

IN THE US ASSAULTS CAN LAND CRIMINALS IN JAIL FOR DECADES

MANY other jurisdictions impose much longer sentences for violent crimes including America where judges have greater power to decide.

Basic assault or battery charges in the US that involve minimal injuries or threats are usually punished as minor crime offences. If the prosecution alleges and proves certain aggravating circumstances, then an assault or battery charge can be punished as a felony.

The punishment range in this instance can include extensive prison time, including up to life in prison in some states.

For example, in 2014 a man who brutally attacked a young Irish student and her friend on a street in Chicago was sentenced to 90 years in prison. Heriberto Viramontes was convicted of the April 2010 attempted murder of Natasha McShane and Stacy Jurich and must serve 85% of the sentence because of the particularly terrible nature of the crime,

Judge Jorge Alonso ruled at the time. He received 25 years for each of the attempted murders of McShane and Jurich and further 20-year sentences for aggravated armed robbery, all consecutive.

Irish law does not provide for the setting of sentencing tariffs to judges.

If the offences were committed in Ireland, Viramontes would likely have been given a life sentence because of the severity of the attempted murder but would have been eligible for parole after seven years. If he served an average life sentence here in Ireland, he would have been behind bars for just under 20 years.

Professor Shane Kilcommins, head of the School of Law at the University of Limerick, says Irish legislature has provided 'little guidance' on sentencing principles and policies.

He said: 'Different judges will approach sentencing with different rationales in mind, resulting in widely divergent outcomes.'

