JERSEY / JUDGMENT

AG -v- Bisson 8-Dec-2006 [2006] JRC 183 (08 December 2006)

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JUDGMENT

THE DEPUTY BAILIFF: 1. When you appeared before us in January we said that this was your chance, and we hoped that you would take advantage of it, and we warned you that if you re-offended then prison was likely to be the outcome. It is very disappointing to see you here again today. It is clear from the reports that you did make progress, you have made progress since the last occasion, but that progress appears to have come to a halt and you relapsed, both in terms of your drug consumption and a return to criminal offences. 2. The difficulty we face is that it is not just that you committed the drug offence on 10 th June. You were then arrested and interviewed. This did not bring home to you the seriousness of your situation, that you were in breach of probation, because only ten days later you committed all the various motoring offences, which included offences of dishonesty, in the sense of fraudulently altering an insurance disc and an insurance certificate. 3. We have carefully considered all that your Advocate has said and what is contained in the probation report and we are disappointed that things have turned out this way, but those who are placed on probation and on community service are given a chance and if they do not take the chance they have only themselves to blame. Probation is not a soft option and we are also extremely disappointed you did not complete the community service. 4. In all the circumstances, the Court having given you that warning, we think that we can not offer you yet a further chance. We therefore see no alternative to imprisonment, despite your letter, which we have read, and that of your partner. However, we do think that the conclusions can be reduced, as we think that, for what you did, they are too long. 5. The sentence is as follows: on Count 1, 3 months' imprisonment; on Count 2, 3 months' imprisonment, with disqualification for 12 months; on Count 3, 3 months' imprisonment, Counts 2 and 3 to run concurrently with each other but consecutive to Count 1; on Counts 4 to 8 we impose a sentence of 3 months' imprisonment on each Count concurrent with each other, but consecutive to the others making a total, therefore, of 9 months' imprisonment on those Counts. Count 9 we grant an absolute discharge, given that the garage have admitted it was their fault and you bought it from them, we think that it quite wrong to impose any penalty. 6. Turning to the offences for which you were in breach, we note that you've done 40 hours out of the 90 hours and that the Court at the time said that a total of 3 months' imprisonment was what it had in mind. We think allowance must be made for the fact that you carried out some of the community service. Therefore, we are going to

impose the sentences moved for, save for Count 5, which is reduced from 3 months to 2 months, to take account of the fact that you have carried out the community service. So all of those concurrent, so that is a total of 2 months on the breach offences. However, we conclude that they must be consecutive not concurrent. You were given a chance, you did not take advantage of it and, therefore, there must be a penalty for all those offences. 7. So, added to the 9 months' that makes a total of 11 months' imprisonment. That is the sentence together with 12 months' disqualification and we order the forfeiture and destruction of the drugs. No Authorities Page Last Updated: 10 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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