

ROYAL COURT  
(Samedi Division)

20th March, 1991

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Before: The Bailiff, and  
Jurats Vint and Herbert

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The Attorney General

- v -

LM

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Sentencing by the Inferior Number, following conviction, on the 20th February, 1991, on one count of wilfully assaulting a child under the age of sixteen, contrary to Article 9(1) of the Children (Jersey) Law, 1969.

**Flea:**

Not Guilty.

**Details of Offence:**

LM was released from prison. Homeless and out of work, he was taken in by his married sister, who had four small girls, the youngest aged 18 months. One day the mother found two burn marks on the baby. Medical examination showed older bruising and ligature marks. On the night the burns were inflicted, LM had taken the baby from her room to his, and taken her babygro off. Described by the doctor as "sadistic games". Breach of sister's trust.

**Details of Mitigation:**

Homeless, jobless, epileptic and a bad family background. Some stress from the elder children. The probation report said "levels of insight extremely minimal ... grossly damaged personality ... low intelligence, poor education and dreadful family background ... immature, inadequate and ... almost incapable of accepting any responsibility for himself".

**Previous convictions:**

Several, but none for related offences. Not mentioned to the Court.

**Conclusions:**

Two years.

**Sentence and Observations  
of the Court:**

Serious offence and must be punished, but taking the mitigation into account, 18 months.

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Miss S.C. Nicolle, Crown Advocate.  
Advocate A.D. Hoy for the accused.

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**JUDGMENT**

BAILIFF: As was said in R -v- Smith by May LJ we have to deal with these difficult cases having regard to the wickedness and the injury. In this case, LM, you took this child out of her room to your own room. You took off her 'babygro' and you inflicted these assaults on her, we are satisfied, quite deliberately. In fact Dr. Spratt described the unfortunate child as having been the subject of a "sadistic game". We quite agree with that assessment of it, it's a nasty case, but nevertheless Mr. Hoy, what you have said we have taken into account, having regard to the level of sentencing in the cases we have looked at and the fact that also, LM, you are socially disadvantaged and it was a loss of temper but nevertheless the injuries were deliberate. We can reduce the conclusions slightly to one of 18 months and you are accordingly sentenced to that amount.

Authorities

Thomas: Principles of Sentencing (2nd Ed'n) pp 108-110: Violence  
against Children.

Thomas: Current Sentencing Practice (Release 19: 21st June, 1990):

- p 2147: R -v- Lewis (1983) 5 Cr. App. R. (S) 14.
- p 2148: R -v- Smith (1984) 6 Cr. App. R. (S) 174.
- p 2148: R -v- Greenhill (1986) 8 Cr. App. R. (S) 261.
- p 2149: R -v- Jefferson (1986) 8 Cr. App. R. (S) 278.
- p 2150: R -v- Jeffrey (1989) 11 Cr. App. R. (S) 265.
- p 2150/2: R -v- Dawson (1989) 11 Cr. App. R. (S) 338.
- p 2150/2: R -v- Gayle (1989) 11 Cr. App. R. (S) 435.
- p 2151: R -v- Durkin (1989) 11 Cr. App. R. (S) 313.
- p 2151: R -v- Todd (1990) 12 Cr. App. R. (S) xxx.
- p 2152: R -v- Mahieu & Mahieu (1988) 10 Cr. App. R. (S) 265.
- p 2153: R -v- Broady (1988) 10 Cr. App. R. (S) 323.

