

JERSEY / JUDGMENT

The Attorney General v Z

COURT

Royal Court

Source: jerseylaw.je · Research copy typeset by Esheria. Not court-issued or certified.

Source record

Inferior Number Sentencing – malicious damage – assault.**[2015]JRC097****Royal Court****(Samedi)****8 May 2015**

Before :

Sir Michael Birt, Commissioner, and Jurats

Fisher and Liston

The Attorney General

-v-

Z

Sentencing by the Inferior

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

1 count of:

Malicious damage (Count 1).

1 count of:

Assault (Count 2).

Age: 17

Plea: Guilty.

Details of Offence:

Count 1 – on 27th

December, 2014, the defendant damaged a fire alarm sounder in Sand Street car park by punching it. The value of the damage was £66.38. He admitted the offence in interview.

Count 2 – on 28th

December, 2014, police officers went to the defendant's home to arrest him on suspicion of an unrelated offence (proceedings for which were subsequently discontinued). He was initially calm and cooperative, and was allowed to collect belongings and say goodbye to a friend who was present. However, as an officer took hold of his sleeve to lead him away, the defendant began to resist and shout. He was therefore handcuffed to the rear. The defendant became distressed and continued to shout. As he was led away, he leant back against the officers holding him and used them as a support to kick out at a nearby police sergeant, striking him to the forearm. He was taken to

the floor and quickly
calmed down. In interview, the
defendantI admitted that he had been drunk and that he had snapped.
Royal Court breach offences see AG v
Z [2014] JRC 012A.
Youth Court offences – driving
without a licence (no separate penalty) and driving without insurance (70
hours' community service).

Details of Mitigation:**The Crown:**

Guilty pleas; youth; difficult
background; mental health problems; remorse (willing to take part in
restorative justice).

The Defence:

Required an individualised
sentence, context of the offence (had effectively been rendered homeless over
the Christmas period), whilst his offending had increased in frequency the more
recent offences were less serious, inability to control his emotions linked to
his condition, probation had not succeeded in preventing him from reoffending
but had had a positive effect on the defendant, had separated himself from an
unhelpful friendship group and had reduced his drinking.

Previous Convictions:

Twelve, including the breach
offences.

Conclusions:

The Crown submitted that the
defendant had a clear failure to respond to non-custodial penalties both by
reoffending and by non-compliance (Article 4 Criminal Justice (Young
Offenders) (Jersey) Law, 1994).
However, with considerable hesitation the Crown concluded that his
youth, mitigation, background and mental health issues would allow the Court to
grant him a final chance.

Count 1:

40 hours' Community Service Order,
equivalent to 1 week's youth detention, together with a 12 month
Probation Order.

Count 2:

70 hours' Community Service Order,
equivalent to 2 months' youth detention, together with a 12 month
Probation Order, concurrent.
Breach of Royal Court Probation

Order:**Count 1:**

180 hours' Community Service Order,
equivalent to 12 months' youth detention, together with a 12 month
Probation Order, concurrent.

Count 2:

45 hours' Community Service Order,
equivalent to 2 weeks' youth detention, concurrent, together with a 12
month Probation Order.
Breach of Youth Court Community

Service Order:

Count 1: No separate penalty.

Count 2: 48 hours' Community Service Order, equivalent to 3 weeks' youth detention, concurrent, together with a 12 month Probation Order, and 6 months' disqualification from driving to remain in place.
Total: 180 hours' Community Service Order, equivalent to 12 months' youth detention, together with a 12 month Probation Order.
Compensation Order sought in the sum of £66.38.

Sentence and Observations of Court: Prior to the defendant's mitigation being advanced, the Court warned defence counsel that they may consider the Crown's conclusions to be too lenient and that youth detention may be required.
Exceptional case and youth detention would not be imposed.
This was the defendant's absolute last chance.
Compensation Order £66.38 to be paid within 2 months or 7 days' youth detention in default
Previous orders discharged.
Conclusions granted.
E. L. Hollywood, Crown Advocate.
Advocate S. E. A. Dale for the Defendant.

JUDGMENT

THE Commissioner: 1. On 16th January, 2014, you were placed on probation for a grave and criminal assault on your mother. You have now breached that order three times. On 8th July you admitted an offence of malicious damage to your mother's kitchen and you were given a further Probation Order by the Youth Court. On 18th November the Youth Court imposed 70 hours' community service for driving your moped without insurance and now you have committed this offence of malicious damage to a light in Sand Street car park and, more seriously, an assault on a police officer when they were arresting you; the assault consisted of kicking out at the officer and striking him on the arm, fortunately, there appears to have been no significant injury but the Court has frequently said that police officers are entitled to the Court's protection and assaulting a police officer nearly always leads to imprisonment. You have also been referred back to the Court for failing to undertake satisfactorily the community service which was ordered by the Youth Court. 2. So when the members of the Court read the papers it seemed, despite the Crown's recommendation, that there was no alternative but to you serving a period of youth detention in view of your repeated breaches of the orders. 3. Advocate Dale has spoken strongly on your behalf and she has urged that we should treat this as an exceptional case; and certainly as a result of her submissions the Court has greater insight into the difficulties caused by your conditions of

Asperger's and ADHD, together with the background family situation. In a sense this is all highlighted by the fact that, although it was your fault because you had refused to go with your mother, nevertheless you as a 17 year old found yourself on Christmas morning with nowhere to live and it was at this time that the two offences with which you are now charged were committed. Indeed on the first night you were reduced to walking the streets all night as you had nowhere to go. 4. In view of everything that is in the background report and has been put forward by your advocate and particularly in view of your age - you are still only 17 and you were 16 at the time of the main offence - the Court has just been persuaded to agree with the Crown's conclusions; but there can certainly be no reduction as your advocate asked. 5. We want to make this absolutely clear to you. This is absolutely your last chance. You have been incredibly fortunate; you have used up all the mitigation which could possibly be available to you, so listen carefully. If you re-offend or if you do not turn up promptly for the community service and work hard or if you do not do what the probation officer says in relation to your Probation Order you will be brought back here and if you are brought back, it is inevitable that you will go to youth detention. I hope you understand the strictness of the warning that we are giving you, so do not think that you will get away with anything again. 6. Nevertheless, for the reasons that we have given we have just been persuaded to give you a further chance on this occasion; so we agree with the Crown's conclusion as follows; on Indictment Count 1; 12 months' probation and 40 hours' community service, equivalent to 1 week's youth detention, Count 2; 12 months' probation, 70 hours' community service equivalent to 2 months youth detention. For the breach of the Probation Order of the Royal Court, Count 1; 12 months' probation and 180 hours' community service, equivalent to 12 months' youth detention, concurrent, and Count 2; 12 months' probation and 45 hours' community service, equivalent to 2 months' youth detention, concurrent. For the breach of the Youth Court Community Service Order, driving without a licence; no separate penalty, driving without insurance; 12 months' probation and 48 hours' community service, equivalent to 3 weeks' youth detention, concurrent, and of course the disqualification from driving remains in place; so that is 12 months' probation and 180 hours' community service in total. 7. Advocate Dale has suggested that the community service should be carried out with more hours a week than normal. We agree with that; we think it will give structure and discipline to your life; so we do ask the community service organisers to see if they can accommodate that as far as possible. 8. Finally, there is an application for a Compensation Order for £66.38; we make an order with 2 months' to pay and 1 week's youth detention in default, and we discharge the existing Community Service Order and Probation Orders. We hope that we will not see you here again. Authorities Criminal Justice (Young Offenders)(Jersey) Law 1994. Harrison-v-AG [2004] JLR 111. Louis-v-AG [2010] JLR N 45. Louis-v-AG [2010] JRC 170. Whelan on Aspects of Sentencing in the Superior Courts of Jersey. AG-v-Z [2014] JRC 012A.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.jerseylaw.je/judgments/unreported/Pages/%5B2015%5DJRC097.aspx>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/the-attorney-general-v-z-2015>

Prepared on 24 October 2026 · Esheria