

4 pages.

ROYAL COURT

27th September, 1991

139.

Before: The Deputy Bailiff, and
Jurats Blampied and Gruchy

The Attorney General

- v -

Michael Leigh Ashford

Breach of Probation Order of 31st May, 1991
(see (31st May, 1991) Jersey Unreported:
A.G. -v- Saunders, Pimenta & Ors.).

Miss S.C. Nicolle, Crown Advocate;
Advocate R.G. Morris for the accused.

JUDGMENT

DEPUTY BAILIFF: It is often said that Probation is a let-off. We must demonstrate that it is not - and that when a Probationer virtually ignores the terms of his Probation Order he will be punished. He will not have another chance. Certainly offences of breaking and entering premises by night will not be dealt with by a binding-over to leave Jersey. Ashford was dealt with

very leniently when he was placed on Probation. The sentence asked for today is very lenient - for five separate breaking and entering offences with substantial larcenies, malicious damage and vandalism.

We find ourselves quite unable to contemplate either of the courses put to us by Mr. Morris. I should also make the point that presumably Ashford's brother is not going to disappear. He will still be in London in four or five months' time. Ashford will not have access to drugs in prison, and on his release, if his intention to break with drugs is genuine, he can leave the Island and start a new life.

But drugs, taken voluntarily, cannot be treated as mitigation. The Court always takes the view that self-induced intoxication is an aggravating factor. We must take the same view of drugs.

Therefore the conclusions are granted. The Probation Order or Orders is or are discharged. On each of Counts 1, 2, 3, 4 and 7 of the original indictment, Ashford, you are sentenced to six months' imprisonment on each Count, all concurrent with each other, making a total of six months' imprisonment.

No authorities.