

**Judgment 14/2006 Joshua Michael Jones – Royal Court (Criminal Appeal 2/06) –
20th March, 2006**

**Criminal Appeal from Magistrate’s Court – sentence – 3 months’ youth detention
for criminal damage and activation of 21 days’ suspended sentence for assault –
whether totality principle properly applied – appeal dismissed**

IN THE COURT OF APPEAL OF GUERNSEY

The 20th day of March, 2006 before Richard John Collas, Esquire, Deputy Bailiff;
present: Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan
Cecil Bisson, David Michael Jory, Esquires, The Reverend Peter Gerald Lane,
Michael Henry De La Mare, Esquire, Susan Mowbray, Barbara Jean Bartie and
David Osmond Le Conte, Esquire, Jurats.

2006 No.2

In the action of THE LAW OFFICERS OF
THE CROWN against JOSHUA MICHAEL JONES (“the Appellant”) to pursue the
appeal of which the said Jones gave notice against sentence imposed upon him by the
Magistrate’s Court on the 21st day of February, 2006;

THE COURT, having heard Advocate F.
Russell for the Crown and Advocate S. Mallett for the Appellant thereon DISMISSED the
Appeal.

S. M. SIMMONDS
Her Majesty’s Deputy Greffier

20 March 2006

Appeal Against Sentence

Joshua Michael JONES

You appeared before an Assistant-Magistrate in the Magistrate's Court on the 21 February 2006 when you were sentenced for charges to which you had pleaded guilty and received a total period of immediate Youth Detention amounting to 7 months, 21 days.

You received 3 months Youth Detention for unlawfully damaging a window on 19 September 2005. The window belonged to your cousin and you had gone to her flat at about 12.25 am. You shouted abuse and threats at the occupants of the flat calling for them, or one of them, to go out and meet you. The occupants were scared you were going to break in and called the Police. In the meantime you threw a bottle through the window next to the front door. For that charge of criminal damage you were sentenced to 3 months Youth Detention.

On 1st December 2005, you were at Barbados nightclub and were in conversation with someone about a person whose funeral you had recently attended. Something was said that caused you to become angry, a finger was pointed at you and you grabbed and bit the finger. For that charge of assault, you were sentenced to 4 months Youth Detention.

A previous suspended sentence for breach of a Youth Detention Supervision Order, of 21 days, was activated.

The Assistant-Magistrate made no order on a further charge relating to possession of a small quantity of cannabis resin found on a grater the Police recovered from your room after arresting you for the criminal damage offence.

You have an atrocious record. You have appeared in court on numerous previous occasions and have experienced most of the disposals available to the court including five periods of supervision. You have also served previous periods of Youth Detention including most recently on 6 January 2005, 6 months for burglary and theft. As part of

that sentence, there was a compulsory Youth Supervision Order from May through to August last year. You failed to report and notify the Probation Service of your address as required and that for that you received a 21 day suspended Youth Detention sentence which, as I have said, has now been activated.

Grounds of Appeal

In your Grounds of Appeal you are not appealing the sentence of 4 months for assault. You are appealing the sentence of 3 months in respect of the criminal damage and 21 days for the breach of Supervision Order. The grounds of your Appeal are set out in the Notice of Appeal “that the totality principle was not properly applied and in all of the personal circumstances it was manifestly excessive”.

We have read all the papers that were in front of the Assistant Magistrate including the transcript and have considered carefully what your Advocate has said very ably today and the letter that was handed to us.

It has been suggested that you were making great steps in the 6 weeks or so prior to sentence. This was considered by the Assistant Magistrate at page 10 D – G of the transcript. We agree entirely with his remarks and his conclusion. Although you have not appealed the sentence of assault, we have looked at the seriousness of that offence in reassessing the totality.

Having regard to all the circumstances, we are not persuaded that the sentences totalling 7 months, 21 days is manifestly excessive.

The appeal is dismissed.

R J Collas

20 March 2006