

ROYAL COURT (SUPERIOR NUMBER)
**(exercising the appellate jurisdiction conferred upon it by
Article 22 of the Court of Appeal (Jersey) Law, 1961.)**

6th December, 1993.

169.

**Before: Sir Charles Frossard, K.B.E., and
Jurats Coutanche, Blampied, Myles, Bonn, Gruchy,
Vibert, and Rumfitt.**

Antonio Romano Capuano

-v-

Her Majesty's Attorney General

Appeal against a sentence of 15 months' imprisonment passed on the Appellant by the Royal Court (Inferior Number) on 8th October, 1993, following guilty pleas to:

4 counts of malicious damage (counts 1,3,4, and 5 of the First Indictment laid against the Appellant) on each of counts 1,4, and 5 of which he was sentenced to 2 months' imprisonment; and on count 3, to 3 month's imprisonment, concurrent;

(The Appellant also pleaded guilty on 8th October, 1993, to 1 count of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974 (count 2 of the said First Indictment) on which count he was sentenced to a fine of £20, or in default, to 1 week's imprisonment, to follow if necessary consecutively the sentences imposed in respect of counts 1,3,4, and 5. This sentence was not appealed against.);

3 counts of assault (counts 1-3 of the Second Indictment laid against the Appellant) on each of counts 1 and 2 of which he was sentenced to 8 months' imprisonment, and on count 3 to 15 month's imprisonment, concurrent with each other and with the sentences imposed in respect of counts 1,3,4, and 5 of the First Indictment, but consecutive to that imposed in respect of count 2 of the First Indictment; and

1 count of assault on a Police Officer (count 4 of the Second Indictment), on which count he was sentenced to 12 months' imprisonment, concurrent with the sentences imposed in respect of counts 1,3,4, and 5 of the First Indictment and in respect of counts 1-3 of the Second Indictment, but consecutive to the sentence imposed in respect of count 2 of the First Indictment.

Leave to appeal was granted by Sir Charles Frossard, K.B.E., on 5th November, 1993.

Advocate Mrs. S.A. Pearmain for the Appellant.
M.C.St.J. Birt, Esq., Crown Advocate.

JUDGMENT.

FROSSARD, JA.: In this case the Court is prepared to allow the appeal against sentence in respect of Count 4 of the second Indictment - the assault against the Police Constable.

Whilst the Court is always mindful that the Police have a difficult job, we feel, in this particular case, the sentence of twelve months' imprisonment imposed for an assault which consisted, so we are informed, of one blow to be excessive and it will be reduced to eight months' imprisonment, to run concurrently with the other sentences.

The Court expresses the wish that the Appellant, when he is released from Prison, will continue to obtain the appropriate treatment for his condition.

No authorities.