

JERSEY / JUDGMENT

The Attorney General v James Christopher Power

COURT

Royal Court

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**Inferior Number Sentencing – drugs – possession – Class
B and C – common assault – larceny – Illegal entry and
larceny.**

[2016]JRC229

Royal Court

(Samedi)

8 December 2016

Before :

Sir Michael Birt, Commissioner, and Jurats

Crill and Pitman

The Attorney General

-v-

James Christopher Power

Sentencing by the Inferior

Number of the Royal Court, following guilty pleas to the following charges:

2 counts of:

Possession of a controlled drug, contrary to

Article 8(1) of the Misuse of Drugs (Jersey) Law 1978 (Counts 1 and
5).

1 count of:

Common assault (Count 2).

1 count of:

Larceny (Count 3).

1 count of

Illegal entry and larceny (Count 4).

Age: 31.

Plea: Guilty.

Details of Offence:	Count 1: On 6th June, 2016, police officers saw Power acting suspiciously. He was stopped and searched under the Misuse of Drugs (Jersey) Law 1978. He was found to be in possession of 20 2mg diazepam tablets and 32 5mg diazepam tablets. Count 2: On 19th June, 2016, Power was in the room of another resident of the Shelter (“the victim”). Power suspected the other man of having stolen from him. Power put one arm around the victim’s neck and demanded that he empty his pockets and wallet. As he did so he squeezed the victim’s neck with his arm and dug his thumb into the side of the victim’s neck. The victim stated that he could not breathe. The victim’s roommate entered the room and Power released the victim. The victim, who refused to make a complaint, suffered a 1 inch superficial cut to his neck. Count 3: On 21st July, 2016, Power stole groceries to the value of £10.34 from the Grands Vaux branch of Checkers. Counts 4 & 5: On 24th July, 2016, Power stole a bicycle from a secure car park by entering the premises whilst the shutters were open in order for a car enter. Power was identified from CCTV footage. When police arrested Power on 3rd August, 2016, he was in possession of approximately 2 grams of cannabis resin.
Details of Mitigation:	Crown: Plea, cooperation with the police. Social Enquiry Report suggested no real remorse. Defence: Remorse, offences would individually have been within the jurisdiction of the Magistrate, constructive use of time in prison, young son, supportive mother. Urged a non-custodial disposal.
Previous Convictions:	Not less than 50 previous convictions.
Conclusions:	
Count 1:	2 weeks’ imprisonment.
Count 2:	8 months’ imprisonment, concurrent.
Count 3:	2 weeks’ imprisonment, concurrent.
Count 4:	8 months’ imprisonment, consecutive.
Count 5:	1 month’s imprisonment, concurrent.
	Total: 16 months’ imprisonment.
	Forfeiture and destruction of the drugs sought.

Sentence and Observations of Court:

Count 1:	2 weeks' imprisonment.
Count 2:	6 months' imprisonment, concurrent.
Count 3:	2 weeks' imprisonment, concurrent.
Count 4:	8 months' imprisonment, consecutive.
Count 5:	1 month's imprisonment, concurrent.
	Total: 14 months' imprisonment.
	Forfeiture and destruction of the drugs ordered.
	M. R. Maletroit, Esq., Crown Advocate.
	Advocate J. W. R. Bell for the Defendant.

JUDGMENT

THE commissioner: 1. You have a terrible record and you were released from your last prison sentence in November 2015. Now you are back before the Court for the current offences, that is two counts of possession of drugs, Class B and Class C, an assault which involved putting your arm around the neck of the victim, who you suspected of taking your money at the shelter and squeezing hard, one count of shop lifting and one count of illegal entry and larceny of a bike from an underground carpark. 2. We have read your letter. It is clear that it is your drug habit which is at the root of your problems. And indeed, that is what happened this time. All appeared to be going well but your drug habit caused you to lose first your job and then your accommodation, and it was a downward path after that. Your letter speaks of your desire to be a proper father to your son. Well, the only person who can address that is you and that requires you to conquer your drug habit. Now we have read that letter carefully and it is an impressive letter. We hope you mean what you say in it. We have paid careful attention to it and of course to what your advocate has said but the offending in this case, your previous record and the background report means we cannot proceed by way of a non-custodial sentence. However, we do agree with your advocate that the conclusions can be reduced a little. 3. We note the progress that you have made whilst on remand and we urge you to continue with that progress. Services are available at the prison and you can take advantage of what is on offer. Furthermore, I am sure the Probation Service will help you when you are released so that you do not come out cold so to speak, but preparations can be made with a view to trying to avoid your falling back into reoffending; because you must remember that last time the Court warned you that it might have to impose a preventative sentence, that means a longer sentence than normal, if you did not stop reoffending. Well we are not doing so on this occasion, but if you continue reoffending when you come out, there is a real risk that some court might in the future feel it has to do that. 4. So we are going to impose a prison sentence as follows. On Count 1; 2 weeks' imprisonment, on Count 2; 6 months' imprisonment, on Count 3; 2 weeks' imprisonment, all of those concurrent. On Count 4; 8

months' imprisonment, consecutive, on Count 5; 1 month's imprisonment, concurrent. So that makes a total of 14 months' imprisonment rather than the 16 months' imprisonment asked for by the Crown. 5. We order the forfeiture and destruction of the drugs. Authorities Harrison-v-AG [2004] JLR 111 AG-v-Gaffney [1995] JRC 101. AG-v-Power & Oliver [2014] JRC 009. Magistrate's Court Sentencing Guidelines.

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