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ROYAL COURT

6th September, 1991

Before: The Bailiff, and
Jurats Herbert & Le Ruez

122.

The Attorney General

- v -

Michael Anthony Cunningham,

OL

CM

Cunningham.

Illegal entry & larceny: 1 count; attempted
breaking & entering with intent: 2 counts;
breaking & entering with intent: 3 counts;
breaking & entering & larceny: 7 counts.

OL

Illegal entry & larceny: 1 count; attempted
breaking & entering with intent: 2 counts;
breaking & entering with intent: 2 counts;
breaking & entering & larceny: 3 counts;
violently resisting police officer in execution
of duty: 1 count.

CM

Illegal entry & larceny: 1 count; attempted
breaking & entering with intent: 1 count;
breaking & entering with intent: 1 count.

The Attorney General;

Advocate A.D. Hoy for the three accused.

JUDGMENT

BAILIFF: To a greater or lesser extent the three of you were involved in a series of break-ins over quite a large proportion of the total time you have spent in Jersey.

The Island is not a "soft touch"; and as for the excuse that you were doing it to help others, you were hardly able to have got to know the poor of this Island in the short time you were here; we doubt very much whether that story is true. Be that as it may, a large number of premises were broken into and these are serious offences.

We propose to follow the conclusions of the Attorney General in respect of two of you and to vary them in respect of the third.

So far as you, OL, are concerned, you will be sentenced to four months' imprisonment on all the counts with which you are charged and therefore that will enable you to be released into the care of your parents, whom the Court is glad to see have come over to support you and we hope that we won't have you over here again behaving like that.

So far as you, CM, are concerned, you will be put on probation for twelve months concurrent in respect of the offences with which you were charged, and you will carry out a total of forty hours' Community Service, and we hope we won't see you here again.

Cunningham, you are the eldest of the three and normally we consider that offences of this nature should carry a sentence of eighteen months' imprisonment; indeed, we think that if OL and CM had been of an age to be sentenced, eighteen months' imprisonment would also be the proper figure.

However, having regard to the fact that you, Cunningham, were co-operative, gave information to the police which enabled them to clear up some offences which would otherwise not have been detected, and also because of the gap in your record and your general background, we have come to the conclusion that the proper sentence for you in respect of all the offences with which you were charged is one of twelve months' imprisonment, to which you are accordingly sentenced.



Authorities

Thomas: "Current Sentencing Practice": p. 3028.

A.G. -v- O'Driscoll (27th May, 1988) Jersey Unreported.