

ROYAL COURT  
(Samedi Division)

108.

7th June, 1996

Before: The Deputy Bailiff, and  
Jurats Le Ruez and Jones

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The Attorney General

- v -

Simon Leo Berkowitz

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2 counts of breaking and entering and larceny (counts 1 and 2).

Plea: Guilty.

Age: 49.

Details of Offence:

Accused arrived in Jersey on January 12th, 1996. The same night he broke and entered commercial premises of lawyers based in Hill Street and stole £70.00 in cash and jewellery to the value of £6,000.

Details of Mitigation:

Guilty plea; in co-operation with the Police. Unpremeditated offence. Claimed that period on remand had enabled a re-assessment of his life.

Previous Convictions:

Very bad record of burglary and entering and theft. Prison sentence imposed on many occasions.

Conclusions:

Count 1 : 18 months' imprisonment.  
Count 2 : 1 month's imprisonment, concurrent.  
Total of 18 months' imprisonment.

Sentence and Observations of the Court:

Conclusions granted. Although the stolen property had been recovered, there was no substantial mitigation that took the case out of the range envisaged by the Court in Gaffney.

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W.J. Bailhache, Esq., Crown Advocate.  
Advocate D.M.C. Sowden for the Accused.

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JUDGMENT

5 THE DEPUTY BAILIFF: Berkowitz arrived in Jersey apparently on a walking holiday on Friday, 12th January, 1996. Before the day had ended, he had broken into the offices of Le Gallais and Luce by climbing a fire escape onto the roof and breaking a window. Unfortunately, for a thief of his experience, he left a shoe mark in the flower bed. His reputation had apparently come before him as his arrival in Jersey was known to the police. Once the theft had been reported he was arrested at the guest house at which he was staying. In his statement he said that when he had seen a firm of solicitors that did not have a burglar alarm it was a golden opportunity. He stole cash and valuable jewellery that he found in an unlocked office drawer. He had posted the £6,000 of stolen jewellery to his former wife and best friend who lives in the house next to his own house in Brighton.

15 He is 49 years old; his record, we must say, is of Fagin-like proportions. He claims the offence was opportunistic; he was cooperative with the police but naturally did not tell of the theft of the jewellery because they did not know about it at the time that they interviewed him and he hoped to have left the Island before that theft was discovered.

20 The learned Crown Advocate referred us to A.G. -v- Gaffney (5th June, 1995) Jersey Unreported where we declined to set any firm guideline for criminally breaking and entering commercial premises at night. The Court in that case merely updated Dring -v- A.G. (12th February, 1992) Jersey Unreported CofA and said that the order of imprisonment should now be in the region of 18 months and it is that figure that the learned Crown Advocate takes as his basis.

25 We heard from Miss Sowden who said everything that she could say on Berkowitz's behalf and we allowed Berkowitz to address us himself.

35 His is a sad case but we have no doubt that the Crown Advocate is right and that the term of imprisonment is correct. His record is very bad and there is little mitigation.

Berkowitz, would you stand up. You have given us what we found was a clear and moving account of your life to date. Those who are helping you at the prison will, we have no doubt, continue to do so. If you co-operate then perhaps this might be the one opportunity you are looking for to put the remainder of your life to some useful purpose because as you said to us in your address your future really is in your hands. However, we sentence you to 18 months' imprisonment on the first count and to one month's imprisonment, concurrent, on the second count.

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Authorities

A.G. -v- Gaffney (5th June, 1995) Jersey Unreported.

A.G. -v- Arden (23rd February, 1996) Jersey Unreported.