

JERSEY / JUDGMENT

AG -v- Moreira [2005] JRC 167 (02 December 2005)

[2005] JRC 167

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JUDGMENT

THE COMMISSIONER: 1. Moreira is a heroin addict. That addiction has to be fed, and it was clearly fed by opportunist crime. Those are crimes which are carried out without compunction and clearly with no remorse for those unfortunates whose property is broken into. 2. He has admitted his heroin habit is a staggering £200 per day. He has an appalling record most of it drug related and as you know has seen the inside of prison once for as long as three years. It is somewhat disturbing that you tested positive for drugs whilst on remand at La Moye for the present offences although I must say we find it difficult to understand what those drugs were and under what conditions they were given to you. 3. It is also somewhat surprising to learn, and we have no idea of the reaction of the Crown to the information that Mr Silva, whose flat was broken into in Count 1, who helped to apprehend you in Count 3, is now alleged by you to be a heroin supplier. If that is true then it is a statement of some courage. 4. We have a probation report which is encouraging but it is apparently three months out of date and a report from Mr Gafoor made last week which is diametrically opposed to it. The practical tasks suggested in a Social Enquiry Report appear not to have been undertaken. We only say that because had they been undertaken no doubt counsel would have mentioned it. 5. We fully agree that the conclusions of the Crown Advocate are absolutely correct. But the Probation Report is extremely detailed, it runs into several pages. We have considered this matter with very great care. We are going to take a chance. You are going to be sentenced to 240 hours Community Service. The alternative to that are the conclusions which we would otherwise have granted. You will serve two years probation, strictly in accordance with all the recommendations set out in the Report, and you will sign the probation form on your first visit to the Probation Service. 6. I need to say this, two years is a very long time but this may be your only chance to rid yourself of this pernicious habit. We have read your letter and we remain hopeful. You will find this much more difficult than going to prison. If you fail at in any time in the two years you may be brought back to court and I have to tell you there will be no alternative but to give you a prison sentence. Authorities Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n). Page Last Updated: 18 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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