

JERSEY / JUDGMENT

AG v De Sousa [2020] JRC 149 (31 July 2020)

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today with regard to one count of illegal entry and larceny which you committed whilst drunk on 26 th February, when you broke into the house. From there you stole a number of items valued at just under £900 some of which were of high sentimental value. They have all been recovered. 2. In doing this you placed yourself in breach of a 12 month Probation Order imposed on 24 th February in relation to common assaults on your former partner. 3. We do not need to refer to the details of the offending which have been adequately set out to us by the Crown in the Statement of Facts that has been read out. After your arrest you initially provided no comment interviews and then claimed that you had gone simply to collect your belongings but you did confirm that you were very drunk at the time. 4. We have to say that you have a very poor record including for offences of a similar nature and we note from the Social Enquiry Report that you are a high risk of reoffending. We have, of course, looked at the victim personal statements which we take into account. 5. Having said that, we also note the other contents of the Social Enquiry Report and the Psychological Report which point to the extremely difficult childhood experiences you have suffered and the psychological issues which undoubtedly are still present and which you now confront. We understand, without approving, how you may have been driven to have recourse to inappropriate use of alcohol in certain circumstances. 6. In pleading guilty at an early stage you are entitled to the benefit of that guilty plea and as we have said and repeat we have read all of the reports very carefully indeed. We cannot say that the Crown is wrong in principle in moving the sentence that it has in connection with all of these offences, but in the light of the exceptional mitigation that we find in this case we intend to give you a chance to prove to us and, more importantly, to prove to yourself, that you can turn your life around. One last chance. 7. Accordingly we discharge the Probation Order in the Magistrate's Court and impose no separate penalty in connection with that. 8. With regard to the instant offending we impose a 12 month Probation Order and we also make an order for 1 year equivalent Community Service, 180 hours. We note that the start of that Community Service will not be before the expiration of a 6 month period to give your back the opportunity to recover properly so you can do the Community Service that we are imposing on you. In the light of the imposition we have noted the application for the Defence for an extension of time for the completion of the Community Service Order which we do under Article 6(2) of the Law and extend the time for completion to 24 months from today. That is the sentence of the Court 9. Now Ms De Sousa, you must understand that you must do everything that your Probation Officer

requires of you. You must keep in contact, you must do the courses, you must undertake the interventions that you are told to do, and you must complete your Community Service in the way that it is set and however you are required to do so. 10. This is a last chance. We note in the papers that you really want to show that you can go alcohol free, that you really want to show that you can have a positive and pro-social life. We very much hope that this chance that we are giving you will be seized upon by you and you will put those wishes into effect. Do you understand? 11. That is the order of the Court. Authorities *Loi (1937) sur l'attenuation des peines et sur la mise en liberte surveillee* *Whelans Aspects of Sentencing* - break and entry extract *AG v Da Silva*

[1997] JRC 218 *AG v Le Geyt*

[2019] JRC 210 *AG v Moreira* [2018] JRC 215 Page Last Updated: 02 Sep 2020 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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