

ROYAL COURT

30th March, 1987

Her Majesty's Attorney General

-v-

Bruce HantonJudgment

Before the Bailiff assisted by Jurats Perrée, Lucas, Blampied, Holmes, Baker, Le Boutillier, Bonn and Hamon.

The Bailiff: (indistinct) which I shall refer in a moment and the plea of your Counsel, we have little doubt that this Court would have imposed a heavier sentence in that asked for by the Solicitor General. But under the circumstances we are going to impose a slightly lower sentence than he has asked for, not much but slightly lower, and that is the decision of the majority of the Court. We will refer to a number of cases in Thomas, none of which we think are quite in point. The edition of Thomas is some years old and we think that a better guide today is in fact "Current Sentencing Practice", to which we were referred by the Solicitor General in the case of Azevedo earlier this year, which of course was a case of diminished responsibility and is not in point at all. But "Current Sentencing Practice" enables us to keep abreast of the way in which the English Courts deal with offences of violence, and although of course none of those decisions are binding on us, generally speaking, we like to have regard to them, although it is perfectly true that in cases of drugs, for example, we are inclined to take a more serious view than our English brethren. Nevertheless, this was a very serious case and we were referred to the case of David William Davis, by the Solicitor General

where in fact the facts were similar to the extent that there was a blow, but with a hammer, and two further blows, very much similar to this case with a hammer and it was in fact an unpremeditated attack in the sense in that case the appellant found a hammer on the window and in a fit of passion hit his wife with it three times. And the Court of Appeal said this is a sort of attack which in the view of this Court would have merited a lengthier sentence than the one imposed. We have no doubt that the learned Judge gave credit for all the matters, particularly the plea of guilty which has been urged upon us. There is an indication of the views of the Court of Appeal a strong Court presided over by the Lord Chief Justice and Mr. Justice Boreham and Mr. Justice Taylor, however, there are a number of matters in this case which allowed the Court as we have done to distinguish it. First of all the victim was a young man, a strong young man, from what we have heard an aggressive boxer, secondly, that young man assaulted the accused first whilst he was asleep in the chair and certainly inflicted quite a serious injury on his face, and ~~thirdly, the accused showed commendable concern and remorse, concern for the~~ victim, and remorse for what he had done and there is no doubt that this attack will live with him for a very long time. Under the circumstances we are going to sentence you to six years imprisonment.

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