

ROYAL COURT

24th April, 1992

73

Before: Deputy Bailiff and Jurats Hamon and Vibert

Her Majesty's Attorney General

-v-

Dean Gary Marie

1 Count of Illegal Entry with Intent (Count 1 of Indictment)

1 Count of Larceny (Count 2).

PLEA:

Guilty.

DETAILS OF OFFENCE:

Unrelated charges. Count (1): Entered a room in the staff quarters of the Chelsea Hotel through an open window. Room occupied by two sleeping females who knew nothing of the intrusion. Nothing stolen or disturbed. Count (2) A month later, shoplifted food items (value less than £5) from a supermarket.

DETAILS OF MITIGATION:

Despite an infamous criminal record, had made some attempt to reform, but thwarted by the pressure he experienced as a potential prosecution witness in a murder trial (in fact he did not answer to his witness summons in that trial). Expression of remorse. Intended in future to live away from Jersey.

PREVIOUS CONVICTIONS:

13 occasions, covering myriad offences, 6 previous for illegal entry/B&E/larceny.

CONCLUSIONS:

Count (1): 2 years
Count (2): 6 weeks concurrent

SENTENCE AND OBSERVATIONS OF THE COURT:

Count (1): 18 months.

Count (2): 6 weeks concurrent.

Conclusions reduced to reflect remorse and attempt to reform.

C.E. Whelan, Esq., Crown Advocate

Advocate S.J. Crane for Defendant.

JUDGMENT

DEPUTY BAILIFF: Taking all factors into account and not wishing Marie to be under any sense of grievance, and taking into account that he has established a stable relationship and his intention to start a new life elsewhere, the Court has decided to reduce the conclusions to what we regard as the minimum tarrif sentence for entering premises by night. Therefore, Marie on Count 1 you are sentenced to 18 months imprisonment, on Count 2 you are sentenced to 6 weeks imprisonment concurrent, making a total of 18 months imprisonment.

AUTHORITIES.

A.G.-v-O'Shea (11th January, 1991) Jersey Unreported.

A.G.-v-Skelhorn (16th June, 1989) Jersey Unreported.

A.G.-v-Sanguy (22nd July, 1991) Jersey Unreported.

A.G.-v-Barbet (11th October, 1985) Jersey Unreported;
(1985-86) JLR N.20.

A.G.-v-Jones (12th October, 1988) Jersey Unreported.

Thomas: Principles of Sentencing (2nd Ed'n): pp.149-151.