

JERSEY / JUDGMENT

AG -v- Goodchild [2016]

JRC 128B (22 July 2016)

[2016] JRC 128B

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for one count of a grave and criminal assault and one count of possession of a relatively small amount of cannabis. The assault was a vicious one because you threw your victim to the ground and, whilst he lay motionless, you punched and kicked him in the body and in the head. His injuries were serious and included a fracture of the cheekbone and bruising, swellings and abrasions. 2. We take the view that alcohol played a part in your behaviour. The kicks to the head were dangerous indeed and the injuries could have been much worse. We have read the personal statement of your victim and clearly his injuries have had a real effect on him. You do not have a good record and you have previous convictions for violence and clearly alcohol has played a part and a continuing role in your offending up to now. 3. We accept that you were provoked significantly in this case but your reaction to that provocation went far beyond any legitimate response and was wholly disproportionate. 4. You are entitled to credit for your guilty plea and we have read, with care, the letter that you have provided and we accept that your remorse is genuine. 5. However, the Court's policy is clear and without exceptional circumstances a custodial sentence will follow. The Court said in the case of AG-v-Silva

[2015] JRC 153 :- "Those who commit violent assaults on the streets of St Helier will be set to prison unless there are exceptional circumstances." We have to say that we do not find that there are exceptional circumstances in this case. 6. We do however take the view that there is substantial mitigation available to you and, taking into account that mitigation and in particular that personal mitigation contained in the social enquiry report that we have read, and the element which we view as significant of provocation in this case, we think that we are in a position to reduce the conclusions moved for by the Crown in this matter. 7. Accordingly in connection with the grave and criminal assault you are sentenced to 12 months' imprisonment. It would have been higher but for our view of the significant mitigation available to you and in connection with the cannabis offence you are sentenced to 1 month's imprisonment, to run consecutively, making a total of 13 months' imprisonment. 8. We hope that you will advantage of the facilities and the help available to you in prison and that you will continue the progress that you have made. We hope we do not see you again. Authorities Licensed Premises (Exclusion of Certain Persons)(Jersey)

Law 1998. Criminal Justice (Compensation Orders)(Jersey) Law 1994. Harrison-v-AG

[2004] JLR 111 . AG-v-Goodchild

[2014] JRC 133A. AG-v-Le Mains 1996/178. AG-v-Silva

[2015] JRC 153 . AG-v-Porteous 2001/138. AG-v-Vieira

[2012] JRC 129 . AG-v-Huet

[2014] JRC 130A . AG-v-Le Chevere

[2015] JRC 053 . AG-v-Phillips

[2015] JRC 033 . Whelan on Aspects of Sentencing in the Superior Courts 3rd Edition. English Criminal Injuries Compensation Scheme 2012. Page Last Updated: 16 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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