

ROYAL COURT
(Samedi Division)

40.

23rd February, 1996

Before: The Bailiff, and Jurats
Orchard and Gruchy.

The Attorney General

- v -

David Arden

5 counts of breaking and entering and larceny (counts 1-5).
1 count of breaking and entry with intent (count 6).

Plea: Guilty.

Age: 39.

Details of Offence:

Over a period of some six weeks the defendant broke and entered five commercial premises at night. He was charged and bailed and subsequently committed one further similar breaking and entering whilst on bail. Total value of goods stolen £800 - value of goods recovered £248.

Details of Mitigation:

Offences committed out of desperation as no money. Offences were at the lower end of the scale being comparatively small amounts and commercial premises only. Defendant at a critical time of his life with poor record. Once and for all opportunity to give him a chance as he had never been on probation before. Defendant believed he could find work.

Previous Convictions:

Numerous, including many for breaking and entering. Defendant had been released from prison only days before the first offence.

Conclusions: 18 months' imprisonment on each count, concurrent.

Sentence and Observations of the Court:

2 years' probation with 240 hours' community service to be completed within 1 year. Conclusions right and proper - offences deserved 18 months. However with some hesitation Court concluded time might have arrived when defendant ready to reform.

The Attorney General.
Advocate D.M.C. Sowden for the accused.

JUDGMENT

THE BAILIFF: Arden, you are a man with skills who is more than capable of earning his living in an honest and straightforward way and you are at risk of wasting your life by committing petty offences and spending an increasing amount of your time in
5 custody.

The conclusions of the Attorney General were entirely right and proper and you deserve to go to prison for 18 months as recommended by the Crown.

10 With some hesitation, having listened carefully to the submissions made by your counsel, and having taken into account the matters set out in the probation report, we are taking the view that the time might have arrived when you are ready to reform
15 yourself and to lead a decent and honest life. The Court is going to give you one last chance to prove yourself and is going to place you on probation, subject to a condition that you carry out community service.

20 I want to make it quite clear to you that if you do not behave yourself you will be brought back before this Court and the likelihood is that if you do, you will go to prison. You are being given a chance and the Court hopes that you will take it.

The Court sentences you formally as follows: on each of the counts of the indictment you are placed on probation for 2 years, subject to the usual conditions that you live and work as directed by the probation officer and that you be of good behaviour during
5 that time; and that you will be liable to be brought back before this Court if you fail to comply with the conditions of the Order. We further make it an additional condition that you perform 240 hours of community service within 12 months.

Authorities.

A.G. -v- Aubin (14th May, 1987) Jersey Unreported.

Aubin -v- A.G. (6th July, 1987) Jersey Unreported. CofA.

A.G. -v- Wibberley (8th July, 1988) Jersey Unreported.

A.G. -v- Gaffney (5th June, 1995) Jersey Unreported.

A.G. -v- Dubois, Louis, Wakeling (4th February, 1994) Jersey Unreported.

Whelan: "Aspects of Sentencing in the Superior Courts of Jersey":
pp.64-7.

Whelan: Ibid: May, 1994-5 Noter-Up: p.28.