

JERSEY / JUDGMENT

AG -v- Higham [2017] JRC 199 (24 November 2017)

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced today for ten counts on the Indictment which reflect a variety of offences which the Crown, accurately in our view, have characterised as a spree of offending. It all took place on th March, 2017, between 1am and 4pm and the offences range from illegal entry and larceny, taking and driving away a motor vehicle, driving whilst disqualified and with no insurance, obtaining and attempting to obtain services by fraud and four counts of larceny. 2. We do not need to go into the details of this offending as these have been set out fully in the summary of facts which have been read out to us by the Crown. The most serious of the offending is, of course, the illegal entry at night of a private dwelling and the larceny of items from it. Illegal entry of a private dwelling is always viewed by the court as very serious as it involves a violation of a person's home which is, for most people, a place of perceived safety and sanctuary. 3. We have read the victim impact statements from the two individuals who occupy the dwelling that you broke into and we well see how, particularly in the circumstances of one of the occupants who was a nursing mother, how such an act would have had a serious and worrying effect on them and their sense of security. 4. You have committed all these offences with no apparent regard to your victims and to what they have lost as a result. There is no mitigation to be found in your record as you are a prolific offender with many similar previous convictions. You have not cooperated with the Probation Service and this is as clear an indication as any, were one necessary, that a non-custodial disposal of this matter is not a realistic option for us. You do not have the benefit of youth. 5. You have, of course, pleaded guilty and you are entitled to some credit for that. It is difficult to see this however as an indication of full remorse because it came late in the day and the victims of your offending, particularly the occupants of the dwelling, were having to wait for a long time to know whether they were to give evidence in this Court. There appears to us, as is set out in the statements before us, a pattern to your offending to which you initially deny culpability and are ultimately found guilty or admit it. We make an appropriate allowance for your guilty plea but in the circumstances we cannot see this as justifying a full one-third. 6. We have noted all that your counsel has said on your behalf. He has said all that could properly be said. We suspect that you were under the influence of the medication that you were taking when you committed these offences but you knew the effect that this medication had on you when taken to excess. Nonetheless you took it to excess in the light of that knowledge. 7.

Having taken all of that into account we agree with the Crown that this matter should be dealt with as an extended incident and therefore you should receive concurrent sentences. We are concerned, of course, to reflect not only the sentence appropriate to illegal entry but to reflect the overall criminality involved in this matter. 8. In our view, taking totality into account we believe that the Crown is correct in its assessment and we impose the following sentences. With regard to Count 2; 3½ years' imprisonment, Count 3; 3 months' imprisonment, Count 4; 6 months' imprisonment, Count 5; 12 months' imprisonment, Count 6; 1 month's imprisonment, Count 7; 9 months' imprisonment, Count 8; 1 month's imprisonment, Count 9; 12 months' imprisonment, Count 10; 12 months' imprisonment and Count 11; 1 month's imprisonment, all of those concurrent making a total of 3½ years' imprisonment. The Court agrees that you should be disqualified from holding or obtaining a driving licence in connection with Counts 3, 4 and 5 for a period of 60 months', each concurrent, making a total of 60 months or 5 years disqualification.

Authorities AG-v-Power

[2016] JRC 229 . AG-v-Bulpin

[2016] JRC 124 . AG-v-Esnouf

[2016] JRC 108 . AG-v-Falle

[2015] JRC 198A . AG-v-Picot

[2014] JRC 200 . AG-v-O'Brien

[2011] JRC 176 . AG-v-Da Silva 1997/218. R-v-Brewster and Others

[1998] 1 Cr App R (S) 181 . Whelan on Aspects of Sentencing in the Superior Court of Jersey (3 rd Edition). Road Traffic (Jersey) Law 1956. Motor Traffic (Third Party Insurance)(Jersey) 1948. Page Last Updated: 08 Dec 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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