

JERSEY / JUDGMENT

AG -v- Power [2016] JRC 229 (09 December 2016)

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JUDGMENT

THE commissioner: 1. You have a terrible record and you were released from your last prison sentence in November 2015. Now you are back before the Court for the current offences, that is two counts of possession of drugs, Class B and Class C, an assault which involved putting your arm around the neck of the victim, who you suspected of taking your money at the shelter and squeezing hard, one count of shop lifting and one count of illegal entry and larceny of a bike from an underground carpark. 2. We have read your letter. It is clear that it is your drug habit which is at the root of your problems. And indeed, that is what happened this time. All appeared to be going well but your drug habit caused you to lose first your job and then your accommodation, and it was a downward path after that. Your letter speaks of your desire to be a proper father to your son. Well, the only person who can address that is you and that requires you to conquer your drug habit. Now we have read that letter carefully and it is an impressive letter. We hope you mean what you say in it. We have paid careful attention to it and of course to what your advocate has said but the offending in this case, your previous record and the background report means we cannot proceed by way of a non-custodial sentence. However, we do agree with your advocate that the conclusions can be reduced a little. 3. We note the progress that you have made whilst on remand and we urge you to continue with that progress. Services are available at the prison and you can take advantage of what is on offer. Furthermore, I am sure the Probation Service will help you when you are released so that you do not come out cold so to speak, but preparations can be made with a view to trying to avoid your falling back into reoffending; because you must remember that last time the Court warned you that it might have to impose a preventative sentence, that means a longer sentence than normal, if you did not stop reoffending. Well we are not doing so on this occasion, but if you continue reoffending when you come out, there is a real risk that some court might in the future feel it has to do that. 4. So we are going to impose a prison sentence as follows. On Count 1; 2 weeks' imprisonment, on Count 2; 6 months' imprisonment, on Count 3; 2 weeks' imprisonment, all of those concurrent. On Count 4; 8 months' imprisonment, consecutive, on Count 5; 1 month's imprisonment, concurrent. So that makes a total of 14 months' imprisonment rather than the 16 months' imprisonment asked for by the Crown. 5. We order the forfeiture and destruction of the drugs. Authorities Harrison-v-AG

[2004] JLR 111 AG-v-Gaffney

[1995] JRC 101 . AG-v-Power & Oliver

[2014] JRC 009. Magistrate's Court Sentencing Guidelines. Page Last Updated: 23 Jan 2017 BAILII:
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Prepared on 23 October 2026 · Esheria