

JERSEY / JUDGMENT

AG -v- Cooper and G [2012]

JRC 133A (06 July 2012)

[2012] JRC 133A

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JUDGMENT

THE BAILIFF: 1. Cooper, you have an appalling record. You are now before us for two offences of breaking and entry and larceny, one of larceny, and some motoring offences including taking and driving away, dangerous driving, failing to stop and report, and the accompanying offences of driving without insurance and driving whilst disqualified. All this places you in breach of a Probation Order which the Magistrate's Court imposed. 2. Your Advocate has spoken in mitigation. She has referred to your guilty plea, to your efforts to turn your life around in attending Silkworth Lodge; to your motivation to change, particularly you have realised the effect that your life is having on your son; and she refers to the probation report and its recommendation. We have also read your letter and the references. 3. But in all the circumstances these offences coming on top of your record and your breach of probation means that we cannot deal with this by way of a non-custodial sentence. However, we do think we can reduce it a little in order to give you a sense of encouragement and we hope that when you come out you will maintain this desire to change, which you say has come upon you whilst you have been on remand. 4. The sentence of the Court is as follows:- on the First Indictment:- Count 1; 1 month's imprisonment, Count 2; 18 months' imprisonment, those two are concurrent. On the Third Indictment, on Count 1; 12 months' imprisonment and disqualification from driving for 3 years', Count 3; 6 months' imprisonment and disqualification from driving for 3 years', Count 4; 10 months' imprisonment and disqualification from driving for 3 years', Count 5; 12 months' imprisonment and disqualification from driving for 3 years, those sentences on Counts 1, 3, 4 and 5 are to be concurrent with each other but consecutive to the sentences on the First Indictment. Count 7; 18 months' imprisonment, concurrent with the First Indictment. No order on the breach of probation. So that makes a total of 30 months' imprisonment and disqualification from driving for 3 years. 5. G, despite your young age you too have built up quite a record and you are now before us for breaking and entry and larceny and possession of cannabis. Article 4 of the Criminal Justice (Young Offenders)(Jersey) Law 1994 applies to you and this Court is always very reluctant to send somebody of your age to youth detention. But you have repeatedly breached the Probation Orders which have been given to you and also the Binding-Over

Orders.

The background report makes it clear that you have shown no willingness to engage with the Probation Service. We were addressed at very considerable length by Advocate Landick and we have considered what he said and also your letter and that of your mother. 6. But in all the circumstances we are quite satisfied that there is no alternative to youth detention on the grounds that you have a history of failing to respond to non-custodial sentences and you have shown yourself to be unwilling or unable to respond to non-custodial penalties. You have been given ample chances and it is now time that you appreciate that if you continue to offend you will go to youth detention. Nevertheless you are an intelligent young person, and you have great potential if you choose to use it. We hope that you will maintain your desire to try and cut away from the life style you have had in the past and we hope that you will take advantage of what is on offer in youth detention, because there are things there that can help you when you are released. You may be subject to supervision on your release. 7. The sentence of the Court in your case is 9 months' youth detention on Count 7 of the Third Indictment and 1 month's youth detention, consecutive, on Count 1 of the Fourth Indictment, making a total of 10 months' youth detention. 8. We also order the forfeiture and destruction of the drugs. Authorities Criminal Justice (Young Offenders)(Jersey) Law 1994. Road Traffic (Jersey) Law 1956. Motor Traffic (Third Party Insurance) (Jersey) Law 1948. AG-v-Bailey

[2009] JLR N 19. AG-v-Gaffney

[1995] JLR N 22 Magistrate's Court Road Traffic Offences Sentencing Guidelines. Page Last Updated: 02 Feb 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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