

Supreme Court

COPS Report

R v Damian FORD

Wright J
19-May-1993

Comments on Passing Sentence:

I have already made some comments about this matter when you last appeared before me on 4 April. You now stand for sentence on one count of wounding and one count of assault. On 19 February last year, without warning or provocation, you struck Gregory John Lucas over the head with an empty cider bottle which broke upon impact, causing severe lacerations to his scalp and forehead. He lost consciousness and fell to the ground, whereupon you punched him about the face and head with your fists and lacerated his abdomen with a piece of the cider bottle. Whilst Lucas was not an absolute stranger to you, he had only made your acquaintance sometime earlier that evening. The reason for your vicious attack upon him remains a mystery. He and you both claim amnesia as to the immediate events leading up to the assault.

The medical reports tendered on your behalf provide a useful discussion of your medical history and your behavioural abnormalities in recent years, but they in no way satisfy me that you are other than fully responsible for your violent behaviour. A pre-disposition to violence when under the influence of liquor, or an ungovernable or irrational bad temper producing a tendency to assault other people, are not factors which, in my opinion, entitle me to take a lenient view of your conduct. To strike another human being about the head with a bottle with such force that it breaks is an abhorrent crime in my opinion. To then fall upon the unconscious body of your victim and assault him further with your fists and broken glass, is nothing short of barbaric. Mr Lucas, whilst substantially recovered from his ordeal, has some residual scarring on his forehead. However the report by Dr Thompson satisfies me that this is now well healed and is likely to improve further in the future. The photographs provided confirm this diagnosis.

You have a number of convictions in the lower court, principally for offences of dishonesty. Despite your youthfulness the current offences clearly call for a sentence of imprisonment in my opinion.

On the indictment as a whole you are sentenced to eighteen months' imprisonment and that sentence will date as from 4 April. When I came into court this afternoon I was minded to make you serve the entirety of that sentence immediately. Miss Evans however says that gaol has had a somewhat salutary effect upon you already and, not without some hesitation, I have accordingly come to the conclusion that I can justifiably suspend the final seven months of that sentence just imposed and I do so, that is, I suspend the final seven months of the sentence for a period of two years on condition that you are of good behaviour during that period of time. That means you will serve eleven months' imprisonment, you stand to serve a further seven months if, once you are discharged from prison, you commit some further offence and are brought back before me in respect of this sentence imposed today within two years after your discharge from gaol. I then have power to activate the balance of the sentence. I hope that no such occasion will arise.