

ROYAL COURT
(Samedi Division)

19th January, 1996 13.

Before: The Bailiff, and
Jurats Bonn and Potter

The Attorney General

- v -

James Bennett

1 count of grave and criminal assault.

Plea: Guilty.

Age: 51.

Details of Offence:

The Defendant entered the victim's flat whilst the victim was asleep, using a key given to him by the victim's girlfriend. He proceeded to beat the victim about the head in what the Police Doctor described as "a sustained attack with many blows being delivered with extreme force".

Details of Mitigation:

The Defendant carried out the attack on being told by the victim's girlfriend that the victim had used violence against her. Good employment record. Showed remorse for his actions.

Previous Convictions:

Several, majority for drink related offences. One for assault in 1969.

Conclusions:

3 1/2 years' imprisonment.

Sentence and Observations of the Court:

2 1/2 years' imprisonment. Defendant not entitled to act as self-appointed vigilante but Court accepted that his actions were out of character.

A.R. Binnington, Esq., Crown Advocate.
Advocate S.A. Meiklejohn for the accused.

JUDGMENT

5 THE BAILIFF: This was a cowardly and vicious attack upon a sleeping man of which Bennett ought to be very ashamed. It was no excuse that he was acting as a self-appointed vigilante as described by the Crown Advocate. A Court cannot allow attacks of this kind to go unpunished and must therefore impose a custodial sentence.

10 The Court does, however, accept the defence submission, supported by the references placed before us, that this was out of character. Bennett has readily admitted his guilt and demonstrated his remorse. Taking these facts into account we think that justice can be done in this case by the imposition of a slightly shorter sentence than that moved for by the Crown Advocate.

15 Bennett, the Court sentences you to thirty months' imprisonment.

Authorities

Norris -v- A.G. (28th September, 1992) Jersey Unreported CofA.
A.G. -v- Dowden (10th February, 1995) Jersey Unreported.
Hollman and Anor. -v- A.G. (4th April, 1995) Jersey Unreported.