

ROYAL COURT
(Samedi Division)

86

3rd May, 1996

Before: The Deputy Bailiff, and Jurats
Orchard and de Veulle.

The Attorney General

- v -

David Arden

Representation of the Attorney General, under Article 5 of the Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée, to review a probation order imposed on 23rd February, 1996 (see Jersey Unreported Judgment of that date).

On 23rd February, 1996,

the accused pleaded guilty to 5 counts of breaking and entering and larceny (counts 1 - 5) and to 1 count of breaking and entering with intent. (Count 6)

The Crown moved for sentences of 18 months' imprisonment on each count, concurrent.

The Court imposed a 2 year Probation Order, with 240 hours community service.

Probation Order discharged; sentences 18 months' imprisonment on each count, concurrent, substituted.

S.C.K. Pallot, Esq., Crown Advocate.
Advocate D.M.C. Sowden for the accused.

JUDGMENT

THE DEPUTY BAILIFF: We find that there has been an appalling abuse of the confidence that the Court placed in you on 23rd February. We would remind you that in the case in which you were involved there were a total of six break-ins and on five occasions items were stolen. The total value of the goods stolen was some £800 and the value of goods recovered was £308. One of the offences you committed was whilst you were on bail.

When you appeared before the Court the learned Attorney asked that you be sent to prison for 18 months. The Court took a very firm and clear line with you. I want to repeat what the Court said:

"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".

You have a very bad record; you have on at least one occasion been put on probation and you have carried out community service in the past. The Court is not minded to do anything else than to impose the original sentence asked for by the learned Attorney and therefore you will go to prison for 18 months.

No Authorities.