

JERSEY / JUDGMENT

# AG -v- S [2010] JRC 137 (23 July 2010)

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## JUDGMENT

THE DEPUTY BAILIFF: 1. Within four days of the occasion you were last in this Court you failed to attend the probation officer for a meeting. About ten days after that you failed to attend the probation officer again for a meeting with him, as though appointments with probation were not important and could be met or not depending on how you felt. You failed to deal with community service because it did not suit you. You went out and breached the curfew which the Court has imposed as part of the Probation Order because you did not think it should have been imposed probably, and you did so again even last night, knowing that you were coming before this Court today. 2. I want to say a few things about all these points. When you are put on probation it means that you must co-operate with the Probation Service. You must, there is no option to it. When you are given community service, can I just read you what the Law says, you will learn about the Law, you are learning far too much about the Law at your age but you will learn about the Law. "An offender in respect of whom a Community Service Order is enforced shall" that means must "keep in touch with the relevant officer in accordance with such instructions as the offender may from time to time be given by that officer and must perform to the satisfaction of the relevant officer and for the number of hours specified in the Order, such work at such times as the offender may be instructed by the relevant officer". You have got no choice in that, you must do it and if you do not do it you are in breach of the Court's Orders and as I have said to you before, the Court will have its orders enforced; there is no question about that, they will be enforced. Now you may think that the Law does not apply to you but it does and ultimately there is only one sanction which can be imposed and that is to take away your liberty and once that happens, you will find that things go on a downward spiral very quickly. Life does not have to be like that, it really does not. Now whilst you may think that the curfew is not something which is fair, I can tell you that if you had been a child of any of the members of this Court there is no question that you would have been out at eleven o'clock at night, no question about it. That curfew is imposed for your own good. It is to keep you out of trouble, keep you out of harm as well as to keep society out of any harm that you might do to them. You have chosen to ignore that curfew, certainly twice that we are aware of and it is as a result of that that you are back before the Court today. 3. We have been out of Court discussing this case as you know, for about an hour because it has troubled us. You have so many qualities that are capable of being good qualities, that is quite clear from the background reports; there are so many people trying to help you but it does come back to your choice and if you carry on like this, there will be no alternative for the Court but to

send you to the Young Offenders Centre. We are not going to send you to the Young Offenders Centre today but if you breach any of the orders again, we cannot conceive of any circumstances when you will not be sent to the Young Offenders Centre. One of the things that has been worrying us is your likely behaviour over the next months during the summer holidays; you will keep to this curfew because if you do not you will be in the Young Offenders Centre for sure. 4. Under the Law, when there is a breach of a Community Service Order like this, we can leave the order in place or we can vary it and we are going to vary it on this occasion. We are going to vary it by giving you approximately an extra hour's community service for every hour that you have breached the curfew. So if you should think about doing it again, just be aware, first of all that you are going to be going to the Young Offenders Centre, and even if by some extraordinary circumstance you did not go there, every hour means more community service for you because the Court will have its orders respected and performed. 5. For the breach of the Community Service Order, we therefore sentence you to an additional 20 hours of community service. I remind you, you do not have a choice about what sort of community service that is, it is not a choice as to whether you do it or not, it is not for you to form any judgment as to whether life is being unfair and you are being asked to do things that other people do not, you just do it. 6. We have taken account of what your counsel said, that you have not committed any further offences on this occasion, and that is at least something. I hope you will see the sentence today and the remarks today constructively, that actually there are people here in the Court, all around you, who are trying to help you understand what it is to be a reasonable and decent member of this community and it is your choice. If there is a next time - there had better not be a next time. 7. The existing Probation Order remains, the existing Order for 50 hours' community service remains so the 20 hours is an addition to what has to be performed and the curfew remains as well. Authorities AG-v-M, C and S

[2010] JRC 071 . AG-v-CB and Others

[2008] JRC 131 . Criminal Justice (Young Offenders)(Jersey) Law 1994. Page Last Updated: 09 Feb 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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