

## Sentencing Remarks: Judge Aubrey QC

I now have to sentence you, (*the Defendant*) for the very grave offence of causing grievous bodily harm with intent to cause grievous bodily harm. Offences of this kind involving drunken violence in the street are all too prevalent and members of the public are becoming heartily sick of events like this and the tragic consequences that flow from them.

At a time when he (*Nicholas, the victim*) was defenceless, and as is plain from the close circuit television footage, showing you no aggression, you kicked him in the face and head driving him backwards with such force that he struck his head on the road. He was immediately unconscious. Subsequently, when he was examined, he was found to have sustained an injury to the nose, consistent with a punch, but far more seriously he had sustained catastrophic injury to the brain. As a result of striking his head following your kick with your foot, he had fractured the back of his skull; there was bilateral bruising and swelling to his brain with bleeding on the brain as well. He had to undergo emergency surgery to remove part of his skull in order to relieve the pressure on his brain, and subsequently had to undergo a further operation to repair that damage.

As is plain from the information before me, he has undergone prolonged treatment and therapy, and the letter which I have read from his father indicates a loss of a degree of independence and dignity and a slow recovery which may take anything up to two years. The injuries have affected his vision and his ability to play sport is now affected as well. Such was the force of your kick that there was a clear imprint of your footwear on his face and his head.

This young man's life has been devastated by your action. This attack was chilling and the revulsion felt by the jury was clear to see as they watched the CCTV footage of your actions.

In my judgment, this is a case falls within a range of 9 to 16 years. I have considered the mitigating factors, your remorse as expressed in the report, the fact that this was a single blow and you did not follow up with further violence. I also have regard to your character and to the references which are before me. Those are all mitigating factors which I have to take into account when assessing the appropriate sentence. It seems to me that the appropriate sentence in this case is one of 9 years' imprisonment. You will serve half of that sentence after which you will be released. That does not bring the sentence to an end. In effect, the balance will be suspended. If you commit no further offence, then, nothing further will happen, but if you commit any further offence or are in breach of your licence then you will be recalled to prison. Do you understand? ..... Take him down please!