

ROYAL COURT
(Samedi Division)

5th January, 1996

Before: The Hon. J.A.G. Coutanche, Lieutenant Bailiff
and Jurats Blampied and Herbert

The Attorney General

-v-

Andrew Geoffrey McDonough

- 1 infraction of the Housing (Jersey) Law, 1949, Article 14 (1)(a) (Count 1).
2 infractions of the Housing (Jersey) Law, 1949, Article 14 (1)(b) (Counts 2,3)

Plea: Facts Admitted.

Details of Offence:

Defendant used name of A. Campbell, a residentially qualified person, to make exempted transaction application. In support of application used letter addressed to Campbell from Housing Committee and copied birth details etc from Campbell's birth certificate. When challenged by Law Enforcement Officer further maintained false identity and produced Campbell's birth certificate in support. Did not admit true identity until faced with Bailiff's Warrant. Had it not been for the fact that Campbell had written to the Department a few months earlier and, therefore, the Department knew that Campbell was at the relevant time in prison, McDonough could have remained in unlawful occupation for a much longer period.

Details of Mitigation:

McDonough and girlfriend heroin addicts. Prior to taking lease they had been sleeping rough. Girlfriend depressed - had breakdown because of previous cramped lodging accommodation. Eventually co-operative.

Previous Convictions:

Numerous, including several for dishonesty, but no previous housing infractions.

Conclusions:

- Count 1: £1,000 fine or 3 months' imprisonment in default of payment.
Count 2,3: £500 fine on each count or 1 month's imprisonment in default of payment, consecutive.

£500 costs. Sentence & Observations of the Court:

Counts 1,2,3: £500 fine on each count or 1 month's imprisonment on each count,
consecutive.
£250 costs.

D.Le Cornu, Esq., Crown Advocate
Advocate S.A. Meiklejohn for the accused

JUDGMENT

5 THE LIEUTENANT BAILIFF: There is a serious housing shortage and the
Court has very little sympathy with these offences. We have been
told that you have been maintaining your daughter as well as
paying your fine and that you also have your commitments to Miss
Dunn. The Court has taken account of all the mitigation factors
put before it on your behalf by Mr. Meiklejohn. You will be
fined as follows:

10 On count 1, £500 or one month's imprisonment; count 2, £500
or one month's imprisonment, consecutive; count 3, £500 or one
month consecutive and £250 costs, making a total of £1,750 or 3
months' imprisonment. You will pay the fine at the rate of £25
per week.

Authorities

A.G. -v- Mackay (15th May, 1992) Jersey Unreported.

A.G. -v- Hyde & Munn (5th July, 1991) Jersey Unreported.

A.G. -v- Driscoll (7th September, 1990) Jersey Unreported.

A.G. -v- Fitzpatrick (26th January, 1990) Jersey Unreported.

Thomas: Current Sentencing Practice:

Release 24: 1-xi-92: J1-2001: R.-v- Little (14th April, 1976)
Unreported.