

2nd September, 1985.

A.G. -v- Vincent Dooley

Appeal against sentence of four months' imprisonment imposed by the learned Assistant Police Court Magistrate on the 2nd August, 1985, on a charge of stealing a holdall and contents valued together at approximately £200.

**DEPUTY BAILIFF:** "The appeal is dismissed. I give reasons - Advocate Pearmain has said all very ably that could have been said on behalf of the appellant but we have no hesitation in saying that the sentence imposed of four months' imprisonment was absolutely justified. We accept that this was probably an opportunist crime - and we accept that if there was money in the bag that the appellant did not take the money, but having said that we agree that the Assistant Magistrate was entitled to take the view that there was money in the bag but in our view it matters very little indeed whether there was money in the bag or not. The fact is that the appellant took the bag in the hope that he would find something of value in it for him and that is the gravity of the crime. Whether in fact, there was something of value or not in it adds very little to the gravity of the crime - and the other aspect of the gravity of the crime was the fact that the appellant, himself, when he first visited these shores, broke the laws of the Island and stole within 5 minutes of setting foot in the Island and that is an act which requires exemplary punishment as the Magistrate or the Assistant Magistrate very correctly said. The more that we achieve a situation where people who are disposed to commit that sort of mean crime immediately upon setting foot on these shores, the more that they can go back where they came from and say: "Be careful when you go to Jersey because they send you to jail if you steal" - the more that that can be said to be better for the Island. It was suggested at Police Court that a binding over for 3 years on condition that the defendant should not return to the Island might have been sufficient but that of course is an easy option which is not appropriate in a case of this sort. It simply means that it gets around that a person can come to Jersey, commit an offence, if he is lucky he will get away with it - if he is unlucky he gets caught but he really does not suffer because he gets sent back by the next boat, he is no worse off. That is not a satisfactory way of deterring people from coming to this Island and committing crimes. It was an extremely mean offence and one can only imagine the distress occasioned to the owner of the suitcase whether there was money in it or not, the fact is that his holiday - and obviously he

must have been a person who came on the same boat as the appellant - his holiday started off extremely badly and of course, if there was money in it, it started off disastrously and therefore the Court has no hesitation in upholding a sentence of 4 months' imprisonment.