

JERSEY / JUDGMENT

AG v Gallie [2024] JRC 105 (07 May 2024)

[2024] JRC 105

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JUDGMENT

THE COMMISSIONER: 1. Mr Gallie I should state at the outset that we are not going to send you to prison. 2. On 16 February 2024 you were found guilty by the unanimous verdict of the jury of one count of illegal entry and larceny of a residential address for which you are now to be sentenced. As the Crown Advocate has outlined, the facts of the offence were that you illegally entered your neighbour's flat on a date before 1 January 2023 and stole items of clothing. 3. Burglary of a dwelling house is regarded by the courts as a serious offence principally because of the distress that can be caused by the violation of a householder's privacy and security. 4. You pleaded not guilty and are therefore not entitled to the credit that you would have had for a guilty plea. Furthermore, you have shown no remorse and instead you see yourself as the victim continuing to argue that your neighbour, the Complainant made up the allegations. 5. We have no doubt that ordinarily the seriousness of the offence and the factors to which I have just referred would have justified a sentence of imprisonment. In your favour you have no previous convictions although you received a caution in July 2020 at St Helier Parish Hall for causing malicious damage to a property. Unfortunately that was in respect of the property of the Complainant when you threw a jar or urine at his front door, an action which was not only deeply unpleasant but was another violation of his home. 6. We have read with care the Pre-Sentence Report and the report by Dr Boucher the psychologist and we have also listened carefully to everything that Advocate Tremoceiro has said on your behalf. It is clear from the reports that you have throughout your life found yourself challenged by your learning difficulties and this has caused you difficulties with your relationships with other people which has led to your living a somewhat solitary existence with no circle of friends to turn to when feeling anxious. Unfortunately, the result has been that you sometimes interpret the actions of other people as hostile towards you and you respond with confrontational or inappropriate behaviour. I note this not as justification for your actions but as an explanation as to why you may have acted as you did and why you still see yourself wrongly as the victim. 7. Although the appropriate sentence would ordinarily be a custodial one we believe that with a view to reducing the risk of your reoffending a more constructive approach would be to make an order for Community Service which is a direct equivalent of imprisonment, together with a period of probation. That period of probation would enable the Probation Service to work with you to provide a network of professional support which would help you to manage the challenges that I have mentioned and thus reduce the risk of reoffending. We note that you have now found alternative accommodation and you are no longer living in proximity to the

Complainant in this case. You therefore have the opportunity to make a fresh start with the additional professional help that can be provided by the Probation Service. We strongly encourage you to take advantage of the support that the Probation Service can offer you. 8. We note that the Crown does not seek a restraining order, nor a contribution to the Prosecution costs. 9. In line with Advocate Tremoceiro's submissions to us we are prepared to make a reduction in the number of hours of community service that you will be serving. 10. We therefore sentence you on Count 2 of the Indictment as follows, a 12 month Probation Order together with 180 hours Community Service which is the equivalent of 12 month's custody. Authorities AG v Da Silva

[1997] JLR Note 14a AG v Allo and Collins

[1983] JJ 85 AG v McKeown

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