

ROYAL COURT
(Samedi Division)

21,

30th January, 1995

Before: The Deputy Bailiff and Jurats
Coutanche, Orchard and Gruchy

The Attorney General

- v -

Martin Francis Heuzé

Sentencing following conviction before the *Assize Criminelle* on 8th December, 1994, after entering a not guilty plea to:

1 count of **rape.**

AGE: **30**

PLEA: **Not guilty**

DETAILS OF OFFENCE: Heuze' offered young woman of 17 a lift home. He had met her briefly the night before when he drove her home safely. On the night of the offence Heuzé drove around the island for a considerable period of time with the victim in his car despite her requests to be taken home. Eventually drove into a secluded field off Rue au Blanc, St. Clement, whereupon having made several brutal threats which terrified her into submission he raped his victim on two occasions and further forced her to perform acts of gross indecency upon him. The rape and indecent assault ran the full gamut of indecency and humiliation with Heuzé taunting his victim during her ordeal.

DETAILS OF MITIGATION: Very little by way of mitigation save that after the offence was committed, Heuzé drove his victim home.

PREVIOUS CONVICTIONS: Long list of previous convictions including larceny, being drunk and disorderly and causing malicious damage but mainly convictions for motor traffic offences. Convicted on 10th August 1988 in the Royal Court of grave and criminal assault upon a female after or during an act of consensual intercourse.

CONCLUSIONS: 8 years.

SENTENCE AND OBSERVATIONS **8 years.**
OF THE COURT:

D.E. Le Cornu, Esq., Crown Advocate
Advocate D.F. Le Quesne for the accused

JUDGMENT

THE DEPUTY BAILIFF: Heuzé, the Jury convicted you unanimously of the brutal crime of rape. This girl got into your car on the evening in question because she recognised you as the person who had

in question because she recognised you as the person who had delivered her safely home the previous evening. You then used your greater experience and ultimately the threat of physical violence to coerce her into performing oral sex with you and into having sexual intercourse with you on more than one occasion in order to gratify your lust.

In addition we note the conviction in 1988 for grave and criminal assault upon a girl after, or during, an act of consensual intercourse. That conviction suggests that Miss A was wise to submit to your threats.

We agree with the Crown Advocate that the appropriate starting point on the facts of this case is a sentence of 8 years imprisonment.

The Court has considered carefully all that your Counsel has very ably said on your behalf. It is true that you did not abandon your victim in the field. But, at the end of the day, our conclusion is that there is little by way of mitigation. Your denial of the offence made it necessary for the girl to re-live in the witness box the degrading ordeal through which you had put her. Although she appears, fortunately, to be a resilient young woman, we do not know what psychological effects there may later be. What is certain is that you sexually humiliated and abused her over a period of about an hour having terrified her into submission. The conclusions are accordingly granted and you are sentenced to 8 years imprisonment.

The Court wishes me to say finally, Mr. Le Cornu and Mr. Le Quesne, that we are grateful to both Counsel for their assistance in this case.

Authorities

Billam & Ors. (1986) 8 Cr. App. R. (S) 48.

Glenford Daley (1986) 8 Cr. App. R. (S) 429.

Thomas: Current Sentencing Practice (Release 22: 8-iv-92):
R. -v- Harvey (1987) 9 Cr. App. R. (S) 124.

Shields (1994) 15 Cr. App. R. (S) 775.

Whelan: "Aspects of Sentencing in the Superior Courts of Jersey:
p.96.

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