

THE PARIS ASSIZE COURT

N°18/0004 CRIMINAL JUDGMENT OF MARCH 28, 2022

(SECTION N°5)

RULING AT FIRST INSTANCE

On March 28, two thousand and twenty-two, the Paris Assize Court (Section n°5), ruling in the first instance, delivered the following judgment:

Having regard to the order issued on December 22, 2022 by the Paris examining magistrate, which orders the indictment and referral to the Paris juvenile assize court of :

John

born on [...] [...]

of P. M. Q. and T. F.

French - mechanic

[...]

currently detained at the Maison d'Arrêt of FLEURY-MEROGIS following a committal order dated March 28, 2021 (case no. [...]),

charged with attempted murder, multiple failures to render aid to a person in danger

assisted by Catherine Mabile, member of the Paris Bar.

Jack

born on [...] [...]

of H. P. and F. B.

French - high school student

[...]

currently detained at the Maison d'Arrêt of FLEURY-MEROGIS following a committal order dated March 28, 2021 (case no. [...]),

charged with involuntary manslaughter by imprudence, failure to render assistance, hit-and-run,

assisted by Aude Brejon, lawyer at the Paris Bar, court-appointed.

Mary

born on [...] [...]

of T. M. and Z. V.

French - volunteer

[...]

currently detained at the Maison d'Arrêt of Versailles following a committal order dated March 28, 2023 (case no. [...]),

charge with failure to render assistance

assisted by Julie Bardèche, lawyer at the Paris Bar, appointed by the court

Having regard to the minutes of the examination by the President of the Paris Assize Court, dated March 11, 2022, from which it results that the defendants declared that they had received notification of the aforementioned referral decision;

Having regard to the notification of the list of jurors, of the present session, of the list of witnesses and of the list of experts made to the defendants by the heads of the Fleury-Mérogis and Versailles prisons, pursuant to the provisions of article 555-1 of the Code of Criminal Procedure, dated March 4, 2023;

Having regard to the minutes dated March 25, 2023 at 9:45 a.m., recording the communication to the accused of the decision modifying the list of jurors for the present session;

Having regard to the minutes from which it results that the first hearing devoted to the examination of the case opened publicly on March 25, 2023 at 09:50;

The ASSIZES COURT, constituted in accordance with the provisions of articles 240 to 267, 295 to 304 of the Code of Criminal Procedure,

after hearing in open court :

- Maître Sarah Pellet, counsel for M. A. and G. A., civil parties, in her pleadings and observations,
- Jeanne Sulzer, counsel for Bill G. civil party, in her pleadings and observations,
- Mr. Michael Bohlander, public prosecutor, in his closing address,
- Maître Catherine Mabilille, counsel for the accused John, who presented his defense,
- Maître Aude Brejon, counsel for the accused Jack, who presented his defense,
- Maître Julie Bardèche, counsel for the accused Mary, who presented her defence,
- In their observations, the defendants, who spoke last;

After deliberation, in chambers, on the guilt of the accused, and without discussion, on the application of the sentence, in accordance with the provisions of articles 355 to 365 of the Code of Criminal Procedure;

Having regard to the questions put by the president and the statements of the court and jury;

Considering that it results from the declaration of the court and jury assembled, that by a majority of at least six votes, the accused John is guilty :

1°) of having, in Paris, on March 26, 2021, attempted to kill Bill G. by means of a motorized land vehicle, manifested by the beginning of an execution, which only failed due to a circumstance beyond his control

2°) in Paris, on March 26, 2021, of having voluntarily refrained from rendering Bill G. the assistance he could, without risk to himself or to third parties, have rendered either by his personal action or by provoking a rescue.

That the above facts declared constant by the court and jury constitute the crimes provided for and punished by articles 121-1, 121-4, 121-5, 132-24, 132-75, 223-6 of the penal code;

Considering that it results from the declaration of the court and the jury assembled, that with a majority of at least six votes, the accused Jack is guilty :

1°) of having, in Paris, on the night of March 26 to 27, 2021, caused involuntarily the death of Olivia by acting recklessly

2°) having, in Paris, on the night of March 26 to 27, 2021, voluntarily refrained from preventing by his immediate action, without risk to himself or to third parties, the attempted voluntary manslaughter of Bill G

3°) to have, in Paris, on the night of March 26 to 27, 2021, voluntarily refrained from rendering Bill G the assistance that, without risk to himself or to third parties, he could have rendered either by his personal action or by provoking help

4°) To have been an accomplice, in Paris, on the night of March 26 to 27, 2021, to John's attempted voluntary manslaughter by knowingly facilitating consumption, by aid and assistance

That the above facts declared constant by the court and jury constitute crimes provided for and punished by articles 132-24, 221-6-1, 223-6, 231-1 of the French penal code;

Considering that it results from the declaration of the court and the jury gathered, that with the majority of at least six votes, the accused Mary is not guilty of the reproached facts.

Considering articles 131-1 of the French penal code, 366, 367, 370 and 800-1 of the French code of criminal procedure;

Applying the aforementioned articles, which have been read out by the Chairman:

CONDEMNNS, by an absolute majority, the accused John, to the penalty of THIRTEEN (13) years of criminal imprisonment, including SIX AND A HALF (6.5) years of legal security;

CONDEMNNS, by an absolute majority, the accused John, to socio-judicial supervision (Article 221-9-1 of the Penal Code) for a period of TEN (10) years.

CONDEMNNS, by an absolute majority, the accused John, to the additional penalty of confiscation of his vehicle (Article 131-6-10°) for a period of TEN (10) years;

CONDEMNNS, by an absolute majority, the accused John, to an obligation of care under Article 132-45 of the Penal Code in its paragraphs 3, 5, 11, 13 and 23 for a period of FIVE (5) years after his release;

CONDEMNNS, by an absolute majority, the defendant Jack, to a sentence of TWO AND A HALF YEARS (2.5) of criminal imprisonment, including FIFTEEN MONTHS (15) suspended on probation;

CONDEMNNS, by an absolute majority, the accused Jack, to community service (131-3 al. 3) for a period of one (1) year;

CONDEMNNS, by an absolute majority, the accused John, to the additional penalty of a ban on contact with victims for a period of THREE (3) years after his release;

CONDEMNNS, by an absolute majority, the accused John, to socio-judicial supervision for a period of three years from the date of his release;

ACQUITTED, by an absolute majority, the defendant Mary;

The court alone, without the assistance of the jury,

ORDERS that the present judgment be executed by the Attorney General of the Paris Court of Appeal.

Delivered at the Cour d'assises de Paris (section n°5), ruling at first instance, on March 29, 2023, in open court, in the presence of Michael Bohlander, avocat général près la cour d'appel de Paris, where the following were seated:

Chairman: Jean-Pierre Getti, Conseiller à la cour d'appel de Paris, Assessors: Olivier de Frouville, Juvenile Judge at the Tribunal de grande instance de Paris and Thérèse LEPRETRE, Juvenile Judge at the Tribunal de grande instance de Paris, and the six judge's jurors assisted by Anaïs Schill, court clerk.

The present judgment has been signed by Jean-Pierre Getti, president and Anaïs Schill, clerk.

The decision is subject to payment of a fixed procedural fee of one thousand five hundred and twenty-seven euros (1527 euros), for which the defendants are jointly and severally liable.