

ROYAL COURT
(Superior Number)

25th January, 1989

Before: The Bailiff and
Jurats Coutanche, Vint, Lucas,
Le Boutillier, Orchard, Hamon,
and Gruchy.

Her Majesty's Attorney General

- v -

LJ

Sentencing:

Guilty plea: Ct. 1: Breaking & entering & larceny:
Borstal training; Ct. 2: Malicious damage:
Borstal training; Ct. 3: Grave & criminal
assault: Borstal training; Ct. 4: Grave
& criminal assault: Borstal training;
Ct. 5: Grave & criminal assault: Borstal
training; Ct. 6: Grave & criminal assault:
Borstal training; Ct. 7: Grave &
criminal assault: Borstal training.

The Solicitor General for the Crown
Advocate M. O'Connell for the accused.

JUDGMENT

THE BAILIFF: The Court does not wish anything that I am going to say to be construed as being not supportive of the police where necessary. It is essential that Courts should support the police in the execution of their duty and assaults on the police of this sort are grave and serious and would normally carry with it a considerable custodial sentence. But the Court is unanimous in thinking that the conclusions asked for in fact indicate too severe an approach. We think there is a clear distinction drawn between this case and that of Marie, who had been terrorising the Island with his activities for quite a long time and we do not think that the bench mark which you referred to, Mr. Solicitor, is appropriate to this case. We do not wish it to be thought that we are not supportive of the police in their efforts to keep the town in order; we are indeed; but in this particular case, we feel entitled to draw a fair distinction between Marie and this case.

Therefore, we think that although you should go to prison, the proper way to deal with it is to impose a Borstal sentence, which in fact would be a youth custody order and you will serve it in Portland. The effect of that is that you will leave almost at once, one would hope, for that institution and you will be dealt with there. You are sentenced to Borstal training, although this of course is changed once you get to England to a youth custody order.

Authority

A.G. -v- D.G. Marie: 1st June, 1988: Unreported Royal Court.

A.G. -v- D.G. Marie: 26th October, 1988: Unreported C.A.