

JERSEY / JUDGMENT

The Attorney General v Lauren Margaret Fox

COURT

Royal Court

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Inferior Number Sentencing – grave and criminal assault – assault.

[2014]JRC224

Royal Court

(Samedi)

14 November 2014

Before :

W. J. Bailhache, Q.C., Deputy Bailiff, and
Jurats Fisher and Grime.

The Attorney General

-v-

Lauren Margaret Fox

Sentencing by the Inferior

Number of the Royal Court, following guilty pleas to the following charges:

1 count of:

Grave and criminal assault (Count 1).

1 count of:

Assault (Count 2).

Age: 25.

Plea: Guilty.

Details of Offence:

The defendant and victim were

friends with children of the same age.

The defendant invited the victim and her daughter to come to defendant's flat for the evening. Food and

alcohol were consumed. The victim

took her daughter back to her flat which was a nearby flat in the same development. She noted that she had left her mobile phone and purse at the defendant's flat and therefore returned to recover those items.

Whilst there she asked about some money that she was owed by the defendant and also noted that £25 was missing from her purse.

Without provocation the defendant then attacked the victim punching her.

The defendant bit the victim on the nose: the victim could hear the defendant's

teeth crunching and thought that she was trying to bite her nose off. She was scared. She was bitten on the lip (part of the lip was missing), arms and back. The defendant also scratched the victim's face and punched her on the top of the head. The victim's necklace and medallion were ripped from her throat. The victim managed to extract herself and ran out of the front door, along the corridor and out into the communal courtyard. She was chased by the defendant who either pushed or pulled her causing her to fall heavily to the ground. She fractured her right ankle. She limped back to her flat where she woke her boyfriend who called the police and ambulance. Upon the police attending she immediately identified the defendant as her attacker. A deliberate sustained assault aggravated by the defendant's intoxication. The Crown had regard to the Harrison v AG factors in considering the seriousness of the offence. The Crown indicated that with a not guilty plea the Crown's starting point would have been in excess of 3 years imprisonment (Count 1). Police officers attended at the defendant's flat. They noticed she had blood on her clothing and there was blood on the floor and walls. She was arrested. She was hand-cuffed. She ran to the bathroom to try to lock herself in. A Police officer prevented her from closing the door: she attempted to punch him and scratched and spat at him. In interview the defendant denied the assault claiming that she had acted in self-defence when the victim had arrived at her flat with injuries and covered in blood. The defendant denied biting and denied chasing the victim and causing the fractured ankle. The defendant blamed all of the victim's injuries on victim's own boyfriend.

Details of Mitigation:

The Crown
Guilty plea entered on second appearance after Indictment. Not co-operative in interview. Despite confirming to the Court that she accepted the Crown's factual basis for the purposes of sentencing on Count 1, in interview with experts maintained a different version of events. No youth or good character albeit had not previously been before the Royal Court or received a custodial sentence. Troubled upbringing. A technical breach of a previous Magistrate's Court Probation Order which had been allowed to run and she had completed. In consequence of the work under that Order now assessed as being at medium risk of re-offending rather than high risk of re-offending.
The Defence
The defendant confirmed she was

to be sentenced on Crown's factual basis in relation to Count 1. Was not pre-meditated. The defendant also suffered injuries. Incident was more of a fight than an attack. No intent to cause serious injuries. Suggested injuries were at the lower end of the scale. Injury to ankle caused by recklessness. Limited record. Crown's Conclusions excessive. Valuable guilty plea. Difficult upbringing. Had lost custody of her son in consequence of the offending. Prison not the appropriate sentence for this particular defendant. Non-custodial was appropriate.

Previous Convictions:

Convictions for 20 offences, 4 x common assault, assault on police, larceny, malicious damage, possession of controlled drugs, drunk and disorderly, conduct likely to cause breach of the peace.

Conclusions:

Count 1: 24 months' imprisonment.

Count 2: 2 months' imprisonment, consecutive.
Total 26 months' imprisonment.

**Sentence and
Observations of Court:**

The defendant is to be sentenced for two counts on the Indictment. The Court summarised the facts. The Court did not agree with defence counsel's submission that on a scale of offending the injuries were at the lower end. In the Crown's view this was a serious assault. The Court had regard to the photographs and the medical evidence. Custodial sentence was necessary. The offence occurred in defendant's home. Due to the nature of the assault and the injuries sustained the Court was going to oppose a custodial sentence. The Court thought the Crown's Conclusions should be reduced by 3 months on Count 1. The Court did not consider the injuries sustained by the defendant in any way material. Such injuries were in consequence of the victim's self-defence from the assault committed by the defendant. The Court did not put a great deal of weight on the victim personal statement. The Court accepted that the defendant had a troubled background and found the psychological report albeit prepared for other purposes to be of assistance. In relation to Count 2 offences against police officers are always serious. The Court applied consecutive sentences because police officers need protection of the Courts. The Crown's conclusions were correct for this offence. The Court

had considered the totality of the sentence.

Count 1: 21 months' imprisonment.

Count 2: 2 months' imprisonment,
consecutive.

Total: 23
months' imprisonment.

J. C. Gollop, Esq., Crown Advocate.

Advocate G. A. H. Baxter for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: 1. Miss Fox, you are here to be sentenced on an Indictment which contains two counts, a grave and criminal assault and, on the same occasion, slightly later, an assault on a police officer in the execution of his duty. You pleaded guilty to both charges. The circumstances of the grave and criminal assault count were that the victim, who was known to you, and at one time, at least, a friend of yours, had been with you that evening until quite late. It is clear that you had both been consuming some alcohol, and then when the victim had in the first instance left to go back to her own flat, she returned to ask you about repayment of a sum of money, and that led to an assault which you committed on her. 2. The Crown's summary, which you have accepted through your counsel, is that you punched her and attacked her, you were on top and biting her, you bit her nose and the victim could feel you crunching with your teeth on her nose. She thought that you were trying to bite her nose off and she was scared. The attack continued with you biting her in a number of locations including the lip, the arms and the back, you scratched her face and punched her on the top of her head. During the attack the victim's necklace and medallion were ripped from her and broke, she managed to get away from you, ran out of the front door down the corridor, out of the rear communal door into the communal courtyard; you had chased her and you either pushed or pulled her causing her to fall heavily to the ground and she banged her head and sustained an injury to her right ankle, which was subsequently diagnosed as being fractured. 3. We have looked at the photographs which have been put before us and also looked at the medical evidence and we want to say straight away that when your counsel said to us that if there is a scale for offences of this nature, this is at the lower end of it, we do not think so. We think this was a serious assault on the victim and we do not accept that the injuries which she sustained were not grave and serious. Now we have, first of all, given thought as to whether or not a custodial sentence is necessary and the Court recognises that in some respects this is not like many of the offences which unfortunately come before us. It is not an offence fuelled by alcohol in a public place, although there is an element of that with the communal courtyard, but it is not in that category; and it is not an offence committed in the victim's private home because in fact it was committed in your home. But nonetheless, it was an offence committed where the injuries were extremely serious and, having thought about it for quite some time, as you will appreciate because the Court has been out for some time, we think that what is called the "custody threshold" is passed and that a custodial sentence is necessary. That is because the nature of the assault and the injuries which were sustained make it so serious

that we think there has to be a custodial sentence. 4. Now your counsel has said to us that a starting point of 3 years' imprisonment is too high, in fact he is suggesting I think that the starting point must have been much higher than that to end up with conclusions which the Crown has reached of 2 years. We think that the offence, had you pleaded not guilty and been convicted after trial, might well have led to a sentence of 3 years' imprisonment but, because we recognise that there is some other mitigation, we are going to reduce the Crown's conclusions on Count 1 so that you are sentenced on that count to 21 months' imprisonment rather than the 2 years' imprisonment which the Crown has taken. We do not think that the injuries which you sustained are material in this context; we accept that you suffered some injuries of course, but on the facts we think they must have been sustained in self-defence and the absence of any charges brought against the victim suggests the same. 5. We have, of course, considered the personal statement which the victim has made. We have not taken it into account to any great degree. We accept that the social media postings are difficult to reconcile with some of the things which are said in the personal statement, but to us it is clear from the injuries sustained that they were very significant and that is the basis upon which we are really imposing the sentence in this case. We accept that you have had a troubled background but your nodding while I make these remarks tells me that you realise that you have to be sentenced for the offences which you have committed and that is the job that we have to do today. 6. Nonetheless, we have taken the matters which are set out in Dr Briggs' report into account and those are part of the reason why we think it is right to reduce the Crown's conclusions to 21 months. As far as Count 2 is concerned, offences on police officers are always serious and the Court routinely imposes a consecutive sentence in these cases because the police do need some protection in the way in which they go about their job of defending the public, and we think the Crown's conclusions in this respect are entirely right. We have had regard then to the totality, whether 23 months in all is too much. We do not think it is. 7. Accordingly you are sentenced to 21 months' imprisonment on Count 1 and 2 months' imprisonment, consecutive, on Count 2, making a total of 23 months' imprisonment. Authorities *Harrison v AG* [2004] JLR 111. Whelan on Aspects of Sentencing in the Superior Court of Jersey "Biting" Extract, 3rd Edition (pages 357-359). *AG v Gouveia and Uddin* [2010] JRC 189. *AG-v-Jones*

[2003] JRC 015.

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