

ROYAL COURT

10th August, 1988

Before: The Deputy Bailiff and
Jurats Vint, Coutanche, Bonn and Le Ruez

Her Majesty's Attorney General

- v -

Martin Francis Heuzé

Accused sentenced in respect of
one count of grave and
criminal assault

Advocate W.J. Bailhache for the Crown
Advocate S.A. Meiklejohn for the accused

JUDGMENT

DEPUTY BAILIFF: The Court has noted that with one exception of an assault by a woman on a woman, every case in the authorities submitted to us, involved a male victim or victims. The Court views with horror any attack upon a woman in this Island. The Court heard the victim of this assault in the witness box. The Court is therefore fully aware of the terror, fear, suffering and mental anguish that she experienced that night. After eight months she still displayed intense emotional suffering, so much so that she had to be supported by a counsellor from the Jersey Womens' Refuge when giving her evidence, albeit with the consent of the defence.

The Court finds that Heuzé was permitted, not invited, into the flat, and that he did suffer acute pain to his nose from the scratches inflicted by the victim, but nevertheless that the degree of provocation could in no way justify the vicious assault that took place in the victim's own home. That the injury to the victim's hand and the two bites were inflicted when the victim was attempting to defend herself from a very severe beating. That the kicking, although not of the most serious nature, was gratuitous violence after the victim had been severely beaten and was on the floor.

Therefore, although the Court has taken into account all the mitigating factors so ably put by Mr Meiklejohn, indeed he could not have done more for his client, including the plea of guilty, the remorse shown, the provocation, the change in lifestyle which has caused us substantially to ignore Heuzé's previous record, the lack of premeditation, the fact that no weapon was used and the commendation from the Chief Officer of Police, the Court is unanimously of the opinion that the conclusions moved by the Crown are the correct ones. The Court does not feel able to discount the sentence on the ground that Heuzé chooses to serve his sentence in the segregation wing after acquittal by the jury of the sexual offence. The Court thinks it appropriate to refer to the recent case of Tregaskis. It is difficult to compare cases which turn on their particular facts. In particular the Court was there concerned with disparity between the sentence to be imposed on Tregaskis and that already imposed in the Police Court on the co-accused. The assault by Tregaskis was on a male in a public place, this assault was on a woman in the intimacy and privacy of her own home. The Court does not accept that the injuries to Tregaskis' victim, taking an overall view, including emotional damage, were necessarily more serious than those suffered by the victim in the present case.

Accordingly, the conclusions are granted and, Heuzé, you are sentenced to two and a half years' imprisonment.

Authorities

Thomas' Current Sentencing Practice p.11024-11025, 11031-11032,
1067-1068, 3014-3018.

Thomas' Principles of Sentencing p.p. 99-102.

A.G.-v-Tregaskis : 25 July, 1988 : Unreported Jersey Judgment.