

ROYAL COURT
(Samedi Division)

202.

31st October, 1997

Before: F.C. Hamon Esq., Deputy Bailiff, and
Jurats Bonn, and Jones.

The Attorney General

- v -

Jorge Duarte Gouveia
Jose Sidoneo Rodrigues Barbado

A
B
C

JORGE DUARTE GOUVEIA.

- 7 counts of breaking and entering and larceny (counts 1,6,7,9,11,12,14);
- 1 count of illegal entry and larceny (count 8);
- 1 count of attempted breaking and entry with intent (count 10);
- 1 count of breaking and entry with intent (count 13);
- 2 counts of receiving stolen property (count 15,16.);
- 1 count of taking a motor vehicle without the owners consent or other lawful authority contrary to Article 28 of the Road Traffic (Jersey) Law 1956. (count 17.);
- 1 count of tampering with the mechanism of a motor vehicle contrary to Article 29 of the Road Traffic (Jersey) Law 1956. (count 18.);
- 1 count of dangerous driving, contrary to Article 14 of the Road Traffic (Jersey) Law 1956 (count 19.);
- 1 count of driving a motor vehicle without a licence, contrary to Article 3 (1) of the Road Traffic (Jersey) Law 1956 (count.20).
- 1 count of failing to stop a motor vehicle when so required by a Police Officer, contrary to Article 26 (1) of the Road Traffic (Jersey) Law 1956 (count 21.);
- 1 count of using a motor vehicle uninsured against third party risks, contrary to Article 2 (1) of the Motor Traffic (Third Party Insurance) (Jersey) Law 1948 (Count.22);

Plea: Guilty.

Age: 19

Details of Offence:

Offences involved breaking into commercial premises at night with others. Value of property stolen £2,954 of which £756 recovered. Offence of dangerous driving involved a chase by police speed through the streets of St Helier including passing on the wrong side of two traffic islands, driving against a one-way system at the bottom of St Saviours Hill, driving the wrong way round Five Oaks roundabout and driving at speeds up to 64 mph in order to try to escape

Details of Mitigation:

Defendant fully co-operative when interviewed and admitted his part in all offences. No previous convictions. Plea of guilty. Strong recommendation for non-custodial sentence in Background Report which disclosed strong determination not to re-offend.

Previous Convictions: None.

Conclusions:

1 year probation with condition of 150 hours Community Service. Disqualification for 2 years for dangerous driving, driving without insurance and taking and driving away.

Sentence and Observations of the Court:

Such offences normally merited a custodial sentence but the Court agreed that, on this occasion, a non custodial-sentence could be imposed. Conclusions granted save that period of disqualification reduced to one year in order to assist re-habilitation in connection with his employment.

JOSE SIDENEO RODRIGUES BARBADO.

- 1 count of aiding, assisting and participating in breaking entry and larceny (count 1a.);
- 1 count of attempted breaking and entry with intent (count 2.);
- 1 count of breaking and entry and larceny (count 3.);
- 1 count of aiding, assisting and participating in larceny (count 5a.);
- 1 count of driving a motor vehicle above 30 mph on a road specified in 1st schedule of the Road Traffic (Speed Limits) (Jersey) Order 1988, contrary to Article 13A of the Road Traffic (Jersey) Law 1956 (count 28.);
- 1 count of using a motor vehicle on the road when condition of front passenger seat is such that danger is likely to be caused to any person in the vehicle or on or near a road, contrary to Article 53 (1) of the Motor Vehicle (Construction and Use) (Jersey) Order 1956 (Count 29)
- 1 count of using a motor vehicle on the road when the condition of the front tyres are such that danger is likely to be caused to any person in the vehicle or on or near a road, contrary to Article 58 of the Motor Vehicle (Construction and Use) (Jersey) Order 1956 (count 30.); and
- 1 count of using a motor vehicle on the road when the direction indicators are not maintained in good order, contrary to Article 56 of the Motor Vehicle (Construction and Use) (Jersey) Order 1956 (count.31);

Plea: Guilty.

Age: 19

Details of Offence:

Offences involved breaking into commercial premises at night with others. Value of property stolen £2,356 of which £756 recovered. Offences commenced within a day of his arrival in Jersey for the first time.

Details of Mitigation:

Defendant fully co-operative when interviewed and admitted his part in all offences. No previous convictions. Plea of guilty. Strong recommendation in Background Report for non-custodial sentence. Because of lack of connection with Jersey, has served the equivalent of a 9 month sentence of youth detention on remand. Had therefore been punished enough.

Previous Convictions: None.

Conclusions:

Bound over to leave the Island for 3 years concurrent on each count.

Sentence and Observation of the Court:

Such offences normally merited a custodial sentence but the Court agreed that, on this occasion, a non-custodial sentence could be imposed. Conclusions granted.

A

- 5 counts of aiding, assisting and participating in breaking and entry and larceny (count 4a,23a,24a,25a,26a);
- 1 count of attempted breaking and entry with intent (count 17.)

Plea: Guilty.

Age: 15

Details of Offence:

Offences involved breaking into commercial premises at night with others. Value of property stolen £3,516 of which £1,277 recovered.

Details of Mitigation:

Defendant fully co-operative when interviewed and admitted his part in all offences. No previous convictions. Plea of guilty. Strong recommendation in Background Report for non-custodial sentence. One offence was committed with C, the remainder with Edidio Marcos Rios (18) an older youth with previous convictions for such offences. The Crown accepted that A acted under the influence of Rios.

Previous Convictions: None.

Conclusions:

24 hours at the Attendance Centre concurrent on all counts.

Sentence and Observations of the Court:

Such offences normally merited a custodial sentence but the Court agreed that, on this occasion, a non-custodial sentence could be imposed. Conclusions granted.

B

1 count of aiding, assisting, or participating in breaking and entry and larceny (count 1a.);
 1 count of aiding, assisting or participating in attempted breaking and entry with intent (count 2a.);
 1 count of aiding, assisting, or participating in breaking, and entry and larceny (count 3a);
 1 count of aiding, assisting or participating in larceny (count 5a.);

Plea: Guilty

Age: 16

Details of Offence:

Offences involved breaking into commercial premises at night with others. Value of property stolen £2,356 of which £756 recovered.

Details of Mitigation:

Defendant fully co-operative when interviewed and admitted his part in all offences. No previous convictions. Plea of guilty. Strong recommendation in Background Report for non-custodial sentence.

Previous Convictions: None

Conclusions:

On 2 Counts Probation 1 year with condition of 100 hours Community Service. On further 2 Counts Probation 1 year concurrent.

Sentence and Observations of the Court:

Such offences normally merited a custodial sentence but the Court agreed that, on this occasion, a non-custodial sentence could be imposed. Conclusions granted.

C

1 count of attempted breaking and entry with intent (count 2);
 2 counts of aiding, assisting, or participating in breaking and entry and larceny (count 3a, 4a);

Plea: Guilty

Age: 16

Details of Offence:

Offences involved breaking into commercial premises at night with others. Value of property stolen £1,948 of which £348 recovered. Unlike his co-accused, defendant was unco-operative when interviewed and declined to comment.

Details of Mitigation:

No previous convictions. Plea of guilty. Strong recommendation in Background Report for non-custodial sentence.

Previous Convictions: None.

Conclusions:

2 Counts = Probation Order 1 year with condition of 120 hours Community Service. 1 Count = Probation 1 year concurrent.

Sentence and Observations of the Court:

Such offences normally merited a custodial sentence but the Court agreed that, on this occasion, a non-custodial sentence could be imposed. The Court agreed with the Crown that, in view of his refusal to comment when interviewed by police, defendant lost some otherwise available mitigation. This justified a greater period of Community Service than B, one of his co-accused. Conclusions granted.

The Attorney General.
Advocate K. Dixon for J.D. Gouveia.
Advocate N. Chapman for J.S.R. Barbado.
Advocate K. Dixon for A
Advocate M.H.D. Taylor for B
Advocate N.M. Santos Costa for C

NO RECORDED JUDGMENT.