

ROYAL COURT  
(Samedi Division)

81.

25th June, 1993

Before: The Bailiff, and  
Jurats Orchard and Gruchy

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The Attorney General

- v -

Kevin John Falle,  
Stephen James Hendry,  
NH

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Falle, Hendry, NH -

2 counts of breaking and entering and larceny (Count 1, 3).  
1 count of breaking and entering with intent (Count 2).  
1 count of aiding, assisting, or participating in count 2 (Count 2A).

Falle, NH

2 counts of breaking and entering and larceny (Count 4, 5).

Falle, Hendry.

1 count of illegal entry and larceny (Count 6).  
1 count of breaking and entering and larceny (Count 7).

Falle.

1 count of breaking and entering and larceny (Count 8).

Hendry.

1 count of receiving stolen property (Count 9).  
1 count of larceny (Count 10).

NH

1 count of larceny (Count 11).  
1 count of taking motor vehicle without owner's consent or other authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (Count 12).  
1 count of using motor vehicle uninsured against third party risk, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (Count 13).

AGE:

Falle: 19  
Hendry: 18  
NH : 16

PLEA: Gilty

**DETAILS OF OFFENCE:**

Spate of residential break-ins over 4 month period. About £8,000 worth of theft. Little property recovered.

**DETAILS OF MITIGATION:**

Youth: plea of guilty  
(both Hendry & NH refused to co-operate with probation. Hendry would not have been thought suitable, by the Crown, for an order. NH might have been).

**PREVIOUS CONVICTIONS:**

Falle - 5 previous for B&E/larceny  
Hendry - 1 x larceny; 1 x T.D.A.  
NH - nil.

**CONCLUSIONS:**

Falle - 6 m. imprisonment on each count, concurrent. Hendry & NH, Borstal training, on each count, concurrent.

**SENTENCE AND OBSERVATION  
OF THE COURT:**

Agree with observations in Murdoch. 'Burglary' causes great distress to householders and leaves a sense of violation in its wake. Much consideration given by the Court to the option of remanding to the Superior Number. Court feels itself just able to retain jurisdiction in the present circumstances. Conclusions granted.

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**C.E. Whelan, Esq., Crown Advocate.  
Advocate S.J. Crane for Falle.  
Advocate S.J. Willing for Hendry.  
Advocate S.J. Habin for NH.**

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**JUDGMENT**

**THE BAILIFF:** Systematic burglary, which you three were involved in, causes a good deal of distress to householders, not just because of what is stolen, but also because the house has, in their view and rightly so, been violated. I do not believe that any of you three have even thought of the distress and upset you have caused to these people. You did what you did purely for your own financial reasons. They have been explained to us in the reports and we have examined very carefully whether in fact we should have remanded all three of you to the Superior Number for sentencing,

but after listening to your counsel we are satisfied that the conclusions are correct.

We did consider, Mr. Habin, whether we could make a distinction in respect of NH ; we felt we could not. The sentence of Borstal training, as you know, has changed and he will not therefore be incarcerated for all that time, and in comparison to Falle, we do not think that there is such a disparity that your client can really be left with a sense of grievance. There is of course the difficulty over probation which was mentioned in the report.

Accordingly the conclusions are granted. Falle, you are sentenced on each count concurrent to 6 months' imprisonment. Hendry and NH , you are sentenced to Borstal training on each count, concurrent.

Authorities

Murdoch (1981) Cr.App.R.(S.) 142.