

ROYAL COURT

1st July, 1988

Before: the Deputy Bailiff,  
assisted by  
Jurats Coutanche and Bonn

---

Her Majesty's Attorney General

- v -

John Robert Patterson  
and  
James Patrick Nolan

---

(The accused pleaded guilty to breaking and entering the premises known as The Diamond House, 12a Conway Street, St. Helier, and stealing jewellery to the approximate value of £10,590)

---

Advocate C.E. Whelan for the Crown  
Advocate R.J. Renouf for J.R. Patterson  
Advocate A.D. Robinson for J.P. Nolan

---

**JUDGMENT**

**DEPUTY BAILIFF:** We have given anxious consideration to this case. We accept

that there are very strong mitigating factors. We accept that it was an opportunist theft, but we doubt the degree of drunkenness and we remind ourselves that self-induced intoxication has always been regarded as an aggravating factor in this jurisdiction. The theft was after 4 o'clock a.m. Within hours the two accused had removed the jewellery from its pads and its price markings, had secreted those in the bed and had travelled out to Belcroute to hide the jewellery, which makes one think that they perhaps knew more about Jersey than we have been told. We are not entirely naive. We have not been told what method of transport was used. The accused then went to the Airport and obtained flights. If they were very drunk at 4 a.m., where had they been drinking since 1.30 a.m., which is the latest licensing hour in Jersey, and if they were very drunk at 4 a.m., how did they sober up enough to do all the other things they did quite effectively?

The other matter that worries us is the value of the jewellery; it is still £10,000. We have examined Thomas on Sentencing on both burglary and theft and a twelve months' sentence is at the bottom of the scale where the goods stolen are of minor value only and we have to remember that this case will be used by counsel as a precedent in the future. And so, whilst giving full weight to all the mitigation, we cannot go as far as the Crown Advocate has invited us to do. Therefore Nolan and Patterson you are each sentenced to fifteen months' imprisonment.

Authorities considered

A.G. -v- Sambor J.J.

A.G. -v- Taylor J.J.

A.G. -v- Hennigan J.J.

Thomas on Sentencing 2nd Edition p.p. 147-151 "Burglary"; p.p. 151-159  
"Theft"; p.p. 200-202 "The effect of a gap in the offender's record";  
p.p. 209-211 "Drink".

✓