

JERSEY / JUDGMENT

AG -v- S [2010] JRC 230 (15 December 2010)

[2010] JRC 230

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

JUDGMENT

THE DEPUTY BAILIFF: 1. S, you are before us today to be sentenced on an Indictment for possession of a controlled drug, namely cannabis, and a Second Indictment for breaking and entry and larceny of cigarettes with an estimated value of £500. By virtue of your convictions for those offences you also come back before us for other offences of robbery, obstructing the police in the execution of their duty and the theft of two cans of lager, for which you have been given non-custodial sentences so far, and because you have breached the terms of the Orders which the Court have made, you fall to have those sentences reviewed. 2. Looking back at the judgments of this Court in April and July, three of them in total but two in July last year, it is obvious that you have had every single warning that could have been given to try to persuade you away from criminal activity. And I said to you in April, if you recall, that the system was always going to win; you cannot beat the system. It is the job of the police to ensure that the law is kept; it is the job of the prosecutors to bring cases before the Court; it is the job of the Courts to make sure that you are sentenced for the offences for which you have committed. And the sooner you learn that the community will have its way, the better. 3. The Criminal Justice (Young Offenders)(Jersey) Law 1994 requires that we do not send a person to youth detention unless the Court considers that there is no other method of dealing with the person which is appropriate and three reasons are given. The first is that a person has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them. Just dealing with 2010 by itself it is clear that you do have a history of failure to respond to non-custodial penalties, but of course it is worse than that, because your record shows that you have had other non-custodial penalties for several years before 2010 and have not responded to them. In the circumstances the Court finds that Article 4(2)(a) is met and that no other way of dealing with you is appropriate on that ground. The Court does not reach its conclusion on the basis of Article 4(2)(b) that only a custodial sentence is adequate to protect the public from serious harm, but we do think that paragraph (c) is met, namely that the totality of the offending is so serious that a non-custodial sentence cannot be justified. That is to say when we look at the offending which we are dealing with today, as a whole, it is in our view appropriate that a sentence of youth detention be imposed, and that is indeed the only sentence which, in our view, it is appropriate to impose upon you. 4. Broadly speaking, the Court is of the view that the conclusions of the Crown Advocate are correct, but we are going to vary them in a couple of minor respects. For possession of cannabis the sentence is 2 weeks' youth detention; for breaking and entry and larceny of the cigarettes we are going to

reduce the conclusions from 12 months to 6 months and I want to tell you why. We think the 12 months might well have been the right sentence for this offence if you had been an adult but, taking into account your guilty plea, and particularly taking into account your age and taking into account the circumstances which surround the offence, we have reached the conclusion that 6 months' youth detention is the right sentence for that particular offence and so you are sentenced on that Count on the Indictment to 6 months' youth detention. I now go back to the matters which are outstanding. In relation to obstructing the police in the execution of their duty we substitute for the penalty of community service a sentence of 2 weeks' youth detention; for the theft of two cans of lager, substituting the Community Service Order previously imposed, we sentence you to 2 weeks' youth detention. Insofar as the robbery is concerned we note the Crown had previously moved for 2 months' youth detention, we do not think that even remotely comes near reflecting the seriousness of that offence. You may remember that your co-accused in that case received 2 years and 12 months' youth detention for their part in that robbery and recognising that your part in it was on a different factual basis we nonetheless think that robbery is an extremely serious offence; we have taken into account the fact that you were 14 at the time the offence was committed and indeed the Court took that into account when you were sentenced previously; it had jurisdiction to sentence you to youth detention but decided to give you every opportunity previously and sentenced you in a different way and put you on probation originally and then subsequently you were given community service. So you have had your opportunities and have rejected them and the Court now is going to substitute for the previous sentences imposed in relation to the robbery a sentence of 10 months' youth detention. 5. The Court orders that each of those sentences should be served concurrently, so the total youth detention will be 10 months and not 12 months as requested by the Crown. And one of the things that has encouraged us to do that, and it is, I hope, going to be treated by you as a form of encouragement, is that the welfare report which has been submitted to us by your counsel shows that you have made good progress at Greenfields. I very much hope that you will take the opportunity in the next months spent in custody to continue that good progress because at the end of the day, no-one else can make decisions for your future but you. If you continue offending, you will find that things will just get worse and worse and worse. I have said it to you before, the Solicitor-General said it to you in different circumstances, and it remains true. You think about that long and hard while you are serving that sentence. Those are the sentences which are now imposed, as I say making a total of 10 months' youth detention. 6. We order the forfeiture and destruction of the drugs. Authorities Criminal Justice (Young Offenders)(Jersey) Law 1994. Whelan on Aspects of Sentencing in the Superior Court of Jersey. AG-v-M C and S

[2010] JRC 071 . AG-v-S

[2010] JRC 123 . AG-v-S

[2010] JRC 137 . AG-v-CB CS GS and RR

[2008] JRC 131 . Page Last Updated: 09 Feb 2017 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/2010/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-s-2010-jrc-230-15-december-2010>

Prepared on 23 October 2026 · Esheria