

**ROYAL COURT**  
**(Samedi Division)**

11th March, 1994

57.

**Before: The Deputy Bailiff, and**  
**Jurats Myles and Gruchy**

**The Attorney General**

- v -

DL

1 count of cruelty to a child under sixteen, contrary to Article 9(1) of the Children (Jersey) Law, 1989.  
(Count 1 of the indictment laid against him and co-accused, BL who was sentenced on 11th February, 1994: see Jersey Unreported Judgment of that date).

AGE: 22 (21 when offence committed).

PLEA: Guilty (the accused pleaded not guilty to both counts laid against him, but changed his plea to guilty on count 1, maintaining a not guilty plea to count 2, on 18th February, 1994, which the Crown accepted; count 3 charged the co-accused alone).

**DETAILS OF OFFENCE:**

Moved in with 28 year old single mother. 8 month old baby later found to have a number of non-accidental injuries of varying dates which would have been obvious to those caring for him. DL a "de facto" carer for the baby. No medical attention obtained. Medical attention would have alleviated pain and discomfort.

**DETAILS OF MITIGATION:**

Younger than the child's mother (who was earlier placed on 2 years probation for the same offence and one of assault on 4 year old brother). Unhappy childhood; at one stage in care. Very limited intellectually. Doubtful whether he really understood his responsibilities.

**PREVIOUS CONVICTIONS:**

A number, including as a juvenile, but nothing similar.

**CONCLUSIONS:**

2 year Probation Order with 120 hours Community Service.

**SENTENCE:**

Conclusions granted, but defendant must understand that what he did was very wrong.

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**The Solicitor General.  
Advocate P.S. Landick for the accused.**

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**JUDGMENT**

**THE DEPUTY BAILIFF:** DL , the Court is going to grant the conclusions, but the Court wants you to understand that what you failed to do was very wrong. This baby was clearly suffering from injuries which it had received and we think it is not possible that you did not notice that suffering. You did not care sufficiently to do what you should have done, which was to take the child immediately for medical help.

We have taken note of what your counsel has said, and the difficulties which you faced early in life and we hope that you will take advantage of the guidance which you will have from the Probation Service and indeed we expect you to do so because if you come back before this Court, having failed to co-operate with the Probation Service, you can expect to be dealt with rather differently.

We place you on Probation for a period of two years and we order you to carry out 120 hours of Community Service to the satisfaction of the Community Service organiser.

No authorities.