

JERSEY / JUDGMENT

AG v Edmead Ors [2005]

JRC 028 (11 March 2005)

[2005] JRC 028

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JUDGMENT

THE DEPUTY BAILIFF: 1. These four defendants were involved in a break-in at Spar at Green Island. Turner and Paul Edmead entered. Darren Edmead had assisted by disclosing the combination of the safe in the shop and he waited in the car outside. Amanda Edmead has pleaded guilty to receiving some of the stolen property. The burglary seems to have been provoked by the fact that Darren Edmead had recently been dismissed from employment by this shop. The proceeds were shared out between them. Turner also stole a charity box from Blockbuster and Paul and Amanda Edmead received small amounts of cash from that stolen box. 2. The Crown has moved for custodial sentences in all cases, except for Amanda and has relied on the case of A. G. -v- Gaffney (5 th June, 1995) Jersey Unreported; [1995/10]. 3. First we will take Darren, you pleaded guilty. You have minor previous convictions but they were some time ago, the last one was in 1998. This offence, we are satisfied, was committed when you were in a bad way. You had lost your girlfriend, you had lost your job, you were very depressed and you had health problems of which we have heard. 4. We have read your letter of remorse and the references and it is clear that there is a very responsible side to you, if you choose to let that come out. So, in all the circumstances, we think there is strong mitigation in this case and we do not think it is necessary to send you to prison. We are going to place you on probation for 12 months, and we are also going to order that you do community service of 180 hours which is the equivalent of 12 months' imprisonment which is the sentence we would have had in mind. 5. Paul Edmead, you pleaded guilty too, and you also have previous convictions, but none since you were 21 which is good. You have severe learning difficulties and we have read carefully all of the contents of the report. The report has recommended probation with support from the community network team. We have also read the letter from your parents. In all the circumstances we think it is not necessary to send you to prison for this offence; so we are going to place you on probation for 12 months, concurrent on the charges you face. We would have imposed community service as in the case of your brother, but we think that in your special circumstances that might be setting you up to fail, and therefore we are going to pass an individualised sentence and so you will simply be placed on probation for 12 months. 6. Amanda Edmead, you also pleaded guilty and you have had no previous convictions. We are very pleased to note that, given the difficult upbringing you had and we congratulate you on that. We are sorry

to see that you are now before the Court. In the circumstances we agree with the Crown that a custodial sentence is not required. We are going to pass a sentence of community service but we think the right number of hours is 120 hours which is the equivalent of 6 months, which is the prison sentence we would have had in mind, and 40 hours concurrent on the other charge. That is a total of 120 hours community service. 7. Mark Turner, you have pleaded guilty, but you have a terrible record. You have assured us that you now wish to change your ways and we very much hope that you do that, because you must appreciate that if you go on like this you will be in and out of prison for the rest of your life which will not be satisfactory. 8. We are pleased to see the progress that you are making in prison. Nevertheless, we think that in view of all the circumstances we cannot avoid a prison sentence, but we are going to reduce the conclusions in order to give you encouragement for when you come out. The sentence in your case is one of 18 months' imprisonment and 3 months' imprisonment, concurrent, making a total of 18 months' imprisonment. 9. In relation to Darren, Paul and Amanda, just to make clear that you have been given community service and probation orders. If you breach any of those, in other words if you do not do the community service, if you do not turn up on time or if you do not do what your probation officer says, then you will be brought back to Court and you will then probably be sent to prison for these offences. Authorities A. G. -v- Gaffney (5 th June, 1995): Jersey Unreported [1995/10]. Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n): pp. Page Last Updated: 18 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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