

Two charges of damaging property and two assaults on different people.

[2023]GRC042

**ROYAL COURT
FULL COURT**

26th June, 2023

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Claire Helen Le Pelley, Steven John Morris, Joanne Marie Wyatt, David John Robilliard,
Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard, Felicity Jane Quevâtre,
Heather Reed, James Robert Toynton.**

THE LAW OFFICERS OF THE CROWN

- v -

ASTON HAMON

**Advocate J D McVeigh appeared for the Crown
Advocate S Mallett appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing four Counts, two of assault on different people and two of damage; the maximum sentences are life and 10 years, respectively.

You are a 29 year old local man with a number of previous convictions, including assault, obstructing, resisting and assaulting the Police, failed to answer bail, theft, possession of drugs and failing to isolate in the epidemic. You served 10 months' Youth Detention in 2011 for assault and disorder. You have been in custody since your arrest on the 17th January of this year. Timely guilty pleas were entered.

The facts we find extremely concerning. We have heard them at length, so only summarise them now but in some detail. We state from the very first of these remarks that this is not something we expect and fortunately very rarely see in Guernsey. In outline, you live in the same multi-occupancy of the female victim, a lady aged now 46. Her friend, I understand a man aged 71 was visiting at the time.

For no good reason, and there could not be one anyway, you saw the lady outside on the landing and started shouting. You followed her to her premises still shouting, her friend was just outside and you forcefully pushed him to the floor. From then on the incident was captured on the lady's pet cam, so it could all be seen. We have done so and quite simply it is a horrendous and disgusting 40 minutes. It is the sort of unprovoked and mindless violence that we could have done without seeing, but it is our duty. Despite resistance you barged into the room, a home invasion. You pushed the lady to the bed and took her mobile. You left briefly, the male victim trying to close the door. You again, forcefully entered, pushed the lady in the chest against the chest of drawers with force. She ended up on the floor as you tried to smash her phone. The male victim was still trying to stop your violent behaviour. You left the room for a short time, quickly returning. Things then were bad enough and they rapidly got worse. The gentlemen remonstrated with you stating the lady was already hurt. You responded by

swearing and threatening him. You gripped him by the face. The lady shouted at you and you again left briefly returning to push both victims onto the bed. The male told you he was a pensioner. You held both people down before punching the lady twice to the head with a clenched fist. You were shouting about some grievance you had against her. You painfully grabbed her ponytail and punched both victims in quick succession. The lady was punched again. Her friend asked you to stop. You responded “*yes she’s badly hurt because she’s a fucking idiot, slagging me off, when I’ve done fuck all.*” You got onto the bed, and kneeling, grabbed the lady by her hair forcing her head up and delivered multiple blows to her head with your right fist. Her visitor, again, courageously tried to intervene but was assaulted. You continued to assault the lady, pinning her down, covering her face making it difficult to breathe. The visitor begged you to leave her. You removed your hand and punched her in the head again, multiple times. You punched her visitor in the face. The lady’s blood is visible on the bed. You continued to hold both victims down by their heads. After a period of pause you made a half-hearted apology to the visitor. You rifled through the lady’s belongings then when the male visitor again tried to reason with you, you took him to the floor punching him several times. You again assaulted the lady causing pain and distress, so she fell on top of her visitor. We note, as well, your kicks to the male visitor’s head. You seemed unconcerned about the appalling violence you had perpetrated, and despite being frequently asked to leave, remained, searching until finally going. The visitor drove himself and the lady to A&E and significant injuries were discovered.

We have seen the photographs, which give us cause for concern. The female victim’s injuries were significant, both eyelids heavily swollen and closed, and significant facial swelling. There were injuries to her nose, around the mouth and scalp, including hair loss caused by hair being pulled out by the roots.

Her visitor’s injuries, and we remind ourselves of his age, were physically less, but still unpleasant; abrasions to face and a bruise to the right temple. The lady’s mobile phone was rendered useless.

You surrendered yourself at the Police station on 17th, but, as is your right maintained a no comment stance throughout. We have heard the Victim Impact Statements. They show that the lady has suffered very significant trauma as a result of your assaults and, putting it shortly, it has fouled up her life and her work. When looking at your mitigation, we bear these statements well in mind. It has also had unpleasant effects on the elderly male victim.

We have gone over these nasty facts in full to demonstrate just how serious these offences are. Crime also has consequences for victims, which we fully take account of. We also note the report from the orthoptics – the lady has a potentially very nasty eye injury and is referred to the MSG.

Sentencing Considerations

We note that the Guernsey offence of assault is wider in scope than in England, where common assault under the Offences Against the Person Act, 1861 was generally for comparatively minor offences, often left with the Complainant’s themselves to proceed with. We also observe, and at this point we consider is fundamental to our approach to this case that incidents remain, as we indicated, fortunately very uncommon indeed in Guernsey and long may that be so. Also, events as alarming and violent as this: home invasion, sustained brutal assaults on a female and a pensioner in the eyes of right thinking people deserve deterrent sentences. The Court of Appeal has recognised that need for serious offences of violence in this island, and some cases stand-out like this one.

We are left then with a fortunately unfamiliar situation, but one with significant aggravating factors, which are apparent from the facts. We will put all the offences together and make the punishments concurrent, so the end total represents our view of your offending. For the avoidance of doubt, the result would be the same even if we impose consecutive sentences. This was, after all, one sustained incident.

The assaults on the lady are simply appalling, and with ongoing unpleasant consequences. The assaults on a man trying to help, who is well over double your age and are also very unpleasant. There is also damage to her phone and her door, all part and parcel of the episode.

We start at a combined total of 6 years. What you did to the female victim was serious, right at the very top of the scale of assaults and could conceivably could have been charged with GBH, but we stress we sentence on the Indictment before us.

Mitigation

We have listened to what has been said on your behalf by your very experienced Advocate. We have carefully read the Probation Report. Your version to the Probation Officer was that you had been drinking whisky, felt the female victim had allegedly made a complaint about noise emanating from your apartment and wrongly accused her of taking your keys, which you could not find. You found the CCTV difficult to watch – so did we. As is often in cases we deal with, there is also an element of substance abuse. You are placed within a population with a high risk of re-offending. You have, the Report states, a history of violent crime going back to 2010. Alcohol is a contributing factor. Paragraph 17 states that there is no doubt that you have the capacity to cause serious, potentially life-changing psychological and physical harm to another. Indeed, from what we have heard that is what occurred to the female victim here.

The only scrap of mitigation in this case now, is your acceptance of responsibility. You had no alternative to pleading guilty on the evidence. We are encouraged to apply a discount, even in cases where there is no alternative to a guilty plea, but we are limited due to the circumstances of the case. We note your record of previous offending.

Sentence

Let me spell this out on behalf of this Court, so the approach to sentencing can be understood.

This was a sustained, merciless and cruel serious of assaults on a female in her own home, or “*safe space*”, causing nasty injuries and, as we heard, lasting psychological trauma. Serious assaults were also committed against a man in his seventies, who valiantly tried to help his friend. The manner of your disgusting violence against this lady is absolutely despicable.

Acting in this way towards what were vulnerable victims needs appropriate punishment. The public need to see that this sort of behaviour will attract fitting sentences, with an element of deterrence. This is not how people in Guernsey behave. You need to be made an example.

You showed yourself as a coward and a bully and we have no sympathy for you, only the victims. As we said earlier, we sentence concurrently, on the totality of the offences, which together make up one incident.

- On **Count 1**, relating to the female victim the sentence is 5 years’ imprisonment;
- On **Count 2**, relating to the much older man, 4 years’ imprisonment, concurrent;
- On **Count 3 & 4**, 9 months’ imprisonment on each concurrent.

Total: 5 years’ imprisonment with effect from 17th January, 2023.

We commend the visitor for his courageous efforts to assist the female victim.

We have considered the application for compensation. Although you have a lengthy sentence, the amounts are set-out and directly attributable to your offending. We just do not see why the female victim should be forced to go to Petty Debts for recompense of her loss of earnings, explained in her Victim Impact Statement.

So we have:

Loss of earnings	£7,837.44
Eye test	35.00
iPhone (midway)	534.50
Guernsey Police for the Dr	144.26
Door damage	193.22

Pain and suffering are provided for in the Compensation Law, when attributed to the offences. We award:

Count 1 - £500
Count 2 - £250

Total: £750

The grand total is a large one for compensation in a criminal case. But in the circumstances, being fair to those who incurred the sums, we do not, as stated, want them to go to the trouble of a Petty Debts case. This would be unjust to persons who have suffered so much pain and injury.

The total is £9,494.52

On your release you can demonstrate your expressed regret for the offences by paying this off to HM Sheriff for as long as it may take.

Extended Sentence

You have received a sentence on Count 1 in excess of 4 years. The Probation Report recommends, in such circumstances, the imposition of an Extended Sentence Licence for the purpose of monitoring and continued rehabilitation to prevent risk of further serious harm.

We carefully consider the facts when faced with such recommendations, and are not a rubber stamp. However, it is our firm view that looking at your behaviour in this case, your record and your potential for sustained, serious violence, that such a sentence is both proportionate and necessary to protect the public. We therefore impose this additional element of sentencing, in order to try to rehabilitate you and to protect the public from potentially very serious violence.

The period is as recommended – 3 years.

This extended period of supervision and their notice will be made, indicates that you have to not commit any offences, behave yourself and not do anything to undermine your supervision. Keep in touch with your supervisor, receive visits to your home, to live at an address approved by the supervisor, notify them of any proposed change of address or going away even for one night from that address. To do any work, including voluntary work approved by your supervisor and notify them of any proposed change. Not to travel outside of Guernsey without prior permission of your supervising officer and in addition, considering the circumstances of this case, we add a further condition which is also appropriate, not to approach or communicate with the victims.

That is the Order of the Court – **5 years' imprisonment,
3 years Extended Sentence,
£9,494.52 compensation.**

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

26th June 2023