

ROYAL COURT

5th October, 1990

143.

Before: The Deputy Bailiff, and
Jurats Bonn and Gruchy

The Attorney General

- v -

Kevin John Foster

Count 1: Indecent assault;
Counts 2 & 3: Maliciously setting fire to material
contrary to Article 17(2) of the Fire Service (Jersey)
Law, 1959;
Counts 4, 5 & 6: Improper use of public
telecommunication service contrary to Article 20(b) of
the Telecommunications (Jersey) Law, 1972.

Facts admitted.

Re indecent assault. Accused gave lift to a young woman
who had just arrived in Island. Stopped car in country
road, and committed indecent assault. Victim ran from
car to nearby house. Accused drove away. Whilst being
interviewed by Police volunteered information re arson
and phone calls. Aggravating features: shock and
distress caused to victim re assault, possible danger
from fire and wasting emergency services time.

Conclusions:

Charge 1: 3 months' imprisonment;
Charge 2: 9 months' imprisonment;
Charge 3: 9 months' imprisonment;
Charge 4: 6 months' imprisonment;
Charge 5: 6 months' imprisonment;
Charge 6: 6 months' imprisonment
All concurrent. Total 9 months.

Mitigation: genuine remorse; shy and lonely; dominated
by mother; marriage failed; unsophisticated and
maladjusted individual; attention seeking; no real
intent to harm; evidence of charges 2 to 6 purely on
accused's volunteering information; no previous sentence

of imprisonment; 'model probationer'; probation service recommend Community Service.

Court varies conclusions.

- (1) 90 hours' Community Service;
 - (2) 2 years' probation;
 - (3) 2 years' probation;
 - (4) 2 years' probation;
 - (5) 2 years' probation;
 - (6) 2 years' probation;
- All concurrent. Total: 2 years' probation with 90 hours' Community Service.

Advocate S.C. Nicolle for the Crown
Advocate P. Bertram for the accused.

JUDGMENT

BAILIFF: Whilst accepting your counsel's submission that you need help, nevertheless, Foster, thrusting your attentions on a young girl who had just arrived in Jersey is an action that cannot be tolerated by this Court, and although we are not going to send you to prison we feel that we must impose an alternative sanction to prison and that is Community Service.

So far as Count 1 is concerned, you are sentenced to 90 hours' Community Service; as regards Counts 2 to 6, you are sentenced to two years' probation concurrent with the Community Service of course and concurrent with each other.

No authorities.