

JERSEY / JUDGMENT

The Attorney General v Ronald Carl Brinne Hinds

COURT

Royal Court

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[2011]JRC163

Royal Court

(Samedi)

19

August 2011

Before : M. C. St. J. Birt, Esq., Bailiff, and Jurats
Morgan and Crill.
The Attorney General
-v-
Ronald Carl Brinne Hinds
Sentencing by the Inferior
Number of the Royal Court,

following a guilty plea to
the following charge: 1 count of:
Grave and criminal assault (Count 1).
Age: 51.
Plea: Guilty.

Details of Offence: On 1st May, 2011, the defendant spent
the day drinking a large quantity of lager whilst watching football. He was extremely
drunk. At approximately 22:30 he arrived at the Hotel Ambassadeur, St
Clement and purchased a pint of lager.
At approximately 22:40
the victim, who had also been drinking, arrived at the Hotel.
The defendant was talking to a
resident in the bar area. Both were
swearing and talking loudly and despite being told to keep the noise down, they
continued. The victim then asked
the resident to keep his voice down and mind his language. The resident apologised
but the
defendant stood up and approached the bar.
The victim told him that he had not been talking to him and that he should
finish his drink or leave. The
defendant then became racially abusive to the barman and continued swearing and

causing a scene. The situation eventually calmed down and as it was too late for the defendant to buy another drink, he left calmly, saying goodnight as he went. Approximately twenty minutes later, the victim and another regular patron went outside for a cigarette. Shortly afterwards the defendant reappeared, having returned home to change his top and to collect a wooden baseball bat which he now carried. He walked casually up to the victim and stated "You're not such a big man now are you." He then struck him forcefully to the right hand side of his stomach with the baseball bat, using both hands. The blow caused the victim to drop to his knees and as he did so he grabbed the defendant around the waist, knocking him off balance. The defendant then swung the baseball bat at the victim once again, this time hitting him on the back of his head causing him to bleed heavily.. The police were subsequently called and the defendant was restrained by other patrons until his arrest. The defendant had blood running down his face and on his hands and there were also two pools of blood on the ground. During interview the defendant stated that he could not recall leaving the Hotel, collecting the baseball bat or assaulting the victim due to his level of intoxication. As a result of the assault the victim suffered a cut to his head, severe bruising to his stomach and bruising to his foot. He was also left feeling nervous and it was two weeks before he felt able to return to the Hotel.

Details of Mitigation:

Guilty plea, remorse, contribution to community, difficult upbringing and has been carer to wife.

Previous Convictions:

Thirty five convictions for seventy four offences, including seventeen historic incidents of assault. Only one assault in the last ten years.

Conclusions:**Count 1:**

3 years' imprisonment.

**Sentence and
Observations of Court:**

The Learned Bailiff stated that the Court had repeatedly said that violent behaviour would be treated seriously and agreed that a sentence of imprisonment was appropriate. However, in light of the mitigation available the Court felt able to reduce the conclusions.

Count 1: 18 months' imprisonment.
Exclusion Order from 1st,
4th and 7th category licensed premises for a period of 12
months upon release made.
C. M. M. Yates, Esq., Crown Advocate.
Advocate J. W. R. Bell for the Defendant.

JUDGMENT

THE BAILIFF: 1. Mr Hinds, despite the fact that you are apparently assessed as being incapable of work, and therefore in receipt of long-term incapacity benefit, you managed to go home, fetch a baseball bat, and then wield it by striking the victim in the stomach with considerable force and then once more on the head. All of this just because the victim had intervened to ask you to keep your voice down, and then to leave the barman alone when you started insulting the barman in a racist manner and shouting at him. This assault was entirely unprovoked, it was carried out with a certain degree of deliberation because you went home to fetch the weapon and therefore had time to cool down, and furthermore it was clearly a very violent blow which you struck. In addition you have a very bad record for assaults, some seventeen over the years, and it is clear that when drunk you easily turn to violence. 2. Mr Bell has put forward mitigation on your behalf; he has emphasised the guilty plea and your remorse, which we accept; he has also emphasised that of course things have taken a turn for the better in recent years and you have only one conviction for assault in the last ten years. So most of the convictions were when you were much younger. He has emphasised that you are determined to conquer your drink problem and we have read the reports from the Probation Service and Mr Gafoor that they recommend a treatment order so that you can try and deal with this. We have also read all the references that have been provided and we do understand that you have done extremely good work in your neighbourhood. 3. But the Court has repeatedly said that violent attacks of this nature merit a prison sentence. We have carefully considered the matter but we do not think a prison sentence can be avoided in this case given the nature of the assault and given the previous record. What we do think is that we can reflect the mitigation, particularly the good work you have been doing recently, by reducing the conclusions which we think were a little high. 4. The sentence of the Court is one of 18 months' imprisonment and we make an Exclusion Order for 12 months after your release. 5. Mr Yates, we want you to make enquiries from the Social Security Department. We have been informed today that Mr Hinds is well enough to do gardening; we have been informed that he helps clean cars and do other things for his neighbours, and of course we know that he is well enough to carry out this attack. It is therefore something of a mystery to the Court as to how he has been assessed as incapable of working and therefore entitled to long-term incapacity benefit, and we invite you to make enquiries as to how this has come about.

Authorities Harrison-v-AG

[2004] JLR 111. Whelan on Aspects of Sentencing in the Superior Court of Jersey.

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