

ROYAL COURT
(Samedi Division)

7th October, 1994

203.

Before: F.C. Hamon, Esq., Commissioner, and
Jurats Myles and Le Ruez

The Attorney General

- v -

DO

2 counts of, breaking and entering, and larceny.

PLEA: Guilty.

AGE: 16.

DETAILS OF OFFENCE:

Flew to Jersey on return fare in order to burgle Woolworths because he had heard there was no alarm system. Broke into Andersons in order to steal screwdrivers with which he broke into Woolworths and stole £3,008 and a holdall. Returned to UK and spent the lot.

DETAILS OF MITIGATION:

Youth. Hounslow Youth Justice Team recommended binding over to leave the Island for three years so that he could be sentenced in UK (imprisonment uncertain) and thereafter under their supervision. Some progress had been made by them recently. Had managed not to offend for one month before arrest. Art. 10 Supervision Order not enforceable following youth detention.

PREVIOUS CONVICTIONS:

11 previous each with multiple counts of burglary. Three this year. Two custodial sentences - longest 10 months. Further UK offences outstanding.

CONCLUSIONS:

12 months' Youth Detention [maximum under Criminal Justice (Young Offenders) (Jersey) Law, 1994].

SENTENCE AND OBSERVATIONS OF THE COURT:

12 months' Youth Detention, concurrent. Court cannot take into account UK proceedings.

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J.A. Clyde-Smith, Esq., Crown Advocate.
Advocate P.M. Livingstone, for the accused.

JUDGMENT

5 THE COMMISSIONER: DO , you have what I can only describe as an appalling record. The offences of which you have been convicted in the past are all burglary related. We cannot agree with Mr. Livingstone that this was anything other than a most sophisticated and carefully orchestrated crime: you flew over to Jersey, broke into Anderson's in order to get the means to break into Woolworths and then stole a very large sum of money from Woolworths, to the considerable inconvenience of that business.

10 We are limited, under the provisions of Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law, 1994, in that we can only pass a sentence - because of your age - of 12 months' Youth Detention.

15 We are told, in the law, that we have to have regard to the fact that you have a history of failure to respond to non-custodial penalties and are unable or unwilling to respond to them. The first part of that is certainly true; the second may not be, and there is some hope in the relationship that you have established with Mr. Green, who has come over for this occasion, from the Hounslow Youth Justice team.

20 We also have to have regard to the question of whether only a custodial sentence would be adequate to protect the public from serious harm. Mr. Livingstone makes the point that if we send you back to England, binding you over not to return for a period of time, you will be of no harm to Jersey.

25 We also have to have regard to the question of whether only a custodial sentence would be adequate to protect the public from serious harm. Mr. Livingstone makes the point that if we send you back to England, binding you over not to return for a period of time, you will be of no harm to Jersey.

30 The third matter we have to take into account is that the totality of the offending is so serious that a non-custodial sentence cannot be justified. With that, I am afraid, we have to agree. This is, in our view, a very serious offence and we are not minded to grant anything other than a custodial sentence, despite the letter that you have written to us.

35 We think, however, that you will get some assistance in prison because while you are in youth custody in Jersey you will be supervised under the Personal Officer scheme on a one-to-one basis, and we think that away from your contemporaries you may benefit; indeed we hope that you will try to benefit from that very useful scheme.

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In the circumstances we regret that we have no alternative but to sentence you to 12 months' Youth Detention, concurrent on both counts.

No authorities.

