

ROYAL COURT  
(Samedi Division) 75

18th June, 1993

Before: J.H. Vint, Esq., Lieutenant Bailiff,  
and Jurats Blampied and Le Ruez

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The Attorney General

- v -

Clint John Kehoe  
and  
BM  
and  
LM  
and  
Alexander James Justin Wakeham  
and  
Gary James Waugh

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3 counts of breaking and entering and larceny (counts 1-3 of the indictment).

2 counts of breaking and entering with intent (counts 4, 5).

**AGE:**

Kehoe: 19  
BM: 16  
LM: 16  
Wakeham: 18  
Waugh: 18

**PLEA:** Guilty.

**DETAILS OF OFFENCE:**

On 30th December, 1990, broke into empty house (owner in UK) and stole safe containing £28,000 worth of jewellery. Unable to open safe, tipped it over cliff. Told unnamed third persons. Safe open and empty when found. Next day/night, broke into four more premises. In two stole property worth £8,000 and £1,500. Found nothing to steal in the others. Some property was thrown away. Relatively little recovered.

**DETAILS OF MITIGATION:**

Youth. Aware of effect on their families. Wakeham aware that he escaped custody by skin of his teeth, and spent three months on remand.

**PREVIOUS CONVICTIONS:**

Wakeham had one previous for receiving stolen property. Otherwise nothing relevant for any of them.

**CONCLUSIONS:**

**Kehoe and Waugh:**

Counts 1, 2 and 3: 2 years probation plus 150 hours community service; Counts 4 and 5: 2 years probation plus attendance at offending behaviour group.

**BM and LM**

Counts 1, 2 and 3: 2 years probation; Counts 4 and 5: 24 hours attendance centre.

**Wakeham:**

Counts 1, 2 and 3: 2 years probation plus 180 hours community service; Counts 4 and 5: 2 years probation plus attendance at offending behaviour group.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Court gave serious consideration whether or not to follow recommendations. Defendants lucky to get non-custodial sentences. Any breach would normally get a custodial sentence. Disgraceful offences.

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Advocate N.M.C. Santos-Costa for Kehoe and Waugh;  
Advocate P.C. Harris for LM  
Advocate A.D. Hoy for Wakeham;  
Advocate S.J. Crane for BM.

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**JUDGMENT**

**THE LIEUTENANT BAILIFF:** The Court has given very anxious and serious consideration to the offences that you have committed. They were, as the Crown said, indeed disgraceful. You are local young people. We are often told that the trouble comes from the 'other side'; but trouble on this occasion has come from those who live here and have only recently left school, in many cases.

The effect that you have on those whose privacy you disturbed is enormous - whether you believe it or not. The shame that you brought on yourselves and on your families, who are supportive of you and many of whom are here in Court with their friends, is a disgrace. The Court will not tolerate this sort of behaviour.

A lot of people have done a lot of work to bring you before the Court and the Probation Service have looked into all the pros and cons in relation to each of you as individuals but what we say to you all is that you are lucky not to receive custodial sentences and it is indeed only your youth that has saved you.

The other point I wish to make is that two of you are juveniles aged 16; now three of you are going to have your names in the paper and everybody will know who you are, and that will bring shame on you and on your families. The two of you who are 16 will not have your names in the paper, but that is at our discretion. The Court is entitled to publish the names of 16 year olds in this Island if we think that justice is served by so doing. We believe that on this occasion you are entitled to the anonymity in the press, but I can assure you that if this Court sits again in order to deal with any of you, especially the two juveniles, your names will be published.

We have decided to grant the conclusions sought by the Crown, so by the skin of your teeth you are avoiding custodial sentences. If any of you appear before this Court again you can be assured that it will be a custodial sentence.

Probation means probation; it is not a soft option. If you breach it and come before the Court, you will be sentenced for the offences that you originally committed; and normally if you breach your probation it will result in a custodial sentence.

**Kahoe**, you are sentenced on counts 1, 2 and 3 to 2 years probation, subject to 150 hours community service on each count concurrent, such community service to be completed within one year; and on counts 4 and 5 to 2 years probation, subject to attending at the offending behaviour group as directed by your Probation Officer, this concurrent with each other and with counts 1, 2 and 3.

**BM**, you are sentenced to 2 years probation on counts 1, 2 and 3 on each count concurrent; and on counts 4 and 5: 24 hours at the attendance centre starting on 19th June, 1993, on each count concurrent. You must understand that if you do not perform there, that is the same as breaching probation and you will come back to Court.

**LM**, on counts 1, 2 and 3: 2 years probation on each count concurrent; on counts 4 and 5: 24 hours at the attendance centre, to start on 19th June, 1993, on each count concurrent, and

once again I say to you if you breach that, you will come back to this court for sentence.

**Wakeham**, on counts 1, 2 and 3: 2 years probation subject to 180 hours community service on each count concurrent, and that is to be dealt with within a year; on counts 4 and 5: 2 years probation subject to your attendance at the offending behaviour group, as directed by your Probation Officer, concurrent with one another and with counts 1, 2 and 3.

**Waugh**, counts 1, 2 and 3: 2 years probation subject to 150 hours community service on each count concurrent; and on counts 4 and 5: 2 years probation, subject to your attendance at the offending behaviour group, as directed by your Probation Officer concurrent with each other and with counts 1, 2 and 3.

No authorities.