

JERSEY / JUDGMENT

AG v De Sousa [2020] JRC 090 (22 May 2020)

[2020] JRC 090

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JUDGMENT

THE DEPUTY BAILIFF: 1. You have pleaded guilty to a serious offence involving breaking and entry into a dwelling and, as you know, normally those offences lead to a custodial sentence, and you have a bad record including a conviction in 2018 for a similar offence. 2. The Court's policy is that defendants who are convicted of such offences are remanded in custody pending sentence absent the Court being able to find exceptional circumstances. Now it certainly is not an exceptional circumstance that you have complied with your bail conditions, or that you are on probation and complying with conditions, or indeed that there may be reasons that you will not receive a prison sentence in due course. But, having said that, we do regard them as being an exceptional circumstance that does warrant you being remanded on bail pending sentence. That arises out of the accident that befell you a month or so ago, after committing this offence, at the end of March, owing to falling down a cliff face and suffering a spinal fracture. You are now in a brace and will be for some weeks, at least another month, perhaps longer and we understand that you are receiving daily personal care from a carer. We have seen evidence provided to us in relation to that this morning, showing that you simply would not be able to receive this care on remand in custody. We have received evidence from your social worker in writing and evidence from the Head of Health Care from the Prison Service to the effect that they could not guarantee access to carers on a daily basis, particularly in the current public health crisis. 3. For that reason and that reason alone we do agree to extend your bail until you are sentenced. 4. You have heard the conditions of bail and I am sure your advocate will take you through them when you are released today. We are releasing you on bail subject to the conditions that the Crown have provided to the Court save that the curfew will be from 6pm to 9am daily, to give you a little additional time to carry out any obligations that you need to deal with outside the home, going to the shops and attending medical appointments and so on. 5. We order a report from a psychologist as requested by your advocate and we remand you on bail to be sentenced by the Inferior Number on the 31 st July this year. 6. We want to remind you, if necessary, that by granting you bail the Court gives no indication as to likely sentence. It may well be that you will receive a prison sentence when you are sentenced. No Authorities Page Last Updated: 03 Jun 2020

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