

Committing an act intending to pervert the course of justice. Made a series of telephone calls to prosecution witnesses and sought to persuade them to change and/or withdraw their evidence.

[2022]GRC096

**ROYAL COURT  
FULL COURT**

**11<sup>th</sup> October 2022**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurat:  
Stephen Murray Jones OBE, Claire Helen Le Pelley,  
Stephen John Morris, Joanne Marie Wyatt, David John Robilliard,  
Tina Jane Le Poidevin, Heather Reed, Simon Ernest Bodkin, James Robert Toynton.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**Martin VASIC**

**Advocate J D McVeigh appeared for the Crown  
Advocate P Lockwood appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence in respect of one charge of perverting the course of justice. The maximum sentence is life.

The facts are, essentially, that you made a series of telephone calls to your parents, who at the time were Prosecution witnesses, in respect of three charges relating to alleged violent assaults on your brother, James. The incident took place on 26<sup>th</sup> February 2022 and you were thereafter kept in custody. On 19<sup>th</sup> August 2022 you pleaded 'guilty' to the charge you face today, and the three charges concerning your brother were not proceeded with – they were dropped. In the original case, your brother and also your parents, had made witness statements, your parents having seen the incident with your brother. The alleged original offences comprised: wounding with intent, an alternative of wounding, and possession of an imitation firearm at the time. You claimed self-defence.

The alleged victim James made a withdrawal statement on 11<sup>th</sup> May and your parents on 4<sup>th</sup> April 2022. Your telephone calls to your parents, where there were conversations, twelve in all, were provided by the Prison to the Police. In five of them, in March, evidence was clear and apparent about you telling your parents what to say in relation to the wounding case. Threatening them and telling them that your brother would face the shorter sentence if they blamed him. The transcripts are in the Prosecution folder and we have read them carefully. The Prosecution have also read out several of them, including urging your mother to change her statement and suggesting that your parents threaten your brother that they will transfer all their assets, if he does not drop the charges. When spoken to by the Police, you kept up your version of what happened in the incident with your brother, but accepted you went too far in the conversations with your parents, by exerting pressure on them to change their statements, and sought for there to put pressure on your brother. Whatever took place regarding your brother is no longer for us to assess, the offence is the one to which you pleaded 'guilty' - 'perverting the course of justice' in your telephone conversations with your parents.

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## **Sentencing Considerations**

You are a locally born person aged 31 with a large number of previous convictions, including damage, drugs matters, theft and public disorder. You have had fines, Community Service Orders, supervision and custody – the last custodial sentence in November, 2018. You also have a number of traffic offences and a fine of £3,000 on 14<sup>th</sup> May 2021, for failing to isolate during the epidemic. You are assessed in the Probation Report as being a part of the population which has a very high likelihood of reoffending, noting breaches of previous orders and criminal acquaintances/friends. You present and show, with entrenched offending behaviour (paragraph 12 of the Report) despite trying to abstain from substance and alcohol abuse.

We, fortunately, do not have a large number of perverting the course of justice cases in Guernsey and derive help from English authorities, which are of high persuasive value. In the case of Williams (1995) 16 Criminal Appeal Reports (sentence) page 191, it was said, *“that people who are tempted to involve themselves in seeking to deter witnesses from giving evidence, must realize that a prison sentence is inevitable, whatever their own personal mitigation. There is a long-standing principle that perverting the course of justice is so serious that it is almost always necessary to impose immediate custody unless there are exceptional circumstances. The offence undermines the very system of criminal justice. Cases vary in their facts, and must be dealt with accordingly, in our judgment, but the underlying principles are clear”*.

We emphasise as plainly as we can, that we are not concerned with the ‘rights or wrongs’ of your conflict with your brother, it is your interference with public justice that is the issue here. Whatever took place, you leaned on your parents and indirectly leaned on your brother to change their witness statements. We start at 18 months’ imprisonment, considering the facts and your poor criminal record. This was a serious allegation against you and you tried to influence those who had made statements incriminating you. Withdrawn statements, we note, were made.

## **Mitigation**

The only operative mitigation that makes things better in our view is the ‘guilty’ plea, which was in the fact of clear evidence. Perhaps erring on the side of generosity, we will give a discount of one-third. We have noted the Probation Report which is realistic and somewhat depressing, as well as the points made by your capable Advocate. We note the basis of plea and have explained that we are concerned with the present offence today and, that you were subject to serious charges at the time, no longer proceeded with. We do not, we repeat, seek to pronounce on the facts relating to them.

## **Sentence**

We need not repeat what we have said about this type of offence. You persisted, and we repeat that the charges against you were serious, not merely minor offences.

People who interfere with the course of justice in this way in Guernsey must expect sentences with a measure of deterrence. Each case of course is different, but the basic principles are very clear.

The sentence of the Court in this case is:

- 12 months’ imprisonment, with effect from 27<sup>th</sup> February 2022;
- with Compulsory Supervision after release for one-quarter of the total sentence.

Go off with the officer please

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**J R Finch, O.B.E.**  
**Lieutenant Bailiff**

**11<sup>th</sup> October 2022**