

JERSEY / JUDGMENT

AG -v- W [2012] JRC 010 (06 January 2012)

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JUDGMENT

THE BAILIFF: 1. In December 2010 you appeared before this Court on a serious charge of robbery. But you were placed on probation because you were very young at the time, you would have been 14 at the time of the offence. Then in April last year you broke that probation by committing the malicious damage offence at McDonalds but you were given another chance by the Youth Court which placed you on probation for 6 months. Now you are before us for a total of nine offences, including four breaking and entries and five larcenies, or attempted larcenies. They were all at commercial premises. You were accompanied by others and they were committed over a three week period in June/July last year. 2. When the members of the Court read the papers we were all initially of the view that there was no alternative to youth detention. You had been given your chances and you had failed to take advantage of them. But we have been persuaded to give you one final chance. We take into account, of course, Article 4 of the Criminal Justice (Young Offenders)(Jersey) Law 1994 and we think that there is the possibility that you will respond positively. We very much hope so. We take into account your youth; we are particularly impressed with the fact that you have kept out of trouble since these offences in July, and that you appear to have broken away from the people who you were associating with at the time, and who appear to have led you into this offending. We hope very much you will maintain that because if you fall back into their company, we suspect you will fall back into bad ways. We are also influenced by the fact that you have indicated now that you will engage in restorative justice; in other words that you will meet any of the victims who want to meet with you and see what can be done with the probation service to do that, and that is important. We have also had regard to your letter and to your mother's letter, both of which clearly expressed remorse and hope for the future. And finally we have had regard to all the other mitigation available on the papers before us. So putting all these things together, we have just been persuaded that we do not need to send you to youth detention this time. 3. What we are going to do is to impose the community service moved for but we are also going to place you on probation for 6 months, because we think you will benefit from the assistance of the probation service, and they will also be able to arrange the restorative justice programme. 4. The sentence is as moved for by the Crown. Count 1; 120 hours' community service, Count 2; 70 hours' community service, Count 3; 70 hours' community service, Count 4; 120 hours' community service, Count 5; 120 hours' community service, Count 6; 120 hours' community service, Count 7a; 70 hours' community service, Count 8; 70 hours' community service, Count 9a; 70 hours' community service, all of those concurrent. We say that the

equivalent sentence we had in mind was one of 6 months' youth detention and we make a 6 months' Probation Order, concurrent on every count as well. 5. Now you must understand you have been given a chance and that you have come within a whisker of going to youth detention. So if you fail to do the community service or if you fail to comply with your probation officer's directions, or if you commit further offences you will be brought back here and I suspect you know what will happen then. It is very hard to see any alternative to youth detention if any of those things happen. We hope that we will not see you before us again. Authorities Criminal Justice (Young Offenders)(Jersey) Law 1994. AG-v-W and P

[2010] JRC 229 . AG-v-Gaffney

[1995] JRC 101 . Aspects of Whelan: Larceny Simple & Break and Entry (Commercial Premises).
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