

JERSEY / JUDGMENT

AG -v- Picot [2016] JRC 207 (11 November 2016)

[2016] JRC 207

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE commissioner: 1. The defendant stands to be sentenced for the theft of a car and boat with associated road traffic offences and for one unconnected offence of conduct likely to cause a breach of the peace, which took place some weeks earlier at Evans House where he had become verbally threatening towards the manager to the point where the police had to be called. 2. Turning to the theft of the car and the boat, after an argument with his girlfriend, the defendant left their home saying he was going for walk to calm down. Instead he was seen on CCTV at about 5:37am driving a Toyota double car pick-up and towing a speed boat on a trailer which he had taken from La Collette Marina compound. He was a disqualified driver and driving therefore without insurance. He drove to La Mare slip and down to the sea where he was seen launching the boat. He managed to start the boat engine but it stopped after a short distance, some fifty metres out to sea. Having taken the bung out of the boat so that it was starting to take in water, he then himself got into the water fully dressed and was seen to be panicking. A passer-by, who was not a good swimmer, swam out to rescue him; he said that the defendant looked as if he was about to give up, although he was still conscious and talking rubbish. 3. It is clear to us that the defendant was close to drowning. His rescuer was too far from the shore to swim them both back and he managed instead to get them both onto the boat where he awaited the arrival of the Lifeboat. In the meantime the Toyota had become completely submerged by the incoming tide. Because the key had been left inside by the owner it was uninsured with a loss therefore to the owner of some £4,000 and the boat sustained damage to its owner of some £1,300. 4. The defendant was taken to A & E where he was seen by a police officer and the force medical examiner on suspicion of being unfit to drive and he refused to give a blood sample. The defendant remained in hospital for most of the day but then discharged himself. He was found by a police officer standing on a corner of Vauxhall Street in his hospital gown and pyjama bottoms. 5. In interview the defendant claimed that he had been given permission to take the boat to go to Carteret to do a drugs run and this in order to clear a large debt, a fanciful account with no basis in fact. Later he said he had taken the bung out of the boat because he wanted to be rescued so that he could get help and, quoting from him, "with everything". 6. The defendant is a prolific offender with some 32 previous convictions relating to 216 offences, the majority relating to illegal motoring, theft and violent offending. He has breached all previous Probation and

Community Service Orders. His record includes 29 offences for driving without insurance, 20 offences of driving whilst disqualified, 13 offences of taking and driving away and 3 offences of driving whilst under the influence of drink. The current offences were committed in breach of a Probation Order imposed by the Magistrate's Court in June 2016 for threatening, abusive and disorderly conduct which took place in a crowded MacDonald's restaurant. 7. Whilst being sentenced on 17 th October, 2014, for motoring offences and violently resisting arrest, again committed in breach of earlier Probation Orders, the Court noted that this defendant has spent most of his adult life in prison, but in that case it felt it had no option to impose a custodial sentence in order to protect the public and the police. 8. The defendant has a history of substance misuse and serious anti-social and psychological problems which include self-injurious behaviours. Whilst he has no diagnosis of any mental health illness, Dr Emsley's report identifies depressive, negativistic clinical personality patterns together with anxiety, post-traumatic stress, borderline personality and bipolar disorder. He is assessed at a very high risk of reoffending which will continue, she advises, without intensive expert intervention in a residential therapeutic community where his complex behavioural and psychological difficulties can be assessed. He has been reluctant to engage in any such assessment and absent any mental health diagnosis, he cannot be required to do so. 9. The defendant would seem to have no real friends and is socially isolated save for his relationship with his girlfriend, who herself appears to be vulnerable, and for whose wellbeing there is some concern. It is felt that there is an element of co-dependency in their relationship. 10. As the social enquiry report says a custodial sentence will provide the public with protection for the period of that sentence but not thereafter and after his release there is no formal mechanism to encourage him to remain drug-free, which he is at the moment, having been in custody for some time, and to moderate his behaviour. 11. He is not suitable for community service and a detailed work plan for a potential 12 month Probation Order is likely to be unobtainable. The purpose of any community supervision, we are advised by the Probation Department, would be to work on some of the cognitive processes he goes through when he offends but mainly to provide barriers regarding his offending. We are advised that any community order would be high-risk. 12. The Court against this background is then faced with imposing yet another sentence upon a defendant who clearly needs help. While the public need protection, and we have not lost sight of the fact that his actions have caused financial loss to the car and boat owners, we think the public would expect us to be more creative and to try and address his underlying issues or at least make some progress in doing so and this in an attempt to break the cycle. We accept that imposing a Probation Order is high risk but the defendant has, in fact, served a sentence which is equivalent to 5 months and 12 days, and because of that, we are therefore going to impose probation Orders. 13. In relation to Count 1 you are sentenced to 18 months' probation, Count 2; 18 months' probation, Count 3; 18 months' probation, Count 4; 18 months' probation, Count 5; 18 months' probation and Count 6; 18 months' probation and for the breach of the Probation Order; 18 months' probation and we discharge the existing Probation Order. We also disqualify you from driving for a period of 5 years from the date of this sentence. Those sentences obviously to be served concurrently. 14. Mr Picot, in relation to the probation Order that we are imposing upon you, there are three conditions which we need to make clear. (i) That you will comply and attend any appointments arranged with other agencies as are deemed

appropriate by the probation officer; (ii) That you will comply and attend the Alcohol and Drugs Service as directed by the probation officer; and (iii) That you will submit to random tests for analysis for use of drugs as may be required by the probation officer. We understand that you will accept those conditions. 15. In addition we are going to order that the Attorney General refers this matter to the Royal Court every quarter so that, in the presence of the defendant, the Court can monitor his compliance with the conditions that have been imposed under the Probation Order and his progress; and this on the basis that this requirement can be reviewed by the Court. 16. Finally Mr Picot, having imposed a Probation Order against you, you must understand that you are going to be brought back before this Court every quarter for us to review how you are progressing and if you are in breach of any of the conditions that have been imposed, then you will almost certainly be put in prison for the offences you have been committed. Do you understand that? Authorities Criminal Justice (Compensation Orders)(Jersey) Law 1994. AG-v-McIntyre

[1999] JLR N 16d. R-v-Hardy [2006] 2 Cr App R (S) 4. AG-v-McCool

[2000] JLR Note 63b. AG-v-Bailey

[2009] JLR N 19. AG-v-Bailey

[2009] JRC 077 . AG-v-Picot

[2014] JRC 200 . AG-v-Brown

[2000] JLR N 57A. AG-v-Picot

[2011] JRC 106 . Page Last Updated: 05 Dec 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2016/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-picot-2016-jrc-207-11-november-2016>

Prepared on 23 October 2026 · Esheria