

JERSEY / JUDGMENT

AG -v- Gilbraith [2018]

JRC 099A (08 June 2018)

[2018] JRC 099A

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JUDGMENT

THE COMMISSIONER: 1. Mr Gilbraith , when the court sentenced you on the 22 nd September, 2017 (reported at AG-v-Gilbraith and Rawlinson

[2017] JRC 155) it said this: "We think the conclusions of the Crown are correct in his case, but every court has a prerogative of mercy and in this case the circumstances of his family and his role within it are such that we are going, exceptionally and as an act of mercy, to impose the alternative of a Community Service Order." 2. So you were therefore extremely lucky not to have received a prison sentence when you were originally sentenced. Despite that you have breached the Community Service Order and this in circumstances where the Community Service Section in the shape of Mr Le Marrec , has made allowance for the difficulties which you have faced through your back injury and other matters, as you yourself admitted to Mr Le Marrec on the 16 th March, 2018. 3. Despite this, you were issued with a final written warning as early as October 2017, because you missed a session by turning up late. You failed to report on the 6 th March, 2018, because you overslept. But despite this, you were then given an absolutely last chance on the th March, 2018, but despite this absolutely last chance you then behaved in a completely unacceptable manner at the next session on 20 th March, 2018, as we have heard. 4. It is clear that you have felt hard done by in relation to the snowboarding holiday in March which you were not allowed to take and also you blamed Mr Renouf for what had happened on the 27 th February, 2018. But that gave you no right whatsoever to behave as you did or to do anything other than to comply with the instructions of the Service. The Community Service Officers are entitled to the protection of the court if offenders behave abusively or aggressively towards them. 5. So given that background there is in our judgment no alternative now to imposing a prison sentence. You have had your opportunity but you have not taken advantage of it. 6. However, you have undertaken 95 hours which is just over half of the total sentence in place. We therefore think the Crown's conclusions are too high because they do not take account of this. We think the overall fair sentence is one of 6 months imprisonment. 7. On Count's 1, 2, 3, 4, 9 and 10 we revoke the Community Service Order and we impose a prison sentence of 6 months imprisonment concurrent on each count. Authorities AG-v- Gilbraith and Rawlinson

[2017] JRC 155 . Page Last Updated: 16 Jul 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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