

**ROYAL COURT
FULL COURT**

29 October 2020

Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and:

**Claire Helen Le Pelley,
Steven John Morris, David James Mortimer, Joanne Marie Wyatt, Peter Francis Gill,
David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin,
Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Darren Paul ROUGET

Crown Advocate F M Russell appeared for the Crown

Advocate P F Cobb appeared for the Defendant

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing 3 Counts: assault and two of possessing Class C controlled drugs. The maximum sentences are life and 4 years' respectively. You are a 33 year old local man with a number of relevant convictions, including criminal damage, assault, resisting the Police, disorder and offensive weapon. You have served custodial sentences and a number of non-custodial measures have been imposed. In the present case, a female co-accused will be sentenced separately.

This matter principally involves a home invasion, and part of the incident was videoed by another person and played to us today. That, as the Prosecution rightly says, depicts numerous comments, including an intention to cause the victim, an ex-partner of the female who accompanied you, harm, and the use of a knife to hit the victim and as a means of intimidation. You said loudly, e.g. "*I'll end your life*". The knife was a kitchen knife which you had picked-up. You discarded it and then hit the victim a number of times to the left side of his head. You were distracted by neighbours whose evidence has been described to us. You said that you would "*do*" the victim and were observed holding him tightly round the neck.

You were interviewed and denied it. After a break you denied threatening the victim with a knife. You were shown the video, and eventually conceded you were "*an absolute fucking prick*". Very fortunately there was no significant injury caused. You also observed that you felt very bad.

You were apprehended soon after and the Class C tablets found on you “6 x Tramadol tablets and 1 x Diazepam”. You have been in custody since 30 May.

Sentencing Considerations

As we have had occasion to say in the past, assault varies considerably and no local guidelines have been issued. Here, we regard the aggravating factors as a forcible invasion of the victim’s home, the picking-up of a weapon there, used to physically threaten him, repeated blows to the head and threats, together with aggravating language. Your past relevant record is no help to you either.

Each case is different and dealt with on its own individual facts. You have a history of substance misuse and depression. You are placed in a portion of the population with a very high risk of re-offending. The Probation Officer deems you as presenting a risk of serious harm in the future.

Taking into account the particular aggravating factors in this case we start at 3 years’ imprisonment. The drugs matters are simple possession of Class C items and we will deal with them concurrently.

Mitigation

There were early pleas. We afford you, as we are told to do, some discount for them. We would normally afford a one-third discount and do so mercifully here.

We have listened carefully to what your able Advocate has said, read the two letters, and also read a very full Probation report, which it has to be said, makes rather depressing reading. Ample non-custodial measures were previously tried, but you re-offend. We are not obliged to go casting around or hunting for mitigation in cases such as this. Our discount is therefore one-third in all the circumstances, as stated.

Sentence

This was alarming, it was dangerous and it was nasty. It could have been much worse, but is bad enough. As stated, we find notable, applicable, aggravating factors. If you cannot control your anger you will continue to re-appear and get sentenced accordingly. Only you can stop yourself from offending and it is down to you to do that.

In this case the sentence on Count 1 is 2 years’ imprisonment, with effect from 30th May 2020, with a nominal 7 days’ concurrent on each of the minor drug offences.

- Total: 2 years’ imprisonment from 30 May 2020
- Forfeiture and Destruction Orders as requested.
- Compulsory Supervision after release.
- The Court notes the lady neighbour acted in a public-spirited way for which we thank her.

**John Russell Finch, Esq., O.B.E.,
Lieutenant Bailiff**

29 October 2020