

JERSEY / JUDGMENT

AG -v- Rawlinson [2010] JRC 236 (22 December 2010)

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JUDGMENT

THE DEPUTY BAILIFF: 1. Mr Rawlinson, you are here to be sentenced on an Indictment which contains five counts; failing to comply with the requirements of the probation officer to provide contact details; breaking and entry and larceny, there are three counts of that and one count of larceny itself. Breaking and entry was on three separate occasions, 22 nd June between 26 th and 28 th and on the 4 th July, all into commercial premises. These are serious offences which would normally lead you to be given a custodial sentence and you should be under no illusions at all that that is the case. We have looked at your record, this is your second time in the Royal Court, and you should also be under no illusions that when you come to this Court you can expect sentences to escalate. You received two years on the last occasion and you should expect to get more on this occasion because that is the way that the system tends to work for a similar pattern of offending. 2. As it happens, the Court is going to take a chance with you today. We are taking into account the time which you have spent in custody and your response to it and we are certainly taking into account the injuries which you have suffered and if you have got any sense at all, you will ponder those injuries and ponder how much worse it could have been, and recognise that you are indeed very lucky on this occasion. We are also taking into account the background report, social enquiry report from the Probation Office which is very positive and which is giving us some encouragement. I say that because it is the duty of the Court to have regard to the fact you are a young offender and that the 1994 law applies to you. This is going to be probably, I hope it will at any rate, the last occasion when this law is going to be referred to in connection with you because you are 20 years old and it will not apply in the future. But in any event, there is a quote from Hamlet "There is a tide in the affairs of men which, taken at the flood, leads on to fortune". It means that everyone gets a chance, there comes a moment in somebody's life when they get a chance and they can make something of it. This is your moment, despite everything that has happened to you so far, despite all the problems that you have had and your background and your life so far, this is your time to turn it around and to take that chance. I want you to realise the Court is giving you that chance with our eyes wide open because we know that it is a risk that we are taking but we are trusting you to take full advantage of it. I do not want to see you in this Courtroom again. You must stay off drugs, you must stay off the drink, and you must get yourself a job. 3. Nonetheless you have to be sentenced for what you have done. The sentence of this

Court is that you will serve 240 hours' community service on Counts 2, 3 and 5, in each case concurrently, so that makes a total of 240 hours community service on those counts and 50 hours' community service, concurrent on Count 4 so that does not affect the total. The total community service remains at 240 hours. If we were going to sentence you to a custodial sentence the alternative would have been 2 years' youth detention on Counts 2, 3 and 5 and 1 month's youth detention, concurrent on Count 4. There will be no separate penalty on Count 1. In addition we are going to put you on probation for 12 months and that is so that the Probation Service can give you the support which we think that you are still going to need. You must be in no doubt at all that if you break the terms of probation, if you do not do as the probation officer requires you to do and if you do not perform the community service, you will be back in this Court and you will come to be sentenced for these offences all over again. I repeat, we do not want to see you again so take this chance that has been given to you. Authorities AG-v-Rawlinson

[2008] JRC 132. Whelan on Aspects of Sentencing in the Superior Court of Jersey. Criminal Justice (Young offenders)(Jersey) Law 1994. AG-v-Gaffney

[1995] JRC 101 . AG-v-Rodrigues

[2007] JRC 067 . Page Last Updated: 02 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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