

JERSEY / JUDGMENT

AG -v- Lusk [2015] JRC 236 (20 November 2015)

[2015] JRC 236

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JUDGMENT

THE deputy bailiff: 1. You are to be sentenced today for 31 offences of larceny and the use of a debit card over a three-day period to a total value of approximately £1,600. You are also to be sentenced for a breach of a Probation Order of 12 months and a 312-hour Community Service Order imposed by the Royal Court in January for possession with intent to supply 40 tablets of MDMA. 2. When you were sentenced by the Court (AG-v-Lusk

[2015] JRC 015) the Court gave you a warning. It said:- "We must just warn you that you must complete the 312 hours' of community service; if you fail to do so you will be brought back to this Court and almost certainly find yourself sentenced to youth detention. The same point applies in relation to the Probation Order. You must comply with that order, as you did indeed on the last occasion, and, again if you fail to do so, you will be brought back before us." 3. Although you have completed 62½ hours of the 312 hours of community service, amounting to some 20%, your performance of community service has been characterised by difficulties and you received a warning from the Solicitor General and from the Chief Probation Officer that if you failed to comply the matter would be returned before Court. We are not really, then, in a position of considering a last chance as you have had a number of last chances. 4. We are fully aware of your background and the background to your offending and the mitigation that is available to you. That, however, was taken fully into account by the Court when it imposed the sentence on the last occasion and gave you the warning that it did. You have shown yourself to be unable or unwilling to comply with a non-custodial order of the Court and the Court feels that it is left with no alternative than to impose the custodial alternative. 5. We believe that the Crown has made as much of an allowance as it possibly could by way of forbearance in the light of your youth and your other personal circumstances and the mitigation available to you, indeed it would normally be the case that an additional sentence would be imposed in respect of the most recent offences; however we are going to go with the recommendations of the Crown and impose what, to our mind, is the least term of youth detention that we are able to do to reflect the circumstances of this case. 6. Accordingly, in respect of Counts 1 to 31 you are sentenced to 9 months' youth detention, concurrent. For the breach of the order of the Court you are sentenced to 19 months' youth detention,

concurrent, making a total of 19 months' youth detention. You will be subject to a period of supervision on release. 7. As a matter of formality we discharge the previous orders.
Authorities AG-v-Lusk

[2015] JRC 015 . AG v Byrne

[2011] JRC 060 . AG v Dauny

[2010] JRC 141 . AG v Self

[2010] JRC 022 . AG v Knowles

[2014] JRC 240 . Whelan on Aspects of Sentencing in the Superior Courts of Jersey (3rd edition).

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