

JERSEY / JUDGMENT

The Attorney General v Chloe Jordan Allen

COURT

Royal Court

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**Inferior Number Sentencing - assault - grave and criminal assault -
malicious damage - larceny**

[2023]JRC184

Royal Court

(Samedi)

13 October 2023

Before :

R. J. MacRae, Esq., Deputy Bailiff, and

Jurats Averty and Le Cornu

The Attorney General

-v-

Chloe Jordan Allen

Sentencing by the Inferior

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

First Indictment

2 counts of:

Common assault (Count 1 and Count 2).

1 count of:

Grave and criminal assault (Count 3).

Second Indictment

1 count of:

Common assault (Count 1).

1 count of:

Malicious damage (Count 2).

1 count of:

Grave and criminal assault (Count 3).

1 count of:

Larceny (Count 5).

Age: 28.

Plea: Guilty.

Details of Offence:

Over the course of a three-week period the Defendant assaulted her mother and her partner whilst they were all residing at the mother's address. Following a verbal argument at home, the Defendant struck her mother in the face with her forearm whilst her mother was seated on the sofa (Count 1, Second Indictment). Police attended the address following reports of noise coming from the address. The blow connected with the mother's mouth causing it to bleed. The mother had bruising to the upper and lower lip. The day after assaulting her mother, the Defendant was denied entry into the mother's address by the mother's carer. The carer thought the Defendant sounded drunk and angry and was aware of the assault the evening prior. As a result, the Defendant kicked the carer's car and scratched the car (Count 2, Second Indictment). The Defendant and her partner were at a friend's address who witnessed the Defendant hit her partner across the head with a full bottle of wine (Count 3, Second Indictment). The bottle smashed and partner's head was bleeding profusely. The partner later attended the Emergency Department where the bleeding stopped. The partner was noted to appear confused, was vomiting and complained of a severe headache. On a separate occasion, the Defendant and her partner were drinking alcohol at a friend's address. When they returned home the Defendant became annoyed with her partner and punched her six times to the face. The partner sustained a cut to the inside of her lip and a lump to the forehead. The assault caused her to feel dizzy. The partner tried to calm the Defendant down and made her a pot noodle. The Defendant kicked the pot noodle and hot water went onto the partner's chest which did not cause an injury (Count 1, First Indictment). The following morning, the Defendant appeared erratic in her behaviour. The Defendant left home twice returning in the afternoon. She was still in a heightened state. The Defendant ripped some fairy lights from the wall and kicked the partner in the chest as she was seated on the couch. They later moved to the kitchen where the Defendant smashed the partner's head into the side of the fridge freezer (Count 2, First Indictment). The doorbell rang causing the Defendant to leave. The Defendant's mother then called the police. The partner suffered a number of injuries including swelling to the forehead, bruises to the left eye, bruises and lacerations to the inner lip and bruises to the arm. Two days later the Defendant returned home stating she had been sleeping rough. The partner noted that she had

a nearly empty bottle of vodka in her bag. The Defendant received a phone call which appeared to upset her. She proceeded to shout at the partner and throw cutlery at her, which struck the partner in the upper right arm. The Defendant then threatened to stab the partner whilst holding a fork. The partner grabbed the Defendant's arms but the fork made contact with the partner's right thigh. The Defendant proceeded to kick the partner in the stomach causing her to fall. She punched her to the right side of her face and again to her jaw. The partner tried to get up but was pushed down. When the partner got up the Defendant kicked her to the shin. The Defendant took her partner and mother's mobile phones and blocked the partner from leaving the address. The partner screamed in an attempt to alert the neighbours to get help. The Defendant threw a plate of food at the partner before leaving the address (Count 3, First Indictment). Finally, the Defendant stole three cans of rum and coke and a number of food items from Alliance supermarket which were all recovered when she was stopped exiting the shop without paying for the items (Count 5, Second Indictment)

Details of Mitigation:

Guilty pleas.
The plea to the assault on the mother was entered extremely late (on the day of the Magistrate's Court trial). It did avoid the need for the mother to give live evidence.
Limited credit for plea to reflect the value to the victim of that assault.

Previous Convictions:

The Defendant has previous convictions for common assault (2022 and 2020), assault upon a Police Officer (2017) and malicious damage (2023).

Conclusions:

First Indictment

Count 1: 3 months' imprisonment, concurrent.

Count 2: 4 months' imprisonment, concurrent.

Count 3: 6 months' imprisonment.
Second Indictment

Count 1: 2 months' imprisonment, consecutive to Count 3 of the Second Indictment.

Count 2: 1 months' imprisonment, concurrent to Count 1.

Count 3: 18 months' imprisonment, concurrent to Count 1.

Count 5:	No separate penalty. Total: 2 years and 2 months' imprisonment. Domestic Abuse Protection Order ("DAPO") sought for 5 years in respect of the former partner to commence from date of sentence. Notification requirements under the Domestic Abuse (Jersey) Law 2022 sought for 5 years.
Sentence and Observations of Court:	First Indictment
Count 1:	6 months' imprisonment, concurrent.
Count 2:	6 months' imprisonment, concurrent.
Count 3:	18 months' imprisonment, concurrent. Second Indictment
Count 1:	6 months' imprisonment, concurrent.
Count 2:	1 months' imprisonment, concurrent.
Count 3:	18 months' imprisonment, concurrent.
Count 5:	1 months' imprisonment, concurrent. Total: 18 months' imprisonment. Domestic Abuse Protection Order ("DAPO") made for 5 years in respect of the former partner to commence from date of sentence. Notification order under Article 11 of the Domestic Abuse (Jersey) Law 2022 not made. Ms L. B. Hallam, Crown Advocate. Advocate C. R. Baglin for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. Chloe Allen, you are 28 years old and appear to be sentenced for several offences, principally of violence. We note this is not your first appearance before a court for violence and that you have convictions for assault recorded against you in 2020 and last year. 2. The assaults that we were concerned with today were committed upon your mother and a former close friend whom you were in an intimate personal relationship. Your mother is in poor health and is attended at home by a carer five days a week. At the time your friend was living for much of the time with you and your mother in your mother's flat, and she was the person with whom you were involved in an intimate personal relationship. Your friend said that when sober you can be lovely, but that you become aggressive when drunk and this is borne out by your offending in this case. 3. During the period we are concerned with you committed a series of separate assaults to which we will now briefly refer. 4. On 18 May 2023 whilst at home, and in the presence of your friend, you began shouting at your mother. You struck your mother in the face with your forearm, causing her mouth to bleed and leaving bruising and swelling to her lip. Neighbours called the

police and when they arrived you blamed your mother, saying “Well done mum, that’s your fault for screaming”. Your mother was too scared to speak to the police in front of you. Nonetheless, her complaint was recorded on a police body worn camera and the injuries she suffered were sufficiently serious for her to be seen by a police doctor on 23 May 2023. 5. The next day on 19 May, in the morning, your mother’s carer visited her home and she saw the injuries you had caused to your mother’s face. You arrived demanding entry to your mother’s home. The carer called the police - who told her to keep the door locked. While she was waiting for the police to arrive, your mother’s carer saw you kicking and damaging her car, which was independently confirmed by the police when they arrived. On 19 or 20 May you were released by the police on bail with a condition that you have no contact with your mother, your friend or go to the street where your mother lived. You broke all those conditions and the remaining offences, bar the last were committed in breach of the police bail which is an aggravating feature. 6. The next offence took place on 22 May when you and your friend were at the home address of a third party. When you were drunk you hit your friend on the head with a full bottle of wine. The bottle smashed, causing your friend to sustain an injury to her head which bled profusely. You said this happened spontaneously during an argument and you accept that you could have caused a significant head injury. When she attended the hospital, the Accident and Emergency Department noted that your friend was confused, vomiting and complaining of a severe headache. 7. The fourth offence was an assault on your friend on 31 May 2023, when you and she attended an address of a third party where you both drank alcohol. When you both returned to your mother’s home you became annoyed and punched your friend six times in the face, resulting in her sustaining a cut to her lip and a lump to the right side of her forehead. She tried to calm you down and made you a hot snack. You kicked the hot snack and the hot water went over her chest. 8. The following morning, on 1 June, you left your mother’s flat for a few hours and then returned. When you came back to the flat you were extremely abusive to your friend and the Crown has read out the words you used this morning. You kicked her in the chest in the sitting room. Shortly thereafter, in the kitchen, you grabbed some cans of beer and smashed your friend’s head into the side of the fridge freezer telling her “All this is your fault”. Your mother asked your friend to call the police which she did. She was examined by a forensic medical examiner, Dr Evans, the next day and she saw a number of injuries on your friend’s head, face, neck and arms - all of which had been caused by you. 9. The next assault occurred on 3 June when you went to your mother’s address just two days later, where your friend had been staying. You were drunk. You were abusive to your friend, you threw a knife and fork at her, both of which struck her upper arm. You threatened to stab her with your fork and both your mother and your friend needed to disarm you. As they did you kicked your friend in the stomach, causing her to fall and thereafter you punched her in the face and jaw. You tried to stop your friend from leaving the flat and took her telephone from her. You were trying to stop her from getting help and as soon as you left the flat she phoned the police.

10. Finally, on 6 June, you were stopped by Alliance Supermarket staff in Sand Street, having stolen alcohol and food.
11. When you were interviewed by the police on 6 June you gave them little assistance.

12. You pleaded guilty early, although not always at the first opportunity, to most of the counts that you face with the exception of the offence that you committed against your mother on 18 May 2023 where you only pleaded guilty when the case listed for trial before the Magistrate's Court, but, overall, you will receive substantial credit for your pleas of guilty.
13. We have read the Pre-Sentence Report and taken into account all that is said within it. You are at high risk of reconviction, including for domestic violence and abuse if you are affected by alcohol. A recommendation of a Probation Order is made, but we regret to say that the catalogue of offences of domestic abuse and violence are so serious that only a custodial sentence can be justified in your case. We have had regard to the leading case on domestic violence in Jersey, namely *Coelho v AG* [2020] JRC 216, and note that a number of aggravating features identified in that case are present in this. In particular:- (i) This was an abuse of trust. Your friend had enjoyed an intimate personal relationship with you and trusted you. (ii) Your mother was vulnerable owing to her general health and the fact that she required a carer on a day to day basis. (iii) You took steps to prevent your victim reporting the incidents or obtaining assistance. (iv) The number of offences demonstrate a history of violence; and finally
 - (v) These were offences committed against your victims when they were in their own home, the place that they were entitled to feel safe. You also committed many of these offences on bail and used weapons, a bottle and a knife and fork, in the way we have described.
14. We have read the victim personal statements completed by your mother and your friend. Your friend said the assaults you committed upon her were "horrendous" and that she was frightened that if she complained to the police, you would hit her again. She was terrified that whenever the police turned up she would be assaulted again by you, which she was. Even when she did not ring the police but someone else had done, you would take it out on her. She spoke of a challenging relationship and of times when she knew that she was about to be assaulted, and she would beg you not to hit her in the face because people would see the marks. She seeks a restraining order or similar relief from the Court, preventing you from contacting her in the future. She says that she is scared of you and relieved by the fact that you are currently remanded in custody.
15. Your mother says that she loves you and misses you very much, but that you have been, in her words "awful to [her]" and she now hopes that receive the help you need.
16. We have read and taken into account the reference from your aunt who describes you as a kind-hearted genuine person, and says that you are a reformed character after your time in prison. She says that with the right support you are capable of creating the life that you want and deserve. We have also read your very well written letter to the Court in which you describe your actions as inexcusable, and say that in custody you have made good use of your time in the way that you describe in that letter.

17. We have been impressed by the fact that you are motivated and willing to address your long standing dependency on alcohol and hope that the progress that you have made in custody will be continued when you are released.
18. We have considered our powers under the Domestic Abuse (Jersey) Law 2023 and we agree with the Crown that it is appropriate to make a Domestic Abuse Protection Order under Article 5 of the Law in the terms sought for a period of five years so as inter alia to protect your friend and we will give further reasons for making that order in writing in due course, but that order will prohibit you from contacting, directly or indirectly, your friend, other than contact which is inadvertent or unavoidable; require you to complete the Jersey Domestic Abuse program within 18 months of being released; and require you to engage with the Alcohol and Drugs Service for a period of 18 months from the date of your release. We do not make a notification order under Article 11 of the Law for reasons that we will give in writing in due course.
19. As to the sentence we impose, in view of the mitigation to which we have referred we reduce the sentence to one of 18 months' imprisonment made up as follows. On the First Indictment, Count 1, 6 months' imprisonment; Count 2, 6 months' imprisonment, Count 3, 18 months' imprisonment. On the Second Indictment, Count 1, 6 months' imprisonment; Count 2, 1 month imprisonment; Count 3, 18 months' imprisonment; Count 5, 1 month imprisonment, all to run concurrent making a total of 18 months' imprisonment. Authorities *Coelho v AG* [2020] JRC 216. Domestic Abuse (Jersey) Law 2023. Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. *Harrison v AG* [2004] JLR 111 *AG v Horn* [2010] JRC104 *AG v Crabtree* [2017] JRC 143 *AG v Cooney* [2019] JRC 039A *AG v Furlong and Furlong* [2019] (1) JLR 227 *AG v Goncalves* [2022] JRC 097 *AG v Sudol* [2022] JRC 143 *AG v Withe* [2023] JRC 179

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Prepared on 29 October 2026 · Esheria