

ROYAL COURT
(Samedi Division)

83.

2nd July, 1993

Before: The Bailiff, and
Jurats Bonn and Hamon

The Attorney General

- v -

David Francis Whiteford

1 count of Assault (Count 1 of the Indictment).

1 count of Grave and criminal assault (Count 2).

AGE: 27

PLEA: Guilty

DETAILS OF OFFENCE:

While under influence of alcohol in public house picked quarrel with member of public then held knife to victim's throat. Victim left public house. Whiteford followed, jumped victim from behind, and punched and kicked him. Three or five passerby joined in. Assault broken up by arrival of police van. Initially very unco-operative - still very drunk. Later interviewed but too drunk to remember.

DETAILS OF MITIGATION:

Resident in Guernsey, came to Jersey to see ex girlfriend who refused to see him. Depressed by this, spent three days' drinking. Institutionalised. Probation report recommended probation (to be effected in Guernsey). Despite record, has never been offered chance of supervision.

PREVIOUS CONVICTIONS:

Long record including previous for assault.

CONCLUSIONS:

(1) 12 m. (2) 18 m. concurrent

**SENTENCE AND OBSERVATION
OF THE COURT:**

Using weapon in public house serious offence. Brawling in public street, even if no weapon used, also serious. Drunkenness no mitigation. No exceptional circumstances. Conclusions granted.

**Miss S.C. Nicolle, Crown Advocate.
Advocate P. Landick for the accused.**

JUDGMENT

THE BAILIFF: Using a weapon in a public house, even under the influence of drink is a serious offence; and brawling in the public street, kicking people and causing injury to them in - a grave and criminal assault - even if weapons are not used in that assault is also a serious offence. Drunkenness is no defence in cases of this nature and we cannot find any exceptional circumstances to depart from our usual sentencing policy: public disorder offences of this sort and on this scale merit a custodial sentence. Everything that could be said on your behalf, Whiteford, has been said by your Counsel; nevertheless, we cannot find that the conclusions are wrong and accordingly they are granted and you are sentenced as follows: on Count (1) 12 months; and on Count (2) 18 month concurrent.

No Authorities.