

ROYAL COURT
(Samedi Division)

25th November, 1994

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Before: The Bailiff, and
Jurats Bonn and Hamon

The Attorney General

- v -

Jason Cyril Prior
Nicholas John George Reed
William George McLean

Jason Cyril Prior

- 1 count of being carried in a motor vehicle, knowing that said motor vehicle has been taken and driven away without either the consent of the owner thereof or other lawful authority, contrary to Article 28 of the Road Traffic (Jersey) Law 1956 (count 1 of the indictment)
- 2 Counts of taking 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 illegal entry & larceny (count 3)
- 2 Counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978 (counts 4: cannabis resin; 19: cannabis resin).
- 1 Count of possession of utensils for the purpose of committing an offence contrary to Article 8 of the Misuse of Drugs (Jersey) Law, 1978 (count 5).
- 3 Counts of larceny (counts 6,14,15).
- 1 Count of Breaking and Entering and Larceny (Count 10).
- 1 Count of failing to conform to a traffic sign, contrary to Article 36 (as amended) of the Road Traffic (Jersey) Law, 1956 (count 11).
- 1 Count of riding a pedal cycle on the footpath, contrary to Article 22(1) of the Road Traffic (Jersey) Law, 1956 (count 12).
- 1 Count of failing to carry on a bicycle obligatory lights and reflectors, contrary to Article 2 of the Road Transport Lighting (Jersey) Law, 1956 as modified by Article 6(1) thereof. (count 13).
- 2 Counts of dangerous driving contrary to Article 14 of the Road Traffic (Jersey) Law, 1956. (counts 16,20)

- 1 Count of using a motor vehicle on a road uninsured in respect of third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law 1948. (count 17)
- 1 Count of driving a motor vehicle whilst not the holder of a licence authorising him to drive motor vehicles of that class or description, contrary to Article 3 of the Road Traffic (Jersey) Law, 1956. (count 18).
- 1 Count of failing to comply with a condition subject to which a provisional licence was granted, contrary to Article 6 of the Road Traffic (Jersey) Law, 1956. (count 21)

Nicholas John George Reed

- 1 count of being carried in a motor vehicle, knowing that said motor vehicle has been taken and driven away without either the consent of the owner thereof or other lawful authority, contrary to Article 28 of the Road Traffic (Jersey) Law 1956. (count 1).
- 6 Counts of taking motor vehicle without the owner's consent or other authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956. (counts 2,7,40,43,46,49)
- 1 Count of illegal entry & larceny. (count 3).
- 2 Counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978 (counts 4: cannabis resin; 33: cannabis resin).
- 1 Count of possession of utensils for the purpose of committing an offence contrary to Article 8 of the Misuse of Drugs (Jersey) Law, 1978 (count 5).
- 2 Counts of Larceny (counts 6,59)
- 2 Counts of Assault (counts 8,58)
- 1 Count of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974. (count 9)
- 9 Counts of using a motor vehicle on a road uninsured in respect of third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance)(Jersey) Law, 1948. (counts 31,38,41,44,47,50,52,54,56).
- 9 Counts of driving whilst disqualified, contrary to Article 9(4)(b) of the Road Traffic (Jersey) Law, 1956. (32,39,42,45,48,51,53,55,57).
- 3 Counts of purchasing intoxicating liquor for a person under the age of eighteen to consume on licensed premises, contrary to Article 13(3) of the Licensing (Jersey) Law, 1974. (count 34,35,36)
- 1 Count of obtaining goods by false pretences (count 37).

William George McLean

- 1 count of being carried in a motor vehicle, knowing that said motor vehicle has been taken and driven away without either the consent of the owner thereof or other lawful authority, contrary to Article 28 of the Road Traffic (Jersey) Law 1956 (count 1).
- 2 Counts of Assault (counts 8,23)

- 1 Count of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974 (count 9).
- 1 Count of Illegal entry with intent (count 22).
- 3 Counts of being a person under the age of eighteen consuming intoxicating liquor on licensed premises, contrary to Article 13(2) of the Licensing (Jersey) Law, 1974 (counts 24,25,26).
- 1 Count of Larceny (count 27)
- 2 Counts of Obtaining money by false pretences (counts 28,29).
- 1 Count of Possession of a controlled drug (amphetamine sulphate) contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978 (count 30).

AGE:

Prior : 18

Reed : 18

McLean : 18

PLEAS:

Prior : Guilty

Reed : Guilty

McLean : Guilty

Prior

DETAILS OF OFFENCE:

An eight month criminal spree. No regard for persons or property. The dangerous driving was the worst the police officer had seen in ten years of service. A typical serial offender.

DETAILS OF MITIGATION:

None really. Some family difficulties though all rehearsed before the Court before. Some evidence of depression.

PREVIOUS CONVICTIONS:

Four since March 1991, similar offences. Probation, Attendance Centres, OBS Community Service.

Reed

DETAILS OF OFFENCE:

A spree of criminality lasting 8 months. No regard for persons or property. Many offences committed whilst on bail. A typical serial offender. Many offences committed in complicity with Prior and McLean.

DETAILS OF MITIGATION:

None. Social Enquiry Report painted a very bleak picture.

PREVIOUS CONVICTIONS:

Five but only from April 1993. Larceny, motoring, taking and driving away, malicious damage. Custodial sentences imposed in the past.

McLean

DETAILS OF OFFENCES:

A lesser indictment, as a shorter period in the spree of criminality including Prior and Reed. Nasty assault at a nightclub.

DETAILS OF MITIGATION:

Family difficulties. Outlook not as bleak as Reed and Prior. Hope of employment. Settled relationship with girlfriend.

PREVIOUS CONVICTIONS:

Four since April 1992. Taking and driving away; illegal entry; larceny from vehicle; motoring. Probation, Binding Order, Community Service.

CONCLUSIONS:

Prior

Count 6,14,15 : 1 month's Youth Detention,

Count 10 : 9 months' Youth Detention,

Count 3 : 4 months' Youth Detention.

(The above sentences to run consecutively to each other and to any other sentences).

Counts 2,7 : 3 months' Youth Detention

(The above sentences to run concurrently with each other, but to follow consecutively any other sentences).

Count 16 : 4 months' Youth Detention, 3 years disqualification from driving.

Count 1, 17 : 1 month's Youth Detention.

Count 18 : £50 fine or 1 month's Youth Detention in default of payment.

Count 20 : 1 months' Youth Detention, 3 years' disqualification from driving.

Count 21 : £25 fine or 1 month's Youth Detention in default of payment.

(The above sentences/default sentences to run concurrently with each other, but to follow consecutively any other sentences.)

Counts 4,5,19 : 1 month's Youth Detention.

Counts 11,12,13 : £20 fine or 1 month's Youth Detention in default of payment.

(the sentences imposed on counts 4 and 19 to run concurrently with each other, but to follow consecutively any other sentences; the sentence/default sentences imposed on counts 5,11,12 and 13, respectively, to run concurrently with each other and with all other sentences.)

TOTAL : 24 months' Youth Detention; 3 years' disqualification from driving.

Reed

Counts 2,7,40,43, 46, 49 : 6 months' Youth Detention.

(The above sentences to run concurrently with each other and with all other sentences.)

Counts 31,38,41,44,47,50,52,54,56 : 4 months' Youth Detention.

(The above sentences to run concurrently with each other and with all other sentences.)

Counts 32,39,42,45,48,51,53,55,57 : 4 months' Youth Detention.

(The above sentences to run concurrently with each other, but to follow consecutively all other sentences.)

Count 1 : 1 month's Youth Detention, concurrent with all other sentences.

Counts 8,58 : 3 month's Youth Detention.

(The above sentences to follow each other and all other sentences consecutively.)

Count 3 : 4 months' Youth Detention, consecutively to all other sentences.

Counts 6,59 : 1 month's Youth Detention, consecutive to each other and to all other sentences.

Count 37 : 1 month's Youth Detention, consecutive to all other sentences.

Counts 4,33 : 1 month's Youth Detention, to run concurrently with each other, but to follow consecutively other sentences.

Count 5 : 1 month's Youth Detention, to run concurrently with all the other sentences.

Counts 34,35,36 : £50 fine or 2 weeks Youth Detention in default of payment, the default sentences to run concurrently with each other and with all other sentences.

Count 9 : £150 fine or 5 weeks Youth Detention in default of payment, the default sentence to run concurrently with all other sentences.

TOTAL : 24 months' Youth Detention.

McLean

Count 1 : 1 month's Youth Detention.
Count 8 : 3 months' Youth Detention.
Count 22 : 1 month's Youth Detention, Consecutive.
Count 23 : 1 month's Youth Detention, Consecutive.
Count 27 : 1 month's Youth Detention, Consecutive.
Count 28 : 1 month's Youth Detention, Consecutive.
Count 29 : 1 month's Youth Detention, Consecutive.
Count 30 : 1 month's Youth Detention, Consecutive.
Counts 24,25,26 : £50 or 1 month's Youth Detention in default of payment.
Count 9 : £150 fine or 1 month's Youth Detention in default of payment

(The above default sentences to run concurrently with each other and with all other sentences.)

TOTAL : 9 months' Youth Detention.

SENTENCE AND OBSERVATIONS OF THE COURT:

Prior

"A disgraceful and shocking spree, going through virtually the whole criminal repertoire." Conclusions granted, save that the sentences imposed on counts 2 and 7 will run concurrently with all other sentences, as will the default sentences imposed on counts 18 and 21, which are reduced to 2 weeks' and 1 week's Youth Detention, respectively.

TOTAL : 21 months' Youth Detention

Reed

"A disgraceful and shocking spree, going through virtually the whole criminal repertoire." Conclusions granted.

TOTAL : 24 months.

McLean

"A disgraceful and shocking spree going through virtually the whole criminal repertoire." Conclusions granted, save that counts 8 and 23 to run concurrently with each other, but consecutively to other sentences, default sentences on counts 24,25,26 reduced to 2 weeks' Youth Detention respectively, to run concurrently with each other and with all other sentences.

TOTAL : 8 months.

A.J. Olsen, Esq., Crown Advocate
Advocate S.E. Fitz for Prior
Advocate S.J. Willing for Reed
Advocate R.G.S. Fielding for McLean

JUDGMENT

5 THE BAILIFF: The Crown Advocate has described your activities over the period of time as "a disgraceful and shocking spree" with drugs, larceny, and serious motoring offences - and with two of you involving violence - virtually going through the whole criminal repertoire. The Court agrees with that description.

10 The Court has had to have regard to Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law 1994, and to whether we are satisfied that we should pass the sentence of Youth Detention if the requirements of paragraph 2 of Article 4 are fulfilled.

15 The Court is quite satisfied that as regards you, Reed, and you, Prior, all three of the qualifications are more than fulfilled. As far as you are concerned, McLean, the Court is satisfied that 2(c) covers your case.

20 The Court is therefore unanimously of the view that sentences of youth custody should be imposed.

25 I need not rehearse what had taken place; the Court has examined very carefully the recommendations in the reports. I have to say this, Mr. Olsen, that the Court did not receive these reports in sufficiently good time and I think I should ask that your department ensure that in future they are available in my chambers by not later than lunch time on every Thursday.

30 Now, as regards the actual sentences we think we can make a distinction between Reed and Prior. Prior has fewer offences and over a shorter period of time, as his Counsel has said, and accordingly we are going to impose the following sentences.

35 Reed, you are sentenced in accordance with the conclusions of the Crown Advocate to a total of 24 months' youth custody and the fines and in default as asked for.

40 Prior, we are going to make the sentences in respect of counts 2 and 7 concurrent so you will be sentenced to 21 months' youth custody.

45 McLean, we are going to make counts 8 and 23 concurrent and you will be sentenced to 8 months' youth detention. As regards counts 24, 25, and 26 we will make it 2 weeks in default and count 18 in respect of Prior, again 2 weeks and count 21, 1 week. These are very small adjustments

After the hearing, the accused appeared again before the Court which, in accordance with the provisions of Article 4(2) of the Criminal Justice (Young Offenders) (Jersey) Law 1994, stated in open court, its reasons for imposing a sentence of youth detention and explained to the accused that on their release they may be subject to a period of supervision in accordance with Article 10 of the said Law.

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Authorities

Whelan: "Aspects of sentencing in the Superior Courts of Jersey":
pp.64-71, 94.

Thomas: "Principles of Sentencing" (2nd Ed'n): pp.18-20