

JERSEY / JUDGMENT

AG v Hutcheson [2022] JRC 031 (04 February 2022)

[2022] JRC 031

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JUDGMENT

THE DEPUTY BAILIFF: 1. On 31 st August 2018, you appeared before this Court and were sentenced to a Probation Order of 12 months and 220 hours of Community Service which was expressed to be the direct equivalent of 16 months' imprisonment. On that occasion the Bailiff warned you that the sentence being imposed on that occasion was an exceptional one and gave you an opportunity to address various challenges relating to your drugs and indeed your health generally, and you were told that if you breached the terms your Probation Order or failed to perform your Community Service Order or had any reason to be back before the Court then you would face almost inevitably a custodial sentence. 2. You have completed the Probation Order and you have completed 134 hours of the Community Service Order but not the balance of 86 hours owing to your health difficulties. The uncompleted balance equates to a sentence of 6¼ months' imprisonment. Because of your health difficulties it is not suggested that you should be given additional time to complete the Community Service Order and we are invited today to revoke the order and the Probation Officer suggested, with which the Crown agree, a sentence of 6 month's imprisonment, suspended for one year on each count. 3. Pursuant to Article 6 of the Criminal Justice (Community Service Orders)(Jersey) Law the Court has the option under Article 6(1)(b) in these circumstances of either revoking the order or pursuant to 6(1)(c) revoking the order and dealing with you in any manner in which the Court could deal with you had you just been convicted by the Court of the offence. 4. In those circumstances, having regard to the seriousness of the original offence we have no doubt that the appropriate order to make today is an order that you be sentenced to 6 months' imprisonment, suspended for 1 year concurrent on all five counts on the Indictment. That means, which I need to explain to you, that if during the operational period of the suspended sentence, namely 1 year from today, you commit an offence punishable by imprisonment, then the Court shall order that you be imprisoned for that period in addition and consecutive to any other sentence imposed on that occasion unless the Court is satisfied that it would be unjust to do so. That is the order that we make in relation to these offences. Authorities Criminal Justice (Community Service Orders)(Jersey) Law 2001. Page Last Updated: 24 Feb 2022 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 23 October 2026 · Esheria