

JERSEY / JUDGMENT

AG -v- Hughes [2005]

JRC 118 (19 August 2005)

[2005] JRC 118

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JUDGMENT

THE BAILIFF: 1. This defendant has pleaded guilty to breaking and entering a private dwelling house during the night, and to stealing a number of items of property and to possession of a small quantity of cannabis. He was under the influence of drugs and alcohol when the offence of burglary took place. He has a previous conviction for burglary in 1997 when he was sentenced to 12 months' imprisonment. 2. Counsel for the defendant has urged upon us the submission that a non-custodial sentence should be imposed, supported by the report of the Probation Officer, principally because the defendant acted whilst he was in such a state of intoxication that he apparently did not know what he was doing. 3. We cannot accept that submission. Violating the privacy of the home of a member of the public by night is a very serious offence, not just because of the loss of property and personal possessions, but also because of the sense of invasion and insecurity which almost invariably follows such offences and did follow so far as this particular household is concerned. 4. In mitigation the defendant has pleaded guilty to the indictment, has expressed some remorse and has been making efforts to seek help from the Drug and Alcohol Service. He is entitled to credit for that. We accept that this was an opportunistic offence in that there was no premeditation. Most of the property has been recovered and the defendant has repaid cash which was stolen. Taking all those factors into account and giving as much weight as we can to the mitigation available the sentence of the Court is that you will go to prison for 2 years on Count 1, and 2 weeks, concurrent on Count 2, making a total of 2 years' imprisonment.

Authorities A. G. -v- Da S ilva (1997)JRC218. Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n): para 372. R -v- Perks [2002] All ER (D) 763. A. G. -v- Miller, Corvel , Louis, Manning (1999) JRC186. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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