

JERSEY / JUDGMENT

AG -v- O'Brien [2018]

JRC 106 (22 June 2018)

[2018] JRC 106

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for taking a vehicle without the owner's consent, using the vehicle without third party insurance, driving whilst disqualified and speeding, in respect of which you were convicted by the Magistrate's Court following a not guilty plea. You are also to be dealt with for non-compliance with a Probation and Community Service Order. 2. The facts of the offending have been set out by the Attorney General and you absconded from the scene and were only arrested some weeks later. It cannot be said that you were co-operative in interview and you did not plead guilty and therefore do not have the benefit which is afforded to those who plead guilty to criminal offences. 3. We accept the characterisation of the offending by the Crown and we note as the Crown has fully set out to us your lengthy criminal record. The Attorney General characterises it as appalling and indeed it is. 4. It is clear with regard to the breach offences that after an initial engagement with the Probation Service you missed appointments with greater and greater frequency and hence you are in breach of those orders. 5. We also have to note the fact that you are on any analysis at a high risk of the re-conviction. We have considered what weight we could give to the mitigation that is available to you, and we have read with care the references provided on your behalf, and they speak well of you, and we very much hope that in the future you will continue to put you family at the centre of your life and avoid future offending. We have also read again the contents of the Social Enquiry Report and it is clear that you have had a difficult start in life, but those factors are factors that the courts have taken into account before, they are not new, and you have been given whatever credit that mitigation could afford you. Early circumstances when taken into account by a court on earlier occasions can only carry you so far. 6. Notwithstanding the mitigation that is available we see no alternative to a custodial sentence. The chances that the court has afforded you many times in the past have been squandered and they have run out. 7. We are therefore going to impose sentences precisely as moved forward by the Crown and those are the sentences with regard to the index offending and to the breaches that we impose. 8. We revoke the probation orders and community services orders. No Authorities Page Last Updated: 16 Jul 2018 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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