

JERSEY / JUDGMENT

AG v O'Brien [2004] JRC 055 (19 March 2004)

[2004] JRC 055

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JUDGMENT

THE BAILIFF: 1. This defendant is to be sentenced on three counts, namely one count of aiding and abetting a break in at Millers Bar Bistro, one count of illegal entry with intent to commit a crime at the Dolphin Hotel and one count of larceny. 2. The first of those charges involved considerable damage to the premises and an attempt to remove a safe which was eventually abandoned on the pavement. Those were commercial premises. 3. The second of those charges, the illegal entry of the Dolphin Hotel did, however, involve the aggravating feature that it was highly likely that the premises were occupied. Indeed they were occupied, and it must have been a very frightening experience for the occupiers to be awoken by young men behaving in the way that this accused and his accomplice did. 4. The defendant has a long record of previous convictions. The Court has listened very carefully to the submissions of counsel who has said everything that could be said on the defendant's behalf. It is very encouraging both that the defendant now has, it appears, the support of his father and that he has himself made considerable efforts to obtain employment in the prison. 5. We hope that he has begun to lay the foundations for a more worthwhile and satisfying life than he has led so far. We take into account all the matters laid before us by defence counsel and in the reports which we have read. We think, however, that the conclusions are correct and that in the meantime the defendant must be punished for the offences that he has admitted. 6. The conclusions are therefore granted and on count 1A you are sentenced to 18 months' imprisonment; on count 3 to 6 months' imprisonment, concurrent; on count 4 to 18 months' imprisonment, consecutive, making a total of 3 years' imprisonment. Authorities Whelan: Aspects of Sentencing in the Superior Courts of Jersey (2 nd Ed'n, updated to November, 2003): pp.141-147. A. G. -v- Gaffney [1995] JLR N.22. A. G. -v- Da Silva (4 th December, 1997) Jersey Unreported; [1997/218]. A. G. -v- Moreira [2003]JRC083A. Page Last Updated: 29 Jun 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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