

JERSEY / JUDGMENT

AG -v- Z [2013] JRC 114 (14 June 2013)

[2013] JRC 114

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

JUDGMENT

COMMISSIONER: 1. The defendant stands to be sentenced for one count of robbery from a pharmacy, where he was well known. He was armed with a knife, although the Crown accepts that it was not directed at anyone. He repeatedly apologised to the staff, who he accepts would have been frightened and emotionally affected by his actions. 2. The defendant has a history of delinquent behaviour and substance misuse, going back to when he was 12. He has had a very troubled background, marred by parental substance misuse, mental health problems and reported childhood sexual abuse. Mr Gafoor of the Alcohol and Drug Service states that the defendant has limited personal and social resources to overcome his alcohol and drug problems in a community setting and lacks motivation to commit himself to abstinence-based interventions within a residential rehabilitation facility. But counsel for the defendant has assured us that this is not the case and that the defendant is motivated to tackle his issues. That is supported by the report of Doctor Emsley where she says that it is encouraging that he is asking for help in the form of therapy to deal with his many problems. 3. In our view the Social Enquiry Report very succinctly summarises the position in relation to the defendant, at paragraphs 41 and 42:- "41. Z is nineteen years old. He has experienced significant trauma in his life and deals with this by polysubstance abuse. As a consequence this young man lacks stability and currently has few pro-social supports around him. His chaotic lifestyle and dependence on alcohol and drugs make him a high risk to reoffend and this is evidenced in his criminal record. His lifestyle also makes him extremely vulnerable to self-harm through intent or accident.

42. In this current offence Z made the decision to steal substances from a chemist he knew, in day light and whilst carrying a knife. This was not a sophisticated offence and his arrest was almost inevitable. He is aware that the Court will be concerned that his use of a weapon to steal a quantity of drugs will warrant a custodial sentence. Z is expecting prison and is not fearful. Sadly he reports that he has little in the community and would therefore not want to return there at this time. Custody provides an environment for him where he can have a period of stability with food and shelter. In the longer term he hopes to use his time in custody to address his issues of substance misuse but more importantly the underlying causes of his low mood and the trauma he has experienced. Efforts to do this in the past have been tried but on this occasion his motivation to work with professionals appears to be higher." 4. Doctor Emsley, who is also head of programs and interventions at the prison, has outlined a program of work for the defendant, which he can undertake. He has, as

mentioned in that report, a bad record, and the whole gamut of support agencies have invested considerable time and effort in the defendant over many years, with little success, but his motivation to work with such agencies does appear now to be higher. 5. However, as the Court of Appeal said in Gill-v-AG

- [1999] JLR N18c, no community can tolerate violent robberies of this kind, and any person who commits such a violent robbery in Jersey, whatever many be the circumstance of the robber, must expect to receive a severe punishment by a long prison sentence. The defendant is 19 and the provisions of the Criminal Justice (Young Offenders)(Jersey) Law 1994 apply and Article 4(2) provides as follows:- "A court shall not pass a sentence of youth detention unless it considers that no other method of dealing with the person is appropriate because it appears to the court that -
- (a) the person has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them;
 - (b) only a custodial sentence would be adequate to protect the public from serious harm from the person; or
 - (c) the offence of the totality of the offending is so serious that a non-custodial sentence cannot be justified." We agree with the Crown that all of those considerations are met for the reasons put forward by the Crown in their conclusions, and, indeed, the Defence also accept that that is the case. 6. In terms of mitigation, we have listened carefully to everything that Miss Corbel has said on behalf of the defendant and submitted to us. He has pleaded guilty, and he has been very co-operative with the police. He is remorseful and we have read his letter carefully. We accept that on the day that you were desperate and in low mood, and we note that the Crown accepts that you did not direct the knife at anyone. And you have had, as previously mentioned, an exceptionally difficult background. 7. We are very pleased to see that you have started now to get some insight into your problems, as evidenced we think by your letter to us, and the report from Doctor Emsley, and that you are now using your time constructively in prison to address those issues. We very much hope that you will engage in the program that has been prepared for you and we encourage you in that task. 8. However, on looking at the authorities, there can be no doubt that a substantial sentence is required for such an offence, partly as a deterrent to others. Having looked at the sentence moved for by the Crown, we do not think, after careful consideration, that it fully takes into account the very substantial mitigation that is available to you, and we are, therefore, going to reduce it slightly. 9. In relation to Count 1, you are sentenced to 2½ years' youth detention. 10. We order the forfeiture and destruction of the weapon used in the robbery. Authorities Gill-v-AG

[1999] JLR N18c. Gill-v-AG 1999/160. Criminal Justice (Young Offenders)(Jersey) Law 1994. AG-v-Whiteley 1998/126. AG-v-Power

[2006] JRC 073 . AG-v-Le Feuvre and Watters

[2004] JRC 190 . AG-v-Rousseau

[2011] JRC 195 . Criminal Justice (Forfeiture Orders)(Jersey) Law 2001. Page Last Updated: 03 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/2013/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-z-2013-jrc-114-14-june-2013>

Prepared on 23 October 2026 · Esheria