

JERSEY / JUDGMENT

AG v Cooper [2003] JRC 134 (18 July 2003)

[2003] JRC 134

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JUDGMENT

THE commissioner: 1. The Crown Advocate has outlined the facts in some detail. Of the 6 counts that we are considering today, by far the most serious is the break in at the offices of Offshore Solutions at Rue des Prés Trading Estate. 2. Cooper was arrested when his palm print and a finger print were found at the point of entry. He turned away one of the CCTV cameras but failed to notice 3 others. In all 1,208 CDs and 399 DVDs were stolen to the value of £16,070.00. 3. The other offences charged range from larceny, hiding or withholding stolen property, taking goods by false pretences and aiding or participating in aiding, assisting or participating in illegal entry and larceny. 4. Cooper is only 21. But he has numerous previous convictions. He has served periods of probation, and has served 2 years' youth detention in the year 2000 for possession of ecstasy with the intent to supply. The totality of offences that we are dealing with is made the more serious by the fact that some of the offences were committed while he was under caution. He committed offences whilst on bail. He actually flouted the curfew imposed upon him by the Magistrate. 5. Advocate Guillaume in his admirable speech in mitigation has said that his client lives in a shadowy world of drug abuse. He has a " Jeckle and Hyde " existence and it is his good side we should try and encourage. 6. Of the most serious offences, the break in at the Rue de Prés, Mr Guillaume has described his client as a human crowbar. That may well be, but we know nothing of anyone else involved - if there was anybody else involved. We have considered all the reports with some care. We have read again some additional reports from Teresa Rodrigues and, of course, the letter Cooper has written to us himself. 7. This has been a difficult case. We have to balance the rights of the individual against the interests of society. We are impressed by the progress that he has made whilst in custody, but regretfully this Court cannot disagree with the conclusions of the Crown. This is not harm that you have committed to yourself; it is harm you have inflicted on the community at large. Of course, the time already spent in custody will be taken into account, but we must sentence you as follows: count 1, 3 months', count 2, 9 months', count 4, 9 months', count 6, 3 months', count 7A, 3 months', count 8, 18 months'. All of those run concurrently, making a total custodial service of 18 months. Authorities Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n): pp 154, 166-7, 171-2. A. G. -v- Gaffney (5 th June 1995) Jersey Unreported; [1995/101]. A. G. -v- Flynn (23 rd October 1998) Jersey Unreported; [1998/213]. A. G. -v- Jones (12 th October, 1988) Jersey Unreported; [1988/196]. A. G. -v- Poppleton (12 th October, 1988) Jersey Unreported; [1988/195A]. Page Last Updated: 23 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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