

JERSEY / JUDGMENT

# The Attorney General v Neil Martin Coleman

COURT

Royal Court

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## Source record

**Inferior number Sentencing – malicious damage.****[2012]JRC137****Royal Court****(Samedi)****13 July 2012****Before :**W. J. Bailhache, Q.C., Deputy Bailiff, and  
Jurats Morgan and Olsen.

The Attorney General

-v-

Neil Martin Coleman

Sentencing by the Inferior

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

2 counts of:

Malicious damage (Counts 2 and 3).

Age: 43.

Plea: Guilty.

**Details of Offence:**

The defendant was the victim's lodger but they had been physically intimate. After the end of the relationship the victim ordered the defendant to leave her house. He did so, leaving all of his belongings, but returned a few days later and vandalised her car, causing £14,300 worth of damage (Count 2).

He also sprayed graffiti reading "lazy liar walk you dog" on her house and fence (Count 3).

**Details of Mitigation:**

Guilty plea, co-operation with the police, behaviour deemed to be "out of character". The defendant was treated as being of previously good character – in fact regarded as being of "positive good character" as a result of his work as a carer for a severely disabled friend and his work with Jersey Autism.

**Previous Convictions:**

Tow historic convictions, treated as being of previous good character.

**Conclusions:**

|                                        |                                                                                                                                                                                                                                                                                  |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Count 2:                               | 120 hours' Community Service Order,<br>equivalent to 6 months' imprisonment.                                                                                                                                                                                                     |
| Count 3:                               | 100 hours' Community Service Order,<br>concurrent to Count 2, equivalent to 4 months' imprisonment.<br>Total: 120 hours' Community<br>Service Order.                                                                                                                             |
| Sentence and<br>Observations of Court: | The public nature of<br>the graffiti was likely to cause embarrassment and as such this made it a more<br>serious offence. The Court would<br>increase the conclusions on this count.<br>Count 2<br>120 hours' Community Service Order,<br>equivalent to 6 months' imprisonment. |
| Count 3:                               | 120 hours' Community Service Order,<br>concurrent, equivalent to 6 months' imprisonment.<br>Total: 120<br>hours' Community Service Order.<br>R. C. P. Pedley, Esq., Crown Advocate.<br>Advocate P. S. Landick for Coleman.                                                       |

**JUDGMENT**

THE DEPUTY BAILIFF: 1. Mr Pedley, the Court has been giving anxious consideration to this question of the larceny charge and it is entirely a matter for prosecutorial discretion and I wish to emphasise that to you but it appears to us that it is most unfortunate that this charge has been brought; even at this stage if you were to seek leave to withdraw this charge we would give it to you. The Crown Advocates asked for leave to withdraw Count 1 which was granted and the Court directed that a formal verdict of not guilty be entered on the charge. 2. Mr Coleman, you are here to be sentenced for two counts of malicious damage. The first of them involved a quite deliberate premeditated taking of a spray can to the address of your former landlady with whom you were having an intimate relationship. It is a serious malicious damage not only because it was premeditated but also because of the public nature of the damage that was caused. Spraying on the outside of her house and on her fence these derogatory words was making a public statement to humiliate and embarrass her and that, in our view, made that offence more serious. 3. You also completely lost your temper by using the crowbar or scaffolding pole which you found to cause damage to the Audi A4 cabriolet which effectively wrote it off. The damage that the Court has seen on these photographs through the boot, bonnet, the roof and the front and rear windscreens caused by the scaffolding pole is very significant and it is a valuable motor vehicle and it was a serious amount of damage which you caused. There is no doubt in our minds that a custodial sentence would be warranted for an offence of that kind. 4. We are avoiding a custodial sentence here because of three things in particular. First of all your guilty plea, your early admissions and your surrender of yourself to the police. Secondly, we treat you as being of good character and

thirdly because we recognise that these offences took place in circumstances of some emotional stress although in mentioning that we do emphasise that the consequences show how important it is for a man to keep control of himself even when under emotional stress. 5. In all the circumstances we think that the conclusions of the Crown were substantially right but we are going to increase the Community Service Order in relation to Count 3 because as we say we think that there was a meanness as well as a premeditation to that malicious damage because of the public nature of it. 6. We therefore sentence you on Count 2; 120 hours' community service and on Count 3 to 120 hours' community service and in each case the equivalent would have been 6 months' imprisonment. They are to run concurrently and therefore make a total of 120 hours' community service. Authorities AG-v-Fernandes and Mendes [2008] JRC 066. AG-v-Pereira

[2011] JRC 182. AG-v-Phillips

[2009] JRC 193. UK Magistrate's Court Sentencing Guidelines.

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