

JERSEY / JUDGMENT

AG -v- Bisson [2015] JRC 246A (27 November 2015)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for possession of ethylphenidate, perverting the course of justice, theft of foodstuff and theft of a recording device. This offending also places you in breach of a probation order imposed by the Magistrate' Court relating to four charges of possession of unlawful drugs, namely cannabis, buprenorphine and ethylphenidate and subsequently an offence of domestic violence. You were at that time subject to a 12 month probation order. 2. Although the Crown has proceeded on the basis that the data wiped from your phone was unconnected to criminal activity, your actions in perverting the course of justice have nonetheless frustrated and delayed the investigation. You do not, at all, have a good record. You appear to have a great deal of difficulty in refraining from offending whilst on probation. 3. We have noted the mitigation which has been very ably advanced by your counsel; we note that there has been a significant delay which has not been entirely of your making and we have considered very carefully the correspondence that has been provided on your behalf. 4. The Court has been very much in two minds as to how to deal with this matter. We have considered very anxiously indeed whether or not it is possible for us to extend one further chance or whether we have to meet this continued behaviour with a custodial sentence. We have decided that we are in a position to afford you one further chance. 5. The sentence of the Court is that you will have a period of probation for 12 months; you will serve 180 hours' community service which is the equivalent of a 12 month prison sentence. In case you are back before Court, which we very much hope you will not, in case you breach this order, we record that our assessment of the appropriate sentences are broken down as follows:- We think that the first three breach offences in the Crown's table should amount to 2 months' imprisonment; we think that the breach offences on 31 st July for the two lumps of cannabis is 2 months'; Count 1 is 1 month, that Count 2 is 2 months', that the breach offence of domestic assault is 3 months' and Count 3 is 1 month and Count 4 is 2 months', making a total of 12 months' and that is the direct alternative. 6. Mr Bisson I am going to give you a warning. You have heard these warnings before but we have seen some sign that you are moving in the right direction. We do not consider it to be a strong sign but it is a sign that we are prepared to follow on this occasion. Be in absolutely no doubt whatever if you breach the Probation Order, if you fail to comply with all of the requirements that the Probation Service require of you, if you fail to attend any courses, if you fail without absolutely persuasive

and compelling reasons to deal with the community service in the way that you are directed, you will be back before this Court and you must expect to serve the custodial equivalent that we have just given you. This is the very last chance you have and we are giving it to you for the benefit of your children as much as anything else. You really have to understand it in those terms. 7. We also direct that you should pay compensation in the sum set out at the value in the counts on the indictment. We allow you 6 months in order to do that and we direct you will serve prison for 1 week if you fail to it within the 6 months period. 8. We discharge the pre-existing the Probation Order. 9. We also order the forfeiture and destruction of the drugs. Authorities AG v Bisson

[2006] JRC 003 . AG v Bisson

[2006] JRC 183 . Peacock v AG

[2010] JRC 043 . Magistrate's Court Sentencing Guidelines: Assaults (2015). Page Last Updated: 27 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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