

ROYAL COURT
(Samedi Division)

182.

15th September, 1995

Before: The Deputy Bailiff, and
Jurats Coutanche and Bonn

The Attorney General

- v -

Kursten John Bree

- 4 counts of obtaining board and lodging by false pretences (counts 1-4 of the Indictment).
- 1 count of obtaining goods by false pretences (count 5).
- 1 count of obtaining money by false pretences (count 6).

Plea: Guilty.

Age: 19.

Details of Offence:

- Counts 1 - 4: Obtaining board and lodging at various Guest Houses to a total value of £675.46.
- Count 5: Fraudulently obtained two bouquets of flowers to a value of £60.
- Count 6: Fraudulently obtained £4 by pretending he was collecting to aid Bosnian Children.

Details of Mitigation:

Defence counsel instructed not to oppose Crown conclusions. General mitigating factors: age plus pleas of guilty.

Previous Convictions:

- August, 1993: Malicious damage - £75 fine.
- July, 1994: 1 charge of attempting to obtain by false pretences, 9 charges of obtaining by false pretences, 15 counts of forgery and 15 counts of uttering false

December, 1994: Instrument and obtaining goods, services and cash. 2 years' probation
concurrent on each count.
March, 1995: Probation orders discharged plus 6 months Youth Detention substituted.
2 counts - credit card fraud - bound over for 6 months on each.

Conclusions:

Counts 1-4: 12 months' youth detention, on each count, concurrent.
Count 5: 1 month's youth detention, concurrent.
Count 6: 6 months' youth detention, concurrent.

Discharge of 6 months' binding over Order made on 17th March, 1995, in the Magistrate's Court, following guilty pleas to 2 counts of credit fraud.

Sentence and Observations of the Court:

Conclusions granted. Accused would clearly not respond to non-custodial measure. A problematic case. Sentences moved for clearly not too severe.

J.G.P. Wheeler, Esq., Crown Advocate.
Advocate A.P. Roscouet for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: As we have said, we have found this case very
disturbing. We cannot excuse the offences, they were mean and, as
we have seen, some were particularly mean. There is clearly, from
the reports that we have seen, no possibility of Bree responding
to a Probation Order or to community service.

10 On the face of it, he appears to be totally amoral and
clearly has no respect or indeed concern for orders of this or the
lower Court. He is, of course, in breach of a binding over Order.

Miss Roscouet has not - and we think perfectly properly -
opposed the conclusions of the Crown Advocate.

15 Stand up Bree. We are going to sentence you to youth custody
for these offences. It is my duty under the law to explain to you
why we are taking that course. We are taking that course because
of your history of failure to respond to non-custodial penalties
and also because we take the view that you are unable or perhaps
20 unwilling to respond to them.

We also need to say this: we feel that the offences which you have committed - or the totality of them - are serious enough that in any circumstances a non-custodial sentence could not be justified.

5

We therefore sentence you as the Crown Advocate has recommended; on count 1, you are sentenced to 12 months' youth detention; on count 2, you are sentenced to 12 months' youth detention, concurrent; on count 3, you are sentenced to 12 months' youth detention, concurrent; on count 4, you are sentenced to 12 months' youth detention, concurrent; on count 5, you are sentenced to 1 month's youth detention, concurrent; on count 6, you are sentenced to 6 months' youth detention, concurrent; and the binding over Order is discharged.

15

We need to say this, we do not regard these sentences as severe in themselves and the Court may not be so lenient if you come before it in future.

20

Use your time in custody to benefit from the psychiatric help which has been offered to you because we think you need that help.

No Authorities.