

JERSEY / JUDGMENT

AG v De Gouveia [2007]

JRC 077 (30 March 2007)

[2007] JRC 077

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JUDGMENT

THE DEPUTY BAILIFF: 1. Mr De Gouveia in October 2005 you were sentenced to 240 hours Community Service by this Court for an offence of importation of heroin and a number of counts of obtaining goods by false pretences. You had only completed 196 of the hours by the end of October 2006 when you were suspended because of these offences. 2. You are now before us for three offences of stealing petrol from a garage, by making off without paying, as well as an offence of driving whilst uninsured. We do however accept that this related to driving for a very short distance, from just short of the garage onto the forecourt itself. 3. You have a poor record. Despite this Mr Tremoceiro has argued that we should impose a non-custodial sentence. He refers to your guilty plea, to your remorse, to the efforts you have made to turn your life round, to your efforts to remain drug free and your efforts to support your partner and child by your employment. We commend you for these and we accept that the offending is not of a particularly serious type, and in other circumstances would have been dealt with at the Magistrate's Court. 4. But you were warned last time that you were being given a chance and you were told that if you re-offended you were likely to go to prison. I am afraid that the Court sees no alternative but to impose a prison sentence given that you have not taken advantage of the opportunity offered. 5. We are going to impose a prison sentence and we think that the offences for the breach must be consecutive to the current offences. However we think that they do not merit quite as much as the Crown had suggested, so we are just going to adjust things. On Counts 1, 3 and 4 we sentence you to 2 months concurrent on each Count, on Count 5; 2 months concurrent, and on Count 6; 1 month concurrent. So that is 2 months in all for the offences before us here. In relation to the breach offences we impose a sentence of 2 months concurrent on all of them, but they are to be consecutive to the current offences, so that makes a total of 4 months' imprisonment. 6. As to disqualification on Count 5, normally there would be a substantial period of disqualification because driving without insurance is serious. However we accept that this was a fairly exceptional case so we are going to disqualify you for only 2 months; that means you will be able to obtain your provisional licence when you come out, so you will be able to be employed and to get about. 7. We come then to deportation. Again you were warned of the possible consequences, but we accept that these offences were not sufficiently serious so that when balanced with your family here and your comparative lack of contact with your family in Madeira we do not think it

right to make a recommendation on this occasion. But you must realise that each time you re-offend the likelihood of your being recommended for deportation grows, and if you commit an offence of any real seriousness in the future you are likely to be deported, you must accept that.

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