

ROYAL COURT
(Samedi Division)

47

4th March, 1994

Before: The Deputy Bailiff, and
Jurats Blampied and Hamon

The Attorney General

- v -

Darren Gerald Louvel

David de Jesus

Neil Christian Marett

Kevin Charles Vaughan

David Colin Stephen Lewis

Darren Gerald Louvel

- 3 counts of breaking and entering and larceny (counts 1, 2, 4).
- 1 count of attempted breaking and entering with intent (count 3).
- 3 counts of larceny (counts 5, 8, 16).
- 2 counts of malicious damage (counts 9, 15).
- 3 counts of taking a motor vehicle without owner's consent or other authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (counts 10, 11, 12).
- 1 count of driving without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (count 13).
- 1 count of using a motor vehicle uninsured against third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party) (Jersey) Law, 1948 (count 14).

Breach of 1 year Probation Order, with condition of 100 hours' Community Service imposed in the Police Court on 22nd April, 1993, following guilty plea to:

- 1 charge of having received, hidden or withheld property of approximate value of £2,000 knowing it to have been stolen (charge 2 of the charge sheet).

David de Jesus

- 3 counts of breaking and entering and larceny (counts 1, 2, 4).
- 1 count of attempted breaking and entering with intent (count 3).
- 2 counts of larceny (counts 5, 8).
- 1 count of malicious damage (count 9).

Breach of 3 year Binding Over Order imposed in Alderney Magistrates' Court on 14th August, 1992, following guilty plea to charge of theft.

Breach of 1 year Probation Order, with 40 hours' Community Service Imposed In the Police Court on 2nd April, 1993, for:

2 charges of larceny.

Breach of 1 year concurrent Probation Order, with condition of attending Offending Behaviour Group imposed in the Police Court on said 2nd April, 1993, for:

- 1 charge of having received hidden or withheld property (foodstuffs) knowing it to have been stolen.
- 1 charge of obtaining cash and clothing by false pretences.
- 1 charge of aiding, assisting or participating in breaking and entering.

Breach of 1 year Probation Order with 50 hours' Community Service, Imposed In Royal Court on 7th May, 1993, in substitution for earlier 2 year Probation Order, imposed on 14th August, 1992, in the Royal Court for:

- 1 charge of taking a motor vehicle without consent.
 - 1 charge of driving without being holder of a licence.
 - 1 charge of using motor vehicle uninsured.
- (Probation Orders of 2nd April, 1993, to stand).

Neil Christopher Marett

- 2 counts of breaking and entering and larceny (counts 1, 2).
- 1 count of attempted breaking and entering with intent (count 3).
- 2 counts of larceny (counts 6, 7) or of aiding, assisting or participating in said criminal acts (alternative counts 6A, 7A).
- 2 counts of taking a motor vehicle without the owner's consent or other authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (counts 17, 18).
- 1 count of driving without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (count 19).
- 1 count of using a motor vehicle uninsured against third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party) (Jersey) Law, 1948 (count 20).
- 1 count of malicious damage (count 21).
- 1 count of escaping from lawful custody, contrary to Article 22A of the Prison (Jersey) Law, 1957, as amended (count 22).

Kevin Charles Vaughan

- 3 counts of breaking and entering and larceny (counts 1, 2, 4).
- 1 count of attempted breaking and entering with intent (count 3).
- 1 count of larceny (count 5).

Breach of 6 months' Binding Over Order, imposed in the Police Court on 10th December, 1993, for:

- 1 charge of no driving licence.
- 1 charge of defective hooter (motor cycle).
- 1 charge of defective rear wheel (motor cycle).
- 1 charge of defective direction indicators (motor cycle).
- 1 charge of defective braking system (motor cycle).
- 1 charge of defective front tyre (motor cycle).

David Colln Stephen Lewis

First Indictment (laid against him and the four other accused)

2 counts of larceny (counts 6, 7).

Second Indictment (laid against him alone)

- 1 count of taking a motor vehicle without the owner's consent or other authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (count 1).
- 1 count of using a motor vehicle uninsured against third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (count 2).
- 1 count of driving a motor vehicle at a speed exceeding 30m.p.h., contrary to Article 13A(1)(aa) of the Road Traffic (Jersey) Law, 1956.
- 1 count of driving a motor vehicle at a speed exceeding 20m.p.h., contrary to Article 13A(1)(b) of the said Law.
- 1 count of possession of a controlled drug (cannabis resin), contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

Third Indictment (laid against him alone)

- 1 count of supplying a controlled drug (cannabis resin), contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978.

Breach of 1 year Probation Order, with 60 hours' Community Service imposed in Police Court on 26th March, 1993, for

- 1 charge of larceny (mail).

Breach of 1 year Probation Order, with 80 hours' Community Service, imposed in Police Court on 8th June, 1993, on:

- 2 charges of larceny.
- 1 charge of obtaining cash by false pretences.
- 2 charges of driving without insurance.
- 2 charges of as a provisional licence holder, failing to be supervised by a person who had held a licence for 2 years.

(Probation Order of 26th March, 1993, to stand).

AGE:

LOUVEL: 19
de JESUS: 18
MARETT: 18
VAUGHAN: 19
LEWIS: 19

PLEA: Guilty.

DETAILS OF OFFENCE:

Myriad offences over some 9 months. Commercial and private premises. Theft of a boat, motor vehicles. Gratuitous damage to property. All persistent offenders. "Wretched web of criminality."

DETAILS OF MITIGATION:

Youth: plea of guilty. Background reports indicated that **de Jesus** and **Vaughan** might benefit from individualized sentence.

PREVIOUS CONVICTIONS:

All with substantial previous, but no custodial, sentences. Several breaches of probation.

CONCLUSIONS:

Darren Gerald Louvel.

Counts 1, 2, 3, 4, 5, 8, 9, 15, 16: 6 months' imprisonment.

Counts 10, 11, 12, 13, 14: 6 months' imprisonment; 12 months' disqualification from driving.

All sentences to run concurrently.

David de Jesus.

Counts 1, 2, 3, 4, 5, 8, 9: 6 months' imprisonment, concurrent.

Nell Christopher Marett.

Counts 1, 2, 3, 6, 7, 21, 22: 6 months' imprisonment.

Counts 17, 18, 19, 20: 6 months' imprisonment; 12 months' disqualification from driving.

All sentences to run concurrently.

Kevin Charles Vaughan.

Counts 1, 2, 3, 4, 5: 6 months' imprisonment, concurrent.

David Colin Stephen Lewis.

First Indictment.

6A, 7A: 6 months' imprisonment.

Second Indictment.

Counts 1, 2, 3, 4, 5: 6 months' imprisonment.

Third Indictment.

6 months' imprisonment.

All sentences to run concurrently.

All outstanding Probation Orders to be discharged without sanction.

SENTENCE:

Darren Gerald Louvel.

Counts 1, 2, 3, 4, 5, 8, 15, 16: conclusions granted.

Counts 9, 14: 3 months' imprisonment.

Counts 10, 11, 12: 3 months' imprisonment, 12 months' disqualification from driving.

Count 13: £100 fine or 1 month's imprisonment in default; 12 months' disqualification from driving.

All sentences to run concurrently.

David de Jesus.

Counts 1, 2, 3, 4, 5, 8, 9: 2 years' probation, with condition of residing at Richmond Fellowship Community.

All sentences to run concurrently.

Neil Christopher Marett.

Counts 1, 2, 3, 6, 7, 21, 22: conclusions granted.

Counts 17, 18, 20: 3 months' imprisonment; 12 months' disqualification from driving.

Count 19: £100 or 1 month's imprisonment in default; 12 months' disqualification from driving.

All sentences to run concurrently.

Kevin Charles Vaughan.

Counts 1, 2, 3, 4, 5: 2 years' probation, on condition of attending offending behaviour group.

David Colin Stephen Lewis.

First Indictment.

Counts 6A, 7A: 3 months', concurrent.

Second Indictment.

Counts 1, 2: 3 months' imprisonment; 12 months' disqualification from driving.

Counts 3, 4: £100 fine or 1 month's imprisonment in default.

Count 5: 1 month's imprisonment.

Third Indictment.

Count 1: 3 months' imprisonment.

The sentences imposed in the First and Second Indictments to run concurrently, with each other but to follow consecutively the sentence imposed in the Third Indictment.

All outstanding Probation Orders discharged without sanction.

NOTE:

This is not a useful precedent. The Court's hands were tied by Article 18 and peculiar features applied to de Jesus and Vaughan.

S.C.K. Pallot, Esq., Crown Advocate.
Advocate P.M. Livingstone for D.G. Louvel
and D. de Jesus.
Advocate S. Sharpe for N.C. Marett
and K.C. Vaughan
Advocate J.C. Gollop for D.C.S. Lewis.

JUDGMENT

THE DEPUTY BAILIFF: As the Crown Advocate rightly said this was a wretched web of criminality. No regard was paid by any of you to the interests of law abiding members of the community, whose properties were entered and whose cars were taken and damaged; all of you deserve to go to prison.

Louvel, you would certainly have gone to prison for a longer period than six months had the law allowed it. It is fortunate for you, Louvel, that the law at present ties the hands of the Court.

The Court is going to grant the conclusions and sentence you to a total of six months' imprisonment; although the Court will vary slightly the conclusions in relation to individual charges.

You are, therefore, on counts 1, 2, 3, 4, 5, 8, 15 and 16, sentenced to to six months' imprisonment. On counts 9, 10, 11, 12 and 14, you are sentenced to three months' imprisonment, concurrent in each case. On count 13, you are fined the sum of £100 or one month's imprisonment concurrent, making a total of 6 months' imprisonment and you will be disqualified from holding a driving licence for a period of 12 months.

Marett, you are in the same position as Louvel. You are lucky that the Court's hands are tied; had you been of full age you could have expected to have received a much longer term of imprisonment. You will be sentenced to a total of 6 months' imprisonment, varied again slightly. On counts 6, 7, 21 and 22, you are sentenced to six months' imprisonment. On counts 17, 18 and 20, you are sentenced to three months' imprisonment, concurrent in each case. On count 19, you are fined the sum of £100, or in default of payment, one month's imprisonment

concurrent, making a total of six months' imprisonment. You will again be disqualified on all offences carrying disqualification as an optional punishment, for a period of twelve months.

Lewis committed offences whilst on bail and the Court regards with particular gravity the supplying of drugs at the Prison. The Court, therefore, is varying the conclusions slightly, although the end result will be the same. On counts 6A and 7A of the first indictment, you will be sentenced to three months' imprisonment, in each case concurrent. On the second indictment you will be sentenced on count 1 to three months' imprisonment; on count 2, to three months' imprisonment concurrent; on count 3, to a fine of £100, or one month's imprisonment concurrent; on count 4, to a fine of £100, or one month's imprisonment concurrent; on count 5, to one month's imprisonment concurrent, making a total of three months' imprisonment on the second indictment concurrent with the first indictment. On the third indictment, on the single count of supplying cannabis resin at the Prison you will be sentenced to three months' imprisonment consecutive to the first and second indictments, making a total of six months' imprisonment. Again, on counts 1 and 2 of the second indictment, you will be disqualified from holding a driving licence for twelve months and we order the forfeiture and destruction of the drugs.

Turning to you, de Jesus, the Court has given anxious consideration to your case. You deserve to go to prison. However, we have formed the view that you were led by others and that it is in the interests of you and of society that you should have the opportunity to attend the Richmond Fellowship community in the United Kingdom. The Court hopes that you will take advantage of this because if you come back before this Court, having breached the order which we are about to make, you can expect much more serious punishment. The Court therefore on each count for which you appear will place you on probation for two years subject to the condition that you are of good behaviour during that time and that you will be liable to come back before the Court for sentence should you infringe the Order; that you will live and work as directed by your Probation Officer and subject to the additional condition that you will reside at the Richmond Fellowship Community for so long as the authorities there deem appropriate which we expect to be between nine months and twelve months.

Vaughan, lastly, the Court has again had great difficulty in considering your case and again the Court desires me to say that you deserve to go to Prison. These were very serious offences and you were party to them. On the other hand the Court has noted that you have successfully completed probation orders in the past. The Court again feels that you are not the ringleader in connection with these offences and with some hesitation we are going to give you a last chance. We are going to give you that chance and we hope that you will not come back before this Court

again having breached the order. The Order of the Court is that on each count on which you appear on the indictment you will be placed on probation for a period of two years, subject to the condition that you be of good behaviour during that time and that you will be liable to be brought back before this Court should you re-offend; and that you live and work as directed by your Probation Officer and subject to the additional condition that you attend the Offending Behaviour Group organised by the Probation Service.

Finally, we discharge all the existing Probation Orders.

No authorities.