

ROYAL COURT
(Samedi Division)

245.

19th December, 1996

Before: Sir Philip Bailhache, Bailiff, and
Jurats Myles and Le Ruez

The Attorney General

- v -

Alan Martin,
and

S

ALAN MARTIN

First Indictment

1 count of assault (count 1).

Second Indictment

1 count of receiving, hiding or withholding stolen goods (count 1b).

Plea: Guilty.

Age: 20.

Details of Offence:

Very shortly after break-in possession proved. Assault was at 2.00 a.m. outside a nightclub. Unprovoked attack but no serious injury. Abusive to police.

Details of Mitigation: Pleading guilty.

Previous Convictions: Four assaults; four for violence against property.

Conclusions:

First Indictment: count 1: 6 months' Youth Detention.

Second Indictment: count 1b: 6 months' Youth Detention, consecutive.

Sentence and Observations of the Court:

First Indictment: count 1: 6 months' Youth Detention.

Second Indictment: count 1b: 3 months' Youth Detention, consecutive.

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Second Indictment

1 count of receiving stolen property (count 2).

Plea: Guilty.

Age: 17.

Details of Offence: Very shortly after break-in possession admitted.

Details of Mitigation:

Consumed tablets ending up in hospital. Plea of guilty and age. Marital problems with parents. Depressed.

Previous Convictions: None.

Conclusions: 6 months' Probation.

Sentence and Observations of the Court:

6 months' binding over order, with condition he attends drugs awareness course.

A.J.N. Dessain, Esq., Crown Advocate.
Advocate S.E. Fitz for A. Martin.
Advocate N. Davies for S

JUDGMENT

THE BAILIFF: Receiving stolen drugs, particularly so soon after they have been stolen from a chemist's shop, is a serious matter.

5 The Court will deal firstly with you, Martin. You have a bad
record for one so young and the offence of receiving was committed
only a very short time after you were placed on probation by the
Police Court. On the other hand, we accept from the things said
10 in the Probation Report that you have talents; you are supported
by your family; and in the view of the Court it is time that you
made use of the talents which you do have. We are taking at face
value your explanation that you were provoked into committing the
assault and we will sentence you on that basis.

15 As counsel have said and, as you have heard, the Criminal
Justice (Young Offenders) (Jersey) Law 1994 provides that the
Court shall not pass a sentence of Youth Detention unless it
considers that there is no other appropriate method of dealing
with you. We think that your failure to respond to the Probation
Orders and the Attendance Centre Order, to the extent that you are
20 continuing to offend, places you within paragraph 2(a) of that

Article, and, as a result of that, we have to pass a custodial sentence upon you. We are, however, going to take account, as we have said, of the mitigation both in the background report and as set out by your counsel. You are accordingly sentenced on count 5 1, to 6 months' Youth Detention; and on count 1b, you are sentenced to 3 months' Youth Detention, consecutive, making a total of 9 months' Youth Detention, which will mean your release today so far as the offences upon which you appear before this Court are concerned; but you will obviously have to make an 10 application, if that is what your counsel intends to do, so far as the other matter which is outstanding and for which you are still remanded in custody. I must also tell you that when you are released you will be subject to a period of supervision by a Probation Officer in respect of these offences.

15 . S , the Court is mindful that you have been subject to this charge for nearly a year, like Martin, and the Court is encouraged by the fact that you have complied with your curfew. You are also supported by your parents and the Court hopes, from 20 the information in the background report which we have read, that this offence which you have committed is out of character and is something which is not going to be repeated. Therefore, we are going to accept the recommendations in the Probation Report and we

are going to bind you over for six months, subject to a condition that you attend the drug awareness course as you have offered to do.

No Authorities.