AG

[1999] JLR Note 18c. AG-v-Gill

[1999] JCA 160. AG-v-Sheldrake 1985/017. Stopher and Louis-v-AG

[1990] JLR 222 . AG-v-Mendes 2002/25. AG-v-Samson and Hawkins

[2015] JRC 154A . AG-v-Suchodolski

[2015] JRC 130 . AG-v-Rousseau

[2011] JRC 195 . AG-v-Gallichan

[2011] JRC 094 . AG-v-Brockbank and Ors

[2009] JRC 024 . AG-v-Power

[2006] JRC 073 . AG-v-Le Feuvre and Watters

[2004] JRC 190 . AG-v-Whiteley 1998/126. Page Last Updated: 25 Jul 2017 BAILII: Copyright Policy
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