

ROYAL COURT

14th June, 1991

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Before: The Deputy Bailiff, and
Jurats Le Boutillier and Gruchy

The Attorney General

- v -

Stephen David Pemberton

OFFENCE:

3 counts of larceny;
1 count of breaking and entering and larceny;
19 counts of false pretences (cheque frauds).

PLEA:

Guilty.

DETAILS OF OFFENCE:

Arrived in Jersey 1/1/91. Broke into an office and stole cash and two cheque books. Issued £1,084.31 worth of false cheques. Stole £5 on one occasion, a bike (£170) on another; in September 1990 had stolen £42 from a hotel. Returned to England and issued another cheque: was arrested and sentenced to 8 weeks' imprisonment.

DETAILS OF MITIGATION:

No probation report available as Pemberton refused to have one; domestic circumstances therefore not put to Court.

PREVIOUS CONVICTIONS:

Eleven previous convictions for dishonesty.

CONCLUSIONS:

(1) larceny of £42: 3 months; (2) larceny of £5: 2 weeks; (3) breaking and entering and larceny: 12 months; (4) larceny of bike: 6 months; (5) to (23) inclusive cheque frauds: 18 months; all concurrent, total 18 months.

SENTENCE AND OBSERVATIONS OF THE COURT:

Totality principles correctly applied by prosecution.
Conclusions granted.

Miss S.C. Nicolle, Crown Advocate
Accused on his own behalf.

JUDGMENT

DEPUTY BAILIFF: The conclusions are granted. There would be full justification for a 21 month sentence because the offence in September, 1990, had no connection whatever with the January crime spree and should really be consecutive.

However, we feel that Crown Advocate Nicolle has correctly applied the totality principle to restrict the total sentence to 18 months' imprisonment.

It is consistent with the previous Jersey cases, indeed it is more lenient than the case of Edwards where there was no breaking and entering of premises. The sentence therefore takes full account of the mitigating factors, including the plea of guilty and the co-operation with the police.

Therefore, Pemberton, on Count 1 you are sentenced to three months' imprisonment; on Count 2 to two weeks' imprisonment; on Count 3 to twelve months' imprisonment; on Count 4 to six

months' imprisonment; on each of Counts 5 to 23 inclusive, you are sentenced to eighteen months' imprisonment on each, and all those sentences will run concurrently, making a total therefore of eighteen months' imprisonment.

Authorities

A.G. -v- Edwards (16th February, 1990) Jersey Unreported.

A.G. -v- McKinley (1980) JJ 153 C. of A.