

13th December, 1985

Royal Court (Inferior Number)

A. G. -v- Jamie Lee Warn

Ronald Carl Brinne Hinds

Stephen William Derek Breese

Bailiff: The Court is going to grant all the conclusions, with the exception of the disqualification for twelve months, in a moment.

We accept the mitigating factors which have been put to us, although drunkenness of course is not a mitigating factor, but we think that those mitigating factors have been taken fully into account by the Solicitor General. The fact is, that although we accept, as the Solicitor General did that there was no premeditation when the car was driven to Grouville, the fact remains that to break into a sub-Post Office in the middle of the night is a very serious matter. We accept that when Hinds and Warn were discovered that their main purpose was to escape. Nevertheless, as we've said, this is a serious offence which must be punished.

Having regard to the records, the sentence could well have been much greater. The Solicitor General has obviously taken into account the mitigating circumstances, and in particular, as regards Hinds, despite his very bad record, the fact that he begins to realise now that, in fact, there is no point in going on like this, otherwise his life is going to become more and more difficult.

So in fact, eighteen months imprisonment is a very moderate sentence, and I might, in relation, like to say this because Mr. Meiklejohn has quoted to us certain cases, * I would say that if one looks on the other page, on page 150, one finds that in fact the sentences which are now being imposed by us today are truly in line with the normal sentencing policy in England. There are a number of cases there which we have looked at in some detail, but the eighteen months imprisonment now being imposed is really quite a moderate sentence, but we take into account special factors.

As regards Breese. we agree he has a good report from the Dairy manager, and he should be placed on probation, but as regards disqualification, whilst we have no hesitation in saying that where a car is used with the intention - with the planned intention, that it will be used to commit a crime, then this law should be invoked and there should be a disqualification. Of course we have accepted, as the Solicitor General did, the fact that that was not the case here, there was no intention to commit the crime before the car went to Grouville.

And in all the circumstances, having regard to the probation report, and the letter from the Dairy manager, we think that this is not a case where we would wish to impose a disqualification, because we wish to encourage Breese to remain at the Dairy, and to encourage him to regard this as a one-off. He has expressed apology, as have the others, and we think that this is not the appropriate place to impose a disqualification, and therefore the situation is that both Warn and Hinds are sentenced to eighteen months imprisonment, and that in the case of Warn, his probation order of the 7th of February, 1985 is discharged, and Breese is placed on probation for a period of three years.

Thank you.

* from Thomas' "Principles of Sentencing".