

Assault and possession in a public place of an offensive weapon, namely a small black handled knife, without lawful authority or reasonable excuse.

[2022]GRC046

**ROYAL COURT  
FULL COURT**

**11 July 2022**

**Before: Graeme Dewar McKerrell, Lieutenant Bailiff and Jurats:  
Stephen Murray Jones OBE, Claire Helen Le Pelley,  
Terry John Ferbrache, Jonathan Grenfell Hooley,  
Steven John Morris, Stuart Michael Crisp, Tina Jane Le Poidevin,  
Felicity Jane Quevâtre-Malcic, Simon Ernest Bodkin.**

**THE LAW OFFICERS OF THE CROWN**

- v -

**CHRISTOPHER LE PREVOST**

**Advocate J D McVeigh appeared for the Crown**

**Advocate C J Green appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

Christopher Le Prevost, you appear today to be sentenced in respect of an Indictment that contains two Counts. The First Count is that on 4<sup>th</sup> October 2020, you assaulted Shane Topley. That is an offence which carries life imprisonment because it is contrary to Common Law.

The Second Count is that on the same date, you had in your possession in a public place, namely Back Street, St Peter Port, an offensive weapon, namely a small black handled knife, without lawful authority or reasonable excuse. The maximum penalty on that count is 5 years' imprisonment.

You are a local man aged 31 years, but aged 29 years at the time of the offences. You have been on bail since your first appearance in the Magistrate's Court which was on 5<sup>th</sup> October 2020.

You are not of previous good character and your record show a bad history of offending which includes assaults, criminal damage and public disorder. We have received a helpful Probation report and listened very carefully to the mitigation put forward and all the other information that has been put before us and we note you have had contact with the Island's Mental Health Services in the past, but you are of course fit to plead.

You were charged on the day the offences were committed and initially pleaded not guilty to them. A trial date in this Court was set for 14<sup>th</sup> June 2021, but on 7<sup>th</sup> May you appeared to change your pleas to guilty which were duly recorded. Although any delay in the course of criminal proceedings is to be regretted and avoided where possible, it has taken until today for you to be sentenced and that is taken into account by us, as is the fact that you have apparently not offended since you were charged with these matters.

The two offences arise out of the same incident in that some time after mid-night on 4<sup>th</sup> October 2020, you were at home when your attention was drawn to a group of people outside, one of whom was your victim Mr Topley. From there you could see him, as he lived nearby and he had let his dog out to urinate. You misinterpreted his actions towards the dog as being cruel and shouted, “*don’t hit your dog*” from the top floor window of your flat. You exited your premises taking a small black handled knife with you, which you claim was for self-defence, even though as the Prosecution have stated, it was your decision to leave your property and initiate a confrontation with Mr Topley.

You were described as being “*agitated*” and wanting to sort Mr Topley out. A scuffle ensued and you claim you were hit first. Whether or not you were, the plain fact is that during the melee, you produced a knife that you had taken with you, which Mr Topley was aware of. You flailed at him whilst holding it and caused injury. Miss Saunders was able to intervene, being unaware at the time that you were holding a knife. She shouted at you and shortly thereafter you dropped the knife you had been holding. Her instinctive reaction was to pick-up the knife and throw it away from where you and Mr Topley were standing. A short while later, Mr Topley’s father came onto the scene and assisted in detaining you until the police arrived.

It would appear that you suffered injuries as well as Mr Topley, including a possible broken nose.

When interviewed later by the police, you initially sought to portray yourself as a victim and claimed that you had thrown the knife from a window of your flat earlier in the day and about which you had then forgotten. In a subsequent interview you said that you had impulsively reacted to what you thought had happened outside and you took the knife with you. You claimed it was initially in your pocket, but when you saw Mr Topley you took it out and held it by your side. You said your intention was to scare and only use it in self-defence, but you accept now that your actions resulted in Mr Topley being injured.

We have, as I have stated, noted all that has been said about your mental health issues and your background and, in particular, your anger management issues. They have no doubt been a significant factor in your offending history and you are currently assessed as posing a “high likelihood of general reoffending”, it previously having been assessed as “very high” and it is acknowledged that this reduction is likely to have come about due to a greater willingness on your part to engage with Probation and Mental Health Services. The Probation Service, nevertheless, has said that in their opinion, there remains significant concern about the direct risk you pose of harm to others with the use of a weapon. As is said in the report: “*His previous offending behaviour and current offence support how Mr Le Prevost will use a weapon to evoke a greater level of fear, leading to significant distress from the victim and high likelihood of significant harm.*”

### **Sentencing Considerations**

So, in terms of our sentencing considerations, as I have said, we start by recognising the guilty pleas that have been entered, albeit quite late in the day. Again, as stated, you have relevant previous convictions.

Whatever the circumstances and whatever you believed was happening with regard to how the dog was being treated, you made a conscious decision to leave your flat and intervene. You made a conscious decision to arm yourself with a knife. You made no secret of the fact that you had it with you and it ended up causing injury to your victim.

As both this Court and the Guernsey Court of Appeal have noted in the past, English sentencing cases are not always helpful to us. We are our own jurisdiction and there will be policy and social considerations that are different from the UK. We properly follow our own path. Nevertheless, it is interesting to note that in England, in cases such as this, the rule is that, unless it would be unjust to do so, a person convicted for a second or subsequent time faces a mandatory minimum sentence of 6 months immediate imprisonment. We do not have such a rule. What is common to both jurisdictions is that knife crime is serious and must be treated and sentenced accordingly. It therefore does not take

a statutory rule to work out that immediate sentences of imprisonment are likely to follow, especially when there is a history of relevant offending, when an offence involves the use of a weapon.

### **Mitigation**

Taking into account everything that we have heard and read and paying very significant attention to your background and your engagement with Mental Health and other services, we have nevertheless concluded that only a sentence of immediate imprisonment will be appropriate in this case. Weapon offences must be strongly discouraged.

Dealing with these offences under the principle of totality, the headlined figure that the Court arrived at, was a total sentence of 22 months. With the guilty plea taken into account, offering a discount of around 25% and with the other mitigation put forward, overall we afford a discount of around 30% in total, recognising as we do, the amount of time spent waiting to get to today.

### **Sentence**

The total sentence the Court has arrived at is a sentence of 15 months' imprisonment which is made up of as follows :

- 12 months' imprisonment for the assault.
- 15 months' imprisonment for the possession of the weapon to run concurrently.
- This makes a total of **15 months' imprisonment** that will run from today.
- No compensation is awarded in the circumstances.
- Forfeiture and Destruction of the knife is ordered.

**G D McKerrell,  
Lieutenant Bailiff**

**11 July 2022**