

JERSEY / JUDGMENT

The Attorney General v Carl Marcel Henriette

COURT

Royal Court

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Inferior Number Sentencing - disorderly behaviour - breach of orders**[2025]JRC280****Royal Court****(Samedi)****29 October 2025****Before :**

Sir William Bailhache, Commissioner, and

Jurats Cornish and Le Heuzé

The Attorney General

-v-

Carl Marcel Henriette

Sentencing by the Inferior

Number of the Royal Court, following a guilty plea to the following charges and

having admitted breach of the suspended sentence imposed by the Royal Court on 27

November 2023:

First Indictment

1 count of:

Being disorderly on licensed premises

contrary to Article 82 of the Licensing (Jersey) Law 1974 (Count 1)

Second Indictment

1 count of:

Engaging in disorderly behaviour, contrary

to Article 5(1)(c) of the Crime (Public Order) (Jersey) Law 2024

(Count 2)

Age: 38.

Plea: Guilty.

Details of Offence:

Indictment 1

On 12 May 2025, the Defendant visited the Co-op Grand Marche with members of his family. He was a regular customer and was known to some staff members for previous incidents where he was suspected of shoplifting.

When the Defendant was in the shop, a member of staff made a comment to a colleague that “The lady with the beige coat sometimes steals”. The Defendant misheard the comment, believed it was about himself and shouted, “I haven’t fucking stolen anything”. The Defendant became irate, he approached a different member of staff and shouted in his face calling the staff member a “fucking cunt”. The staff member attempted to calm the Defendant down.

The Defendant continued to act aggressively and walked towards the checkout desks and threw down a jacket that he had been wearing. The Defendant shouted at a member of the public in a white shirt “Look at you in your nice white shirt” and “I’ll knock you out”. A staff member stepped between the Defendant and the member of public and pushed the Defendant away. The Defendant attempted to approach the member of public on two further occasions.

The Defendant then left the shop, and police attended the scene soon after.

The Defendant became hostile to police and tensed his arms whilst shouting “Don’t fucking touch me” when officers attempted to handcuff him.

Indictment 2

Whilst awaiting sentence for Indictment 1, the Defendant was involved in a heated confrontation. The Crown offered no evidence following the Defendant entering a Not Guilty plea to Count 1 of Indictment 2 at his first appearance at the Magistrate’s Court.

On 19 September 2025, the Defendant attended Prime Fry Chip Shop in St Helier.

The Defendant attended the shop just after 5:00pm. When the Defendant entered, the owner recognised him from an earlier incident when he had been told he was not welcome.

On seeing the Defendant, the owner told him he should not be in the shop and to leave. The Defendant became abusive and said, “Your food is shit ... you fucking scouser”. The Defendant threw a bucket of lollipops that were on the shop counter at a staff member that he had not interacted with, the staff member moved and avoided being hit.

The Defendant provided a basis of plea that he had not been barred from the chip shop, that the shop owner had called him a “smackhead” and called his girlfriend a “fat cunt.” He asserted that his girlfriend was upset and asked what the owner’s problem was, to which the

owner said she “had to leave and take that smackhead” with her. This angered the Defendant, and he reacted by throwing the sweets. There is a recording of the remainder of the incident which confirms that the Defendant’s girlfriend was called a ‘fat cunt’ before the lollipops were thrown. The Defendant antagonised the owner by asking “What are you going to fucking do?”. The owner pushed the Defendant out of the shop. The verbal argument continued before the owner returned to the shop, he was followed by the Defendant and pushed the Defendant out of the shop again. The Defendant invited the owner to come to his house for a fight and the owner responded with an inaudible statement but saying “fucking murder you ... you fucking prick”. The Defendant walked away from the shop before coming back and accusing the owner of assaulting his partner and asking the owner “What are you going to do about it?”. The owner came outside the shop again and the Defendant grabbed the back of his head and tried to pull him to the ground. The Defendant and the owner ended up grappling on the floor where the Defendant pulled out some of the owner’s hair. A member of staff split the pair up and the Defendant then punched the owner in the face. The incident lasted over 10 minutes. When police attended the Defendant ran away. When he was located, he ran towards an officer and struggled with police as they tried to detain him. Breach of Suspended Sentence The offending placed the Defendant in breach of a suspended sentence which was imposed on 27 November 2023.

Details of Mitigation:

Early guilty pleas. Full time carer for his young daughter.

Previous Convictions:

Several public order offences and convictions relating to his failure to abide by Court orders. The suspended sentence was imposed for four offences committed in 2022, namely malicious damage, threatening behaviour, illegal entry and committing malicious damage. The Defendant was initially sentenced for the offences on 20 January 2023 and received a community service order. The Defendant breached that order and having been reviewed on 23 August 2023 it was allowed to continue. The Defendant further breached the order and on 24 November 2023 the Court revoked the order. The Defendant then received a suspended sentence on 27 November 2023.

Conclusions:

First Indictment

Count 1:	6 weeks' imprisonment. Second Indictment
Count 2:	2 weeks' imprisonment, consecutive to the First Indictment. Activation of the suspended sentence pursuant to Article 3(2) of the Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 2003: 54 weeks' imprisonment, consecutive to both counts. Total: 62 weeks' imprisonment.
Sentence and Observations of Court:	First Indictment
Count 1:	6 weeks' imprisonment (suspended for 2 years). Second Indictment
Count 2:	2 weeks' imprisonment, consecutive to the First Indictment (suspended for 2 years). The Court varied the term of the suspended sentence pursuant to Article 3(4) of the Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 2003 to suspend the sentence for a period of 2 years. Total: 62 weeks' imprisonment (suspended for 2 years from 29 October 2025) P. Lee, Crown Advocate. Advocate A. E. Binnie for the Defendant.

JUDGMENT

THE COMMISSIONER: 1. Mr Henriette, you have pleaded guilty to one count of being disorderly on licensed premises contrary to Article 82 of the Licensing (Jersey) Law 1974, and one count of engaging in disorderly behaviour contrary to Article 5 paragraph (1)(c) of the Crime (Public Order) (Jersey) Law 2024 and the second of these offences was committed whilst on bail during your remand to this Court for the first. 2. The reason for that remand is that your offending places you in breach of an Order of this Court of 27 November 2023 when you were sentenced to 54 weeks' imprisonment suspended for 2 years following breach proceedings when previously you had been sentenced to a period of community service and probation for threatening and abusive conduct, illegal entry, larceny and malicious damage. 3. The Court has had the opportunity of looking at the CCTV evidence and the body worn footage of the fracas which is the subject of the Second Indictment, and there is no doubt that, although there may have been some oral provocation, your reactions led directly to the incident becoming worse, and ultimately to the disorderly conduct in which you yourself were assaulted. 4. In this, we have to say that, notwithstanding what your counsel has said, we think that the conduct of your partner also leaves a lot to be desired. If she was insulted in the premises as is claimed, there is no doubt in our view that she was as insulting and as provocative of your breach too, and she should have

been encouraging you to leave the premises. 5. The offences are aggravated by the fact that your second offence was committed whilst on bail for the first. You had already been remanded up to this Court for sentence. 6. It is good that you have apologised for your conduct, but it is not good enough simply to say that you lost your temper. You have to learn to control that temper, and at your age you should be able to do so. Your conduct here was potentially frightening for members of the public. You had every opportunity to walk away from the problem, and you should have taken it, and by not doing so you have placed yourself in the position you have and damaged the interests of your 8-year-old child. 7. A lot of emphasis was placed before us on how damaging a custodial sentence would be for your daughter, and we want to emphasis what this Court has said so often in the past that that is not a problem that should be left in our hands. It is your problem because you should have thought of that before you behaved like this. 8. I have to tell you that the Court is split as to what we should do by way of sentence in this case. One of the Jurats considers that you are an aggressive but not essentially violent individual and that you have some psychological difficulties which need to be addressed. He accepts that you had no intention to commit these offences in advance, but you cannot seem to control your temper when people say things you do not like. He places emphasis on your good work record, your references, and although he does not think it is an essential factor, the effect on your daughter if you are facing a custodial sentence has been taken into account. He thinks that the imposition of a custodial sentence would be disruptive for your life and might affect your job prospects in the future, might affect your accommodation, almost certainly would affect adversely your relationship with your daughter. 9. The other Jurat considers that, particularly looking back on the first offence which led to the community service order in the first place - the taking away of your ex-partner's medication was a particularly mean thing to do, it could have had dire consequences. He considers that the impact on members of the public is the really important part of your recent offending. You read the statements of those at Grand Marché, they were obviously distressed at your conduct. You went back to apologise but as one of them said, "we shouldn't have to come to work and face things like this", and those involved in the Prime Fry incident - I say involved in it, the members of the public passing - would obviously have been frightened by what was going on, and you heard me say to your counsel that there was one father carrying a young boy who must have been worried by that.

10. We, all of us, or the majority of us, think that the suspended sentence does not fall to be reduced in any sense because it had run 18 months of its course at the time of the new offending. As I say, this is a split decision and therefore it falls to me, and I take very much to heart that there comes a point at which the Court cannot say to somebody "you have just got this as your last chance." That has been said to you time and again. I have looked back at what according to your counsel the former Bailiff said when you were sentenced in November

2023. He said, "you should not assume that the next Court will give you a further chance." It is not language that I am going to use because you are going to get a further chance today, but it is not the language I will use. I cannot tie the hands of any court which has to deal with you on another occasion, but I can say this that as far as this Court is concerned, it would

be absolutely astonishing if you are not condemned to a period of time in prison if you were to offend and breach again the criminal law in any sense – minor or not – if there is any breach of the law in the next period while the suspended sentence takes effect, we would expect the Court to put you inside as a result of what we have said today.

11. The reasons why I have come down to that view really are twofold. The first is that although this was frightening for those who were involved in these two incidents, the innocent parties involved in these incidents, the offending was relatively minor compared with some we see in this Court, and actually I do accept what Advocate Binnie has said that they would be offences which normally would be dealt with by a non-custodial sentence in the Magistrates' Court. And secondly, and this is more important in my mind, the ability for you to continue the psychological therapy that you are now getting has weighed heavily with me, and as much because it is I think essential that you have that treatment to reduce the possibility of further offending in the future, and it is the reason why, as it were, you get this last chance, and I hope you appreciate that because you have been very lucky.
12. In the circumstances what we are going to do is leave the previous sentence of this Court that you would serve a total of 54 weeks suspended for two years, we are going to leave that in place varying only the term that it runs from today, the two-year period of suspension runs from today and it remains at 54 weeks.
13. In relation to the present charges, you are sentenced to 6 weeks' imprisonment on the First Indictment consecutive to the 54, and to 2 weeks on the Second Indictment consecutive to both the First Indictment and the 54, making a total of 62 weeks' imprisonment all of which is suspended for a period of 2 years. And if you offend at all during that period, we would expect you to be brought back to this Court and the Magistrate to send the matter back to this Court in order that the suspended sentence can be put into effect. I hope that is clear. Well, good luck. Authorities Licensing (Jersey) Law 1974. Crime (Public Order) (Jersey) Law 2024. Criminal Justice (Suspension of Sentences) (Jersey) Law 2003. AG v Watts [2005] JLR N49 AG v Watts [2005] JRC 171 AG v Hasson and Hubbard [2008] JRC 076 AG v Knowles [2014] JRC 240 AG v Henriette and Dempsey [2023] JRC 010

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