

ROYAL COURT

27th May, 1988

Before: The Bailiff,
assisted by
Jurats Vint and Le Boutilier

Her Majesty's Attorney General

- v -

Thomas O'Driscoll

Larceny (one count); breaking and entering and
larceny (eleven counts); breaking and entering
with intent (two counts)

Advocate C.E. Whelan for the Crown
Advocate S.A. Meiklejohn for the defendant

JUDGMENT

BAILIFF: (indistinct) by the Superior Number and the Court of Appeal and therefore we feel bound by the decision in A.G. -v- Michael Aubin which lays down quite clearly that in cases of this nature, unless there are exceptional circumstances, the accused should expect a prison sentence. Furthermore, we are also bound by the provisions of Article 18(3) of the Children (Jersey) Law, 1969 to the extent that if a prison sentence is to be imposed, it must a minimum of eighteen months. We have considered very anxiously whether there are exceptional circumstances that would entitle the

Court to distinguish this case from that of Aubin and to a lesser extent that of the A.G. -v- David Hughes, an Inferior Number case, and we have come to the conclusion, not an easy conclusion let me say, Mr Meiklejohn, that there are no exceptional circumstances which would entitle us to take that course and therefore, O'Driscoll, you are sentenced to a term of imprisonment, but because we feel we can make a slight reduction to the conclusions sought by the Crown Advocate, you are sentenced to a total of eighteen months.

Authorities cited by the Crown Advocate

Thomas' current sentencing practice: R -v- Colin David Murdoch and others
1st May, 1981, 3 C A Reports ('S' Series), p.142.

A G -v- Michael Aubin Unreported J J 1987/25.

A G -v- David Hughes et al (27th July, 1980) J J as yet unreported.