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ROYAL COURT
(Samedi Division)

27.

11th February, 1994

Before: J.E. Vint, Esq., Lieutenant Bailiff, and
Jurats Orchard and Herbert

The Attorney General

- v -

BL

Sentencing, following guilty pleas on 21st January, 1994, to

2 counts of cruelty to a child under sixteen, contrary to Article 9(1) of the Children (Jersey) Law, 1969. (Count 1 of the indictment, on which count a co-accused pleaded not guilty and was remanded for trial; and count 3; count 2 of the indictment charges the co-accused alone.

AGE: 29

PLEA: Guilty

DETAILS OF OFFENCE:

2 sons (8 months and 2 1/2 years). Admitted smacking the elder with such force that a bone in his arm was broken. The younger child had four or five fractures of varying age and severity. BL took no steps to get medical attention, but let the child suffer. Almost certainly those injuries were caused by BL's co-habitee one DL who is to face trial for having caused the injuries.

DETAILS OF MITIGATION:

Had hitherto met at least the basic maternal needs of the children, including a degree of demonstrative affection. The sinister events in the case appeared to date from the involvement with the co-habitee. Children in care since events came to light.

PREVIOUS CONVICTIONS:

Nil.

CONCLUSIONS:

2 year probation order.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted.

**C.E. Whelan, Esq., Crown Advocate.
Advocate R.G. Morris for the accused.**

JUDGMENT

THE LIEUTENANT BAILIFF: We are going to grant the conclusions, Mr. Morris, we are entirely satisfied because we have had the opportunity of reading the reports and, therefore, we are fully informed about the facts.

One of the observations that the Court might well have made had it not been made by the Crown Advocate was: is one year's probation sufficient? We are happy that an agreement has been reached that it should be a two year period of probation. As you know, your client can always be brought before the Court to have an order discharged early if that is appropriate.

We thank the probation department for a helpful, constructive and useful report.

No authorities.