

JERSEY / JUDGMENT

AG v J [2023] JRC 083 (30 May 2023)

[2023] JRC 083

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JUDGMENT

THE BAILIFF: 1. On 15 July 2022 the Defendant was sentenced for three drug offences, conspiracy to import, conspiracy to supply and possession. I do not need to go into the detail of that offending because that is well known and has been set out in the judgments of the Court delivered in this matter on earlier occasions. The Defendant had imposed upon her a Probation Order linked with a Community Service Order and although the Community Service Order was for a lengthy period it was a direct alternative to custody which would normally have been the penalty for this kind of offending, but the Defendant had of course, the benefit of youth. The Defendant breached that order and ultimately the breaches were so numerous that the matter was referred back to the Royal Court and dealt with on 25 November 2022 ([2022] JRC 296). 2. On that occasion the Court said this: "So let me repeat, you have been extraordinary lucky today. I think all three members of the Court, when we read the papers initially, thought that you had to go to youth detention because of the importance of backing up Community Service and Probation, but as I say we have just been persuaded to give you a very last chance." 3. The Court's warning that this was a last chance could hardly have been clearer, and it is a matter of enormous regret that the Defendant has once again breached the Community Service Order and the Probation Order. 4. There is accordingly a significant history of a failure to respond to non-custodial measures, and also sadly a failure to engage fully with the help that had been offered over the period of the Probation Order. 5. The Court is left in an extremely difficult position. We have the benefit of a psychological report which clearly brings before the Court and places into stark relief the challenges that the Defendant has faced in her childhood and thereafter, and we have against that the clear seriousness of the offending. The complete failure to deal with non-custodial disposal in an appropriate way, and the importance of upholding the statement of the Court on the last occasion which we can only endorse. 6. We do not think that it is seriously open to us on the facts as we understand them to avoid some form of custodial sentence in this matter. The Probation officer who very helpfully spoke to us in court said that she had concerns about the extension of a Probation Order, given the failure to engage and deal with the matter during the currency of the existing order. Where community service is concerned we were told precisely the same thing, that in reality community service is unlikely to be a viable option and indeed we are certain that were we to seek to impose a further Community Service Order that would simply be setting the Defendant up to fail. 7. In our view there has to be a measure of punishment that is linked as well as rehabilitation is urged upon us by Advocate Bell. In the circumstances we

discharge the Probation and the Community Service Orders, and we sentence the Defendant to a much reduced period of youth detention, specifically 5 months' youth detention on the two major counts. One week on the lesser count to be concurrent, accordingly making 5 months in all. 8. We note that a 5 month sentence will mean that at the end of that sentence there will be a period of Probation supervision by operation of law. 9. That is the decision of the Court. Authorities AG v J

[2022] JRC 296. Criminal Offences (Jersey) Law 2009 Misuse of Drugs (Jersey) Law 1978 Criminal Justice (Young Offenders) (Jersey) Law 2014. Page Last Updated: 12 Jul 2023 Back to top About JLJB Accessibility Contacts Disclaimer Feedback Privacy policy Site map © Jersey Legal Information Board 2001- 20262023 (External) BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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