

ROYAL COURT
(Samedi Division)

124.

31st August, 1990

Before: The Bailiff, and
Jurats Coutanche and Orchard

The Attorney General

- v -

Michael Charles Brown

Breach of Probation Order imposed on 12th January, 1990, when Brown (who appeared with others) pleaded guilty to: 1 Count of breaking and entering and larceny; 1 Count of illegal entry and larceny; 1 Count of breaking and entering with intent; and 1 Count of allowing himself to be carried in a motor vehicle, knowing it to have been taken without the owner's consent.

Breach admitted.

Probation Order includes condition of 120 hours of Community Service. Accused has 38 hours to complete.

Accused and girlfriend have 15 month old baby, and are shortly expecting second child.

Court varies Probation Order, by adding further 50 hours of Community Service.

The Attorney General.

Advocate D. Lang for the Accused.

JUDGMENT

BAILIFF: Brown, you have to understand that when the Court imposes a Probation Order and a Community Service Order with it, that is not a "let off" and you have to fulfil the terms otherwise you are in breach as you certainly are today and you recognise it. You are now liable

in fact to go to prison in the same way you would have been if the Probation Orders had not been imposed in January this year. However, because of your personal circumstances and the fact that your girlfriend is expecting a second child shortly we are minded for that reason alone not to impose a prison sentence on this occasion. But the matter cannot be allowed to stand there; you cannot carry on as before. We have to mark the Court's displeasure as to the fact that you cavalierly ignored your Probation Officers for a time. You went to live somewhere else, you took up a job and you didn't attend properly for your Community Service and therefore there must be a sanction imposed. The Probation Order will stand and we will vary it to the extent that you will perform an additional 50 hours of Community Service for the breach and that will be consecutive to the 38 hours remaining to be performed. You will therefore have 88 hours in total to perform to the satisfaction of the Probation Officers and if you do not do so you will come back here again; you understand that?

No authorities.