

JERSEY / JUDGMENT

AG v McKeown [2018]

JRC 187 (05 October 2018)

[2018] JRC 187

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are before the Court to answer to two counts of being drunk and incapable. This puts you in breach of orders imposed by this Court on 16 th February this year and that is why counts which would not normally be before this Court are now before us. 2. The Court imposed the order on 16 th February when you pleaded guilty to a number of counts, including drunk and incapable and, most importantly, illegal entry and larceny. The Crown on that occasion moved for a sentence totalling 15 months' imprisonment but instead we imposed a 12 month Probation Order and 180 hours' Community Service. 3. We imposed that order in the face of the Courts stated policy that there would normally be a custodial sentence for breaking and entry and larceny, and we did so because amongst the exceptional circumstances that we then took into account were signs that you were genuinely tackling your problems with alcohol. 4. We note that you have discharged 70 hours of the order currently in place and have 110 hours still to do. We also note that you have not complied fully and there have been a number of breaches of the order before this matter was returned before us. Indeed you have been in trouble for drunk and incapable on an occasion which was not sent to us but was allowed to take its normal course. You have therefore been afforded further opportunities to avoid alcohol and its problems. 5. We have given considerable thought to the Psychiatric Report and indeed the other reports and we recognise, as we did before, your struggle with alcohol. You have of course the benefit of the guilty pleas. We have read with the care the letters and references and we take your expressions of remorse as being entirely genuine. 6. However, when the Court sentenced you on the last occasion [AG v McKeown [2018] JRC 039] it said, the following:- "I want to give you a warning in the strongest possible terms. You have recognised the part that alcohol plays in your offending. You have recognised the destructive cycle that it brings to your life. This is your last chance, do not be here again, do not squander the chance that we are going to give you because custody will, it seems to us inevitably follow should that be the case". 7. I have to tell you that the Court is not unanimous and therefore this falls to my casting vote, but we do not think that you have given us any choice but to impose a custodial sentence. Accordingly, we propose to sentence you as follows:- (i) on the current offences, you will be sentenced to: (a) Count 1, one month imprisonment. (b) Count 2, one month imprisonment, concurrent, making a total on those counts of one month imprisonment. (ii) In connection with the breach offences: (a) Count 1, the

possession of Zolpidem, 2 weeks' imprisonment. (b) Count 2, 2 weeks' imprisonment. (c) Count 3, the drunk and incapable, 2 weeks' imprisonment. (d) The illegal entry, 8 months' imprisonment, all of those concurrent but consecutive to the new offences making a total of 9 months' imprisonment. 8. We discharge the original orders made. We hope that you will take advantage to all of the treatment that will be available to you over the next few months in prison including input, we understand, from the Drug and Alcohol Service. Authorities AG v McKeown

[2018] JRC 039. Criminal Justice (Community Service Orders)(Jersey) Law 2001 Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée Page Last Updated: 05 Nov 2018
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