

ROYAL COURT
(Samedi Division) 139.

26th July, 1996

Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Potter and de Veulle

The Attorney General

- v -

Steven Graham

Breach of Probation Order imposed on 8th December, 1995. (see Jersey Unreported Judgment of that date).

Plea: Breach admitted.

On 8th December, 1995,

the accused pleaded guilty to:

1 count of grave and criminal assault (count 1); and
1 count of assault (count 5).

The accused was placed on probation for 3 years, with 240 hours of
community service to be performed within 12 months.

[On 8th December, 1995, a co-accused, Mark Ferguson, pleaded guilty to 3 counts of grave and criminal assault (counts 1, 2 & 3), and to 1 count of malicious damage (count 4), and was sentenced in respect of each of counts 1 and 2 to 18 months' Youth Detention; in respect of count 3, to 3 years' Youth Detention; and in respect of count 4 to 1 month's Youth Detention, the sentences to run concurrently].

Conclusions:

Probation Order to be discharged; following sentence to be substituted:

Count 1 : 15 months' imprisonment.

Count 5 : 12 months' imprisonment, concurrent.

Sentence and Observations of the Court:

Probation Order discharged; following sentence substituted:

Count 1 : 12 months' imprisonment.

Count 2 : 9 months' imprisonment, concurrent.

D.E. Le Cornu, Esq., Crown Advocate.
Advocate S.E. Fitz for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: We will not rehearse the facts of this case, they are set out in our judgment of 8th December, 1995, and we requested Crown Advocate Le Cornu to read the relevant section in Court today. We described in that judgment the events of the night of the 18th June, 1995, as "acts of mayhem" and that is what they were. The learned Jurats were divided last time.

10 Graham comes back before the Court today, having pleaded guilty to the counts for which he was dealt with last time - and we must remind ourselves that the Crown moved for a sentence of 18 months' imprisonment on that occasion. As it was, Graham was placed on probation for 3 years, subject to the satisfactory completion of 240 hours of community service, to be completed within the first year. He is before the Court today for a variety of reasons: he has breached the community service element of the Probation Order and has completed only 80 of the original 240 hours ordered. He has also breached the Order itself having been convicted of two further offences since it was imposed, though we understand that the reason for those offences was his continuing drinking problems: on 21st May, he was sentenced to 7 days' imprisonment for breaching the peace by fighting. The Attorney General was notified of the breach and determined that Graham need not be returned to the Royal Court. On 28th June, he appeared again in the Magistrate's Court, charged with being drunk and incapable for which he was fined £50.

30 We appreciate that one of the reasons, perhaps, that he failed to comply with the terms of the Order which we imposed on him was that he had spent a great deal of the time working long hours for a painter and decorator. However, it is important to recall that community service should be performed in private time and not in working hours. We are also very concerned that Graham still has an alcohol problem. Sadly, Graham, the learned Jurats on this occasion are unanimous. You have breached the trust which we put in you and you must go to prison for the offences that you have committed; we warned you about that last time. However, we are reducing the sentence to 12 months' imprisonment on count 1, and 9 months' imprisonment on count 2, both concurrent.

Authorities

A.G. -v- Norris (3rd June, 1992) Jersey Unreported; (1992) JLR
N.2.

Norris -v- A.G. (28th September, 1992) Jersey Unreported CofA.