3 pages.

ROYAL COURT
(Samedi Division)

65

25th March, 1994

Before: The Bailiff, and
Jurats Orchard and Rumfitt

The Attorney General

- v -

Andrew Philip Stopher

First Indictment

4 counts of	breaking and entering and larceny (counts 1, 3, 4, 5 of the Indictment).
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 2, 7).
1 count of	breaking and entering with intent (count 6).
1 count of	aiding/abetting breaking and entering with intent (count 8).

Second Indictment

3 counts of	assault (counts 1, 2, 3).

AGE: 23.

PLEA: Guilty.

DETAILS OF OFFENCE:

First Indictment; committed 8 offences with Andrew Ernest **Louis**. All breaking and enterings at night into commercial premises, modest amounts taken. Second indictment; first assault was of boyfriend of former girlfriend. Argument with girlfriend over access to child. In frustration punched victim in face causing cut which required stitches. Other 2 assaults were of co-habitee. In each case he slapped her across the face in the course of an argument.

DETAILS OF MITIGATION:

Strong arguments from Probation Service and Psychiatric Reports for Probation Order coupled with a condition of psychiatric treatment. **Stopher** had an appalling record and this was a once and for all opportunity as he

appeared to be concerned at his future. Prison would do him no good and would result in his re-offending on release and subject to bad influence from certain offenders in prison.

PREVIOUS CONVICTIONS:

Appalling record including many previous for breaking and entering and similar offences. Several previous sentences of imprisonment.

CONCLUSIONS (FIRST INDICTMENT):

Counts 1, 3, 4, 5, 6, 8: 18 months' Imprisonment.
Counts 2, 7: 6 months' Imprisonment; 12 months' disqualification from driving.
All sentences and periods of disqualification to run concurrently with each other.

CONCLUSIONS (SECOND INDICTMENT):

Count 1: 1 month's imprisonment.
Counts 2, 3: 2 weeks' Imprisonment (concurrent).
Sentences imposed on Second Indictment to follow consecutively those imposed on First Indictment.

SENTENCE OF THE COURT:

Court willing to take a chance.
3 years' Probation on all counts in both Indictments, on condition accused attends A.P.U. as directed by and to satisfaction of consultant psychiatrist, including in-patient treatment, if necessary.

The Attorney General.
Advocate P.C. Harris for the Accused.

JUDGMENT

THE BAILIFF: Because of the exceptional circumstances of your background, Stopher, as disclosed in the Reports and the recommendations of the Probation Service, we are prepared to make an exception and treat your case on an individualised basis rather than on a tariff basis, although you really deserve the tariff.

Under the circumstances we are going to agree with the Officer who prepared the Probation Report and we are going to place you on probation for three years in respect of all the offences, concurrent, on condition that you undertake treatment as directed by Dr. Faiz which will include becoming an in-patient if necessary. If you break any of the conditions of probation, which means being of good behaviour during that period and living and

working as directed by your Probation Officer, you will come up here for sentence if necessary.

If you fail as a patient, that is something different, but if you deliberately do not do what Dr. Faiz suggests and if you do not obey your Probation Officer, you will be in breach of our trust and you will come back here and you will assuredly - unless there are very good reasons to the contrary - be sent to prison.

No authorities.