

ROYAL COURT
(Samedi Division)

25th July, 1997 148

Before: Sir Philip Bailhache, Bailiff, and
Jurats Vibert and Potter

The Attorney General

- v -

Le G and A

1 count of grave and criminal assault (count 1).

Plea: Guilty.

Ages:

Le G : 15.
A : 16.

Details of Offence:

Defendants and victim were among a considerable number of teenagers in Liberation Square one evening. Female friend of defendants complained that victim had tried to kiss her. Defendants backed by crowd of youths confronted victim on his own. Victim sitting on bench. Le G kicked victim under chin. Bench overturned with victim beneath. A climbed on bench then jumped off kicking victim.

Victim ran from Liberation Square to Esplanade and was knocked to the ground by a third party. Defendants followed him. Le G kicked him in the ribs and A kicked him in the head.

Details of Mitigation:

Defendants believed themselves provoked by their belief that victim had made advances to their female friend. Previous excellent character. Supportive families. Penalised by families since incident [not allowed out and pocket money stopped]. Both defendants regretted actions, accepted they were wrong and expressed remorse.

Previous Convictions:

Le G : None.
A : None.

Conclusions:

Very nearly youth detention because of seriousness of the offence. Deciding factor the expressions of regret and remorse. Each defendant: 36 hours at attendance centre.

Sentence and Observations of the Court:

Despite conclusions, Court asked defence counsel to address it on youth detention. On sentencing, stated that Court came very close to imposing youth detention which was what the defendants richly deserved. Like prosecution, final decider was regret and remorse. However, attendance centre not adequate penalty. Each defendant: 1 year's probation and 90 hours' community service.

The Solicitor General.
Advocate J. Martin for Le G.
Advocate R.J. Renouf for A.

JUDGMENT

THE BAILIFF: Le G and A, this was a vicious and cowardly attack of which you both should be very ashamed. Not only did you kick this boy in Liberation Square, but you followed him onto the Esplanade and, when he was lying on the ground, you kicked him again.

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The Court has given, as I hope you will appreciate, very careful consideration indeed to the question of whether we should send you to the Young Offenders' Centre, because that is certainly what you deserve. Even if there was some provocation, that did not excuse, in the slightest, the attack which you carried out on your victim.

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We have accepted, at face value, the expressions of regret which you have both given to the Probation Officer. However, we do not think that the attendance centre order for which the Crown has moved is sufficient punishment for the offence which you both committed. Accordingly, we are going to order you to perform community service. The sentence of this Court is that you will both be placed on probation for a period of one year and during that time you will be of good behaviour and carry out the directions of the Probation Officer. You must also perform 90 hours' community service to the satisfaction of the community service organiser.

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No Authorities.