

JERSEY / JUDGMENT

AG -v- RP and Others [2009]

JRC 241 (10 December 2009)

[2009] JRC 241

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JUDGMENT

THE commissioner: 1. This is a shocking and appalling case. The violent nature of the attack upon the victim; the callousness of the defendants in leaving him unconscious in the street; and the consequences for the victim, mark this out from the average grave and criminal assault. It is shocking that two young women of sixteen should have used stiletto heels as a weapon with which to strike the face of the victim. The fact that the young victim has been blinded in one eye is the appalling consequence of this street violence, with which he will have to live for the rest of his life. The attack was completely unprovoked; the unsubstantiated rumour of a sexual misdemeanour on the part of the victim was no excuse. It is not acceptable for young people to take the law into their own hands. This was gratuitous violence fuelled by drinking too much alcohol. 2. The Crown Advocate has properly drawn our attention to all the relevant factors listed in Harrison-v-AG

[2004] JRC 111 and we have taken note of them. He has taken a starting point of 7 years' imprisonment and we think that that figure is the minimum appropriate starting point for an offence of this kind. 3. Pallett is 22 and has a bad record including previous convictions for offences of violence. He is the oldest of the group and he delivered a heavy kick to the victim's head while he was on the ground. In mitigation he has pleaded guilty to the offence and he has, as his counsel has said, the benefit of residual youth. Your Advocate has said everything that could be said on your behalf but the Court has to punish you for this offence. 4. The conclusions are granted and you are sentenced to 4½ years' imprisonment. 5. CO, the Court has read your letter and the other references which were passed up to us. The messages which you placed on Facebook amounted to a serious attempt to interfere with the course of justice and we think that you knew that very well. Had you been older the offences which you committed would have been punished by a much longer sentence than 6 months. We are glad that you have been making very good progress while you have been in custody and we hope that that will continue so that when you come out of custody you will have the skills to enable you to make something of your life. I have to tell you that the offences which you have committed are too serious in the view of the Court to be dealt with by a non-custodial sentence. 6. The conclusions are accordingly granted and you are sentenced on Count 1; 3 years' youth detention, on Count

2-5; 6 months' youth detention, concurrent but consecutive to Count 1, making a total of 3 years' 6 months' youth detention and I have to tell you that you will be liable to supervision for a period of time by the Probation or other officer when you have completed your sentence. 7. HM, you have let yourself down very badly and you have let down your baby as well and you will have to live with that just as the young man whom you hit in the way that you did, will have to live with the consequences of your actions for even longer. We have read your letter and we are glad that you now acknowledge the seriousness of the offence. We have taken careful note of all your counsel's submissions, but in your case too, we think that the offence is so serious that a non-custodial sentence cannot be justified. 8. The conclusions are accordingly granted in your case too and you are sentenced to 3 years' youth detention. Authorities Criminal Justice (Young Offenders)(Jersey) Law 1994.
Harrison-v-AG

[2004] JLR 111 . AG-v-Cameron

[2008] JRC 182 . AG-v-SM and Others

[2007] JRC 162. AG-v-Cabot

[2000] JRC 55B. AG-v-Hare

[2008] JRC 168 . AG-v-Lenton and Fannon

[1992] JLR N 10a. AG-v-Tucker

[2003] JRC 119 . Page Last Updated: 14 Feb 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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