

ROYAL COURT

3rd January, 1992

Before: The Bailiff, and
Jurats Bonn and Le Ruez

The Attorney General

- v -

Graham André Coates

and

Richard Kuzak

PLEA:

Guilty.

OFFENCES:

Coates: Breaking and Entering and Larceny:	7 Counts (Counts 1-7).
Breaking and Entering with Intent:	4 Counts (Counts 8-11).
Larceny:	1 Count (Count 12).
Attempted Breaking and Entering with Intent:	1 Count (Count 13).
Kuzak: Breaking and Entering and Larceny:	6 Counts (Counts 2-7).
Breaking and Entering with Intent:	4 Counts (Counts 8-11).
Larceny:	1 Count (Count 12).
Attempted Breaking and Entering with Intent:	1 Count (Count 13).

DETAILS OF OFFENCES:

Offences committed together at night over period of some five months. Cash totalling some £9,700.00 stolen and not recovered. Extensive damage caused not only in the process of gaining entry to premises but also to a number of safes and other equipment. Not, however, damage which could be classified as gratuitous. Kuzak had not been concerned with Coates in the first breaking and entry and larceny count.

DETAILS OF MITIGATION:

Coates had been in custody for the equivalent of a prison sentence of 7 months and 7 days. Kuzak 4 months and 24 days. Total co-operation with the police. Full and frank confessions without which they could not have been indicted as they were today. Virtually wrote their own indictments. Remorse. None of the attacked premises were occupied. Coates had a severely deprived background. Both defendants had domestic relationships which in the opinion of the Probation Service should be preserved by avoidance of custodial sentences. In the Coates case, particularly powerful recommendation by Barry Jordan for Probation as a last chance. Some evidence that the proceeds of crime were used to benefit the women with whom each lived and their respective children whom the defendants treated as their own.

PREVIOUS CONVICTIONS:

Coates: many, involving a number for dishonesty.

Kuzak: only two, one of which was for dishonesty as a juvenile.

CONCLUSIONS:

Not without misgivings and as a calculated risk.

Coates: 3 years supervised Probation on each count concurrent.

nb: Unsuitable for Community Service.

Kuzak: 2 years supervised Probation on each count concurrent with a condition that he completes 240 hours of Community Service to the satisfaction of his Probation Officer during the first year of his Probation.

SENTENCE AND OBSERVATIONS OF THE COURT:

As a calculated risk and somewhat reluctantly the conclusions were granted. The Bailiff also warned "If you break the trust that is put in you and come back to this Court, the Court would think, subject to what occurs on that occasion, that the appropriate sentence would be 18 months for you, Coates, and 12 months for you, Kuzak".

The Solicitor General.

Advocate C.L.I. Davies on behalf of Coates.

Advocate D.J. Petit on behalf of Kuzak.

JUDGMENT

BAILIFF: The type of offences with which you two have been charged are very serious, as the Solicitor General has said, and normally they would carry prison sentences, make no mistake about that.

However, solely because of the care with which the Probation Service has prepared its reports - for which you should both be extremely thankful - we are proposing to grant the conclusions. I will have something more to say about this in a moment.

As regards sentencing, Coates you are sentenced to three years' supervised probation concurrently on each count. So far as Kuzak is concerned, you are sentenced to two years' probation on each count with a condition that you perform 240 hours of Community Service within the first year.

I want to add this: if either of you break the terms of your probation - because it is a calculated risk which the Court is taking and that somewhat reluctantly - and break the trust that is being put in you and come back before this Court, we would think (subject to what occurs on that occasion) that the appropriate sentence, if we had not granted the conclusions today, would have been eighteen months' imprisonment for you,

Coates, and twelve months' imprisonment for you, Kuzak. With those warnings to both of you the conclusions are granted.

No authorities.