

ROYAL COURT
Superior Number

27th July, 1989

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

Her Majesty's Attorney General

- v -

Julie Aubin

Sentencing by Superior Number
following guilty plea on 14th July,
1989, to larceny (1 count) and
grave and criminal assault
(1 count).

The Attorney General
Advocate N.F. Journeaux for the accused.

JUDGMENT

THE BAILIFF: Obviously, in a case of this nature we have concentrated on the assault. As regards the larceny, that is a relatively trivial matter.

The Court has taken quite a long time to consider the appropriate sentence and I have to tell you, Aubin, that its first decision by a majority of one was that you should indeed go to prison and not have individualised treatment. However, following further discussion the Court decided, by a majority of one, that it would be prepared, in these circumstances, to allow you to receive individualised treatment. But I want to make it clear that the Court is not saying that people who assault the police with knives can come to this Court and demand as a right, as a result of this case, to receive individualised treatment. That is not what we are doing. We are allowing you to have individualised treatment because of the exceptional circumstances of your case, but particularly because you have shown over the last three years that you are capable, given the opportunity, of changing your way of life. It is because we think that we would like to continue that chance that we are going to do what I am going to announce in a moment. But I want to make it clear that if you do not respond to what we intend to do, you will be brought back here and sentenced and you will certainly go to prison.

But before I impose the sentence which the Court has in mind, I want to ask you, through your counsel, Mr. Journeaux? Are you prepared to give an undertaking as a condition of being placed on probation that you will attend at the psychiatric unit for treatment by Dr. Faiz, either as an in-patient or an out-patient, depending on what he requires, and will follow his directions for as long as he wishes, or at any rate for the two years because we cannot do it beyond that?

(Consults with Advocate Journeaux).

On that undertaking we are going on the first charge to place you on probation for a period of two years, and you know the conditions by now, to live and work as directed by your Probation Officer and to be of good behaviour during that period and you will come up for sentence if you should reoffend. A condition which we are going to impose which you have accepted is that you will undertake psychiatric treatment with Dr. Faiz, whether as an in-patient or an out-patient and for the period of the probation time you will follow his instructions. If you do not, you will be brought back to this Court and dealt with by this Bench and there will be a sentence of

imprisonment, I have no doubt, imposed.

So far as the attack on the police is concerned, this was as I have said, a serious attack and again this is the kind of attack which I do not wish it to be thought would not normally merit a custodial sentence, it does. But for the reasons I have mentioned we are going to impose a community service order for the maximum period we can impose of 240 hours. That will have to be served as well as the probation of two years. But, Aubin, this is really your last chance to try and settle down to be a good citizen and if you do not take it you know what will happen.

Authorities

Thomas: Principles of Sentencing (2nd Ed'n):

p.105: Assaults on Police;

p.106: Footnote 1: Coleman (1975) 61 Cr. App. R. 206.

Current Sentencing Practice:

D.4.3: R. -v- McDiarmid

D.4.3: R. -v- Shenton.

A.G. -v- Gibault (1985-86) JLR N. 20.

A.G. -v- Hughes (17th June, 1987) Jersey Unreported.