

Irish Times -17th July 2008 by Carl O'Brien

'He's a child, judge . . .' Ms Finan said. '. . . and that's what makes it all the more shocking,' Judge Leonard interjected

THE CHILDREN'S COURT: THE 17-YEAR-OLD boy in sombre dress stood out from the array of youngsters in brightly coloured tracksuits, sports tops and trainers. He wore a skinny black tie, black cardigan, grey slacks and pointed black shoes. His father also wore a suit, while his mother wore a tasteful beige trouser suit.

The boy was in Court 55 after being charged with a co-accused of an unprovoked late-night assault of a 36-year-old man last year.

The attack was so serious the victim ended up needing facial reconstruction surgery.

"Judge, he has just finished his Leaving Cert," said his solicitor, Michelle Finan. "He is hoping to pursue an acting career and he is a keen footballer. He's already been accepted into a college . . . He's from a family where none of the children have come before the courts. He's very apologetic over what happened." The boy with carefully styled hair looked downwards, not making eye contact with the judge.

Ms Finan said she was making an application that the boy's case be dealt with in the Children's Court rather than the adult courts, given that it was his first offence. The co-accused's case had also been dealt with in the Children's Court, she added.

First, a garda gave evidence of incident. "It is alleged that on the first of September 2007 the accused was involved in an altercation in which the injured party received a number of blows to the head . . ." the garda said.

Judge Clare Leonard interrupted. "When you say altercation, what do you mean?"

"Well Judge," the garda continued, "it is alleged that one of the youths walked past the injured party and that he received a blow to the side of the face from the other . . . when the altercation ended, he was hauled into the middle of the road. He received a number of kicks and blows to the head. A passing cyclist arrived on the scene . . ."

"Were they seeking anything? A wallet? No? So, for no apparent reason, he was set upon?" the judge asked. "I see."

The boy bowed his head slightly, looking towards the judge as she leafed through the charge sheets,

"The bottom line is a person has suffered very serious injuries," the judge said, looking towards the boy's solicitor.

Ms Finan said her client had no previous convictions. He had not come to the attention of gardaí since the incident and, while he wasn't forthcoming with details of his involvement when initially questioned by gardaí, he later fully accepted his role.

"He has taken steps to ensure that something like this never happens again," Ms Finan said.

"This isn't just that he drank too much . . . a person had to have their face surgically reconstructed. He has a responsibility. Drink of itself doesn't necessarily explain this kind of violence," the judge said.

"He's a child, judge, and . . ." Ms Finan said.

". . . and that's what makes it all the more shocking," Judge Leonard interjected.

"Judge, he's completed his Junior Cert, he is a talented actor and a keen footballer. He has a letter here of acceptance to a college," Ms Finan said urgently.

She handed the documents to the judge who dismissed them as not being relevant to the incident.

"This is a one-off incident - I'd ask you to bear that in mind," Ms Finan asked.

"You can't say that - you hope it is, but you can't say it's a one-off," the judge snapped.

Judge Leonard considered the severity of the injuries aloud. "This level of violence indicated - it doesn't sit well with someone of his age."

She adjourned the case and said she would consider it over lunch. After lunch, Judge Leonard had made up her mind.

"On a plea of guilty, I'll deal with it here on a summary basis."

The boy, who had his arms wrapped around his chest, looked relieved, lifted his head and stared into the middle distance.

The judge asked for a probation report to be prepared and for the boy to co-operate.

"If he has any alcohol or substance problems, he is to get help. There are aspects to this assault that don't make sense . . . I don't know what's missing from the puzzle. It was a very violent incident.

"I'd want a very full understanding of this before I consider issues like having a family welfare conference.

"His parents are here, that's a good thing," she added, in a more hopeful tone. "Now, make sure to keep out of trouble."

"Yes, Judge," the boy's father said. The boy nodded.