

ROYAL COURT
(Samedi Division) 148

21st July, 1994

Before: The Bailiff, and Jurats
Coutanche, Vint, Myles, Bonn,
Orchard, Hamon Gruchy, Le Ruez,
Vibert, Herbert, Rumfitt

The Attorney General

- v -

Darren Maurice Le Cocq
and
Rickie Michael Tregaskis.

Le Cocq and Tregaskis

- 2 counts of breaking and entering and larceny (counts 1, 2).
- 4 counts of breaking and entering with intent to commit a crime (counts 3, 3a, 3b, 3c).

Le Cocq

- 2 counts of grave and criminal assault (counts 4, 5).
- 2 counts of carrying an offensive weapon, contrary to Article 27 of the Firearms (Jersey) Law, 1956 (counts 6, 7).
- 1 count of attempting to escape from lawful custody, contrary to Article 22A of the Prison (Jersey) Law, 1957 (count 8).
- 7 counts of breaking and entering and larceny (counts 9, 9a, 9b, 9c, 9d, 9e, 9f).
- 3 counts of breaking and entering with intent to commit a crime (counts 10, 10a, 10b).
- 1 count of illegal entry and larceny (count 11).
- 2 counts of illegal entry with intent to commit a crime (counts 12, 13).
- 3 counts of larceny (counts 14, 14a, 14b).
- 10 counts of taking a motor vehicle without the owner's consent or other lawful authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (counts 15, 15a, 15b, 15c, 15d, 15e, 15f, 15g, 15h, 15i).

- 8 counts of using a motor vehicle, uninsured against Third Party Risk, contrary to Article 2 of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1938 (counts 16, 16a, 16b, 16c, 16d, 16e, 16f, 16g).
- 10 counts of driving without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (counts 17, 17a, 17b, 17c, 17d, 17e, 17f, 17g, 17h, 17i).

Tregaskis

- 1 count of grave and criminal assault (count 18).
- 1 count of carrying an offensive weapon, contrary to Article 27 of the Firearms (Jersey) Law, 1956 (count 19).
- 1 count of attempting to escape from lawful custody, contrary to Article 22A of the Prison (Jersey) Law, 1957 (count 20).
- 8 counts of breaking and entering and larceny (counts 21, 21a, 21b, 21c, 21d, 21e, 21f, 21g).
- 3 counts of illegal entry and larceny (counts 22, 22a, 22b).
- 1 count of larceny (count 23).
- 16 counts of taking a motor vehicle without the owner's consent or other lawful authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (counts 24, 24a, 24b, 24c, 24d, 24e, 24f, 24g, 24h, 24i, 24j, 24k, 24l, 24m, 24n, 24o).
- 2 counts of using a motor vehicle uninsured against Third Party risk, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1938 (counts 25, 26).
- 16 counts of driving without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (counts 27, 27a, 27b, 27c, 27d, 27e, 27f, 27g, 27h, 27i, 27j, 27k, 27l, 27m, 27n, 27o).

AGE:

Le Cocq: 26
Tregaskis: 25

PLEA: Guilty.

DETAILS OF OFFENCE:

Le Cocq:

Grave and criminal assaults - unprovoked street assaults, significant facial injuries to victims; offensive weapons - knife brandished at doorman, knife used in attempted escape from Court; breaking and entering, illegal entry - various premises over 3 year period, property to the value of £500; taking and driving away involved 10 vehicles over a 2-5 year period. Damage caused. Two cars written off. Licence and insurance counts relate.

Tregaskis:

Grave and criminal assault - premeditated stabbing of doorman. Comparatively slight abdominal damage. Offensive weapon - screwdriver in attempted escape from Court. Breaking and entering over 2 year period,

DETAILS OF MITIGATION:

Unusually high co-operation in both cases - 'drafted' significant parts of their own indictment; p.g. both claimed psychological/psychiatric difficulties stemming from unhappy starts in life; both felt that they were not receiving sufficient expert assistance; apparent remorse.

PREVIOUS CONVICTIONS:

Atrocious records.

CONCLUSIONS:

Le Cocq:

- Counts 1, 2, 3,
3a, 3b, 3c: 12 months' imprisonment on each count, concurrent with each other.
- Counts 4 & 5: 12 months' imprisonment on each count consecutive to each other and to the earlier sentences.
- Count 6: 6 months' imprisonment, consecutive to the earlier sentences.
- Counts 7 & 8: 6 months' imprisonment on each count, concurrent with each other, and consecutive to earlier sentences.
- Counts 9, 9a, 9b,
9c, 9d, 9e, 9f: 18 months' imprisonment on each count, concurrent with each other, and consecutive to the earlier sentences.
- Counts 10, 10a, 10b: 18 months' imprisonment on each count, concurrent with each other and with earlier sentences.
- Count 11: 18 months' imprisonment, concurrent.
- Counts 12 & 13: 18 months' imprisonment on each count, concurrent with each other and with the earlier sentences.
- Counts 14, 14a, 14b: 18 months' imprisonment on each count, concurrent with each other and with the earlier sentences.
- Counts 15, 15a, 15b, 15c
15d, 15e, 15f, 15g,
15h, 15i: 6 months' imprisonment on each count, concurrent with each other and consecutive to the earlier sentences.
- Counts 16, 16a, 16b,
16c, 16d, 16e,
16f, 16g: 6 months' imprisonment on each count, concurrent with each other and with the earlier sentences.

Counts 17, 17a, 17b, 17c,
17d, 17e, 17f, 17g,
17h, 17i:

£300 fine in total for all the offences or 3 months' imprisonment in total for all the offences in default of payment, consecutive if need be to the earlier sentences.

TOTAL: 6 years' imprisonment; £300 fine or 3 months' imprisonment, consecutive, in default of payment.

Tregaskis

Count 18: 3½ years' imprisonment.

Count 19: 6 months' imprisonment, consecutive.

Count 20: 6 months' imprisonment, concurrent.

Counts 21, 21a, 21b,
21c, 21d, 21e,
21f, 21g:

18 months' imprisonment on each count, concurrent with each other, consecutive to the earlier sentences.

Counts 22, 22a, 22b: 18 months' imprisonment on each count, concurrent with each other, and with the earlier sentences.

Count 23: 18 months' imprisonment, concurrent.

Counts 1, 2, 3, 3a,
3b, 3c:

3 years' imprisonment on each count, concurrent with each other and with earlier sentences.

Counts 24, 24a, 24b, 24c, 24d,
24e, 24f, 24g, 24h, 24i,
24j, 24k, 25l, 24m,
24n, 24o:

12 months' imprisonment on each count, concurrent with each other, consecutive to earlier sentences.

Counts 25 & 26: 3 months' imprisonment on each count, consecutive to each other and to the earlier sentences.

Counts 27, 27a, 27b, 27c, 27d,
27e, 27f, 27g, 27h, 27i, 27j,
27k, 27l, 27m,
27n, 27o:

£300 fine in total for all the offences, or 3 months' imprisonment in total for all the offences in default of payment.

TOTAL: 7 years' imprisonment; £300 fine or 3 months' imprisonment consecutive in default of payment.

SENTENCE:

Le Cocq

Counts 1-8 inc: conclusions granted.

Counts 9, 9a, 9b,
9c, 9d, 9e, 9f:

12 months' imprisonment on each count, concurrent with each other, consecutive to earlier sentences.

Counts 10, 10a, 10b: 12 months' imprisonment on each count, concurrent with each other and with the earlier sentences.

Counts 11, 12, 13: 12 months' imprisonment on each count, concurrent with each other and with earlier sentences.

Counts 14, 14a, 14b: 12 months' imprisonment on each count, concurrent with each other and with earlier sentences.

Counts 15-17: Conclusions granted.

TOTAL: 5½ years' imprisonment; £300 fine or 3 months' imprisonment, consecutive, in default of payment.

Tregaskis

Counts 1-3; 18-20: Conclusions granted.

Counts 21, 21a-g: 12 months' imprisonment on each count, concurrent with each other and consecutive to earlier sentences.

Counts 22, 22a-b: 12 months' imprisonment on each count, concurrent with each other and with earlier sentences.

Count 23: 12 months' imprisonment, concurrent.

Counts 24-27: Conclusions granted.

TOTAL: 6½ years' imprisonment; £300 fine or 3 months' imprisonment, consecutive, in default of payment.

REMARKS:

The individual sentences passed on each count (especially grave and criminal assault) are unreliable as indicia of principle, having been heavily conditioned by the need to observe the 'totality' caveat.

**C.E. Whelan, Esq., Crown Advocate.
The accused on their own behalf.**

JUDGMENT

THE BAILIFF: The Court has read very carefully the reports of the various medical officers who have examined both of you and has come to the unanimous conclusion that a substantial period of imprisonment is necessary, first, because of the seriousness of the offences themselves - the grave and criminal assault, particularly yours, Tregaskis, with a knife; and secondly, to give those appropriate institutions in England, if you are regarded as suitable to attend these places, ample time to try to teach you to come to terms with yourselves, each one of you.

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We have, however, considered your statements which contained everything that could have been said even by counsel, and we have decided, by a majority, that considering the totality of the conclusions asked for by the Crown we can make a slight reduction. We do so for a number of reasons, first the fact of your extreme co-operation with the police which resulted in a number of offences being disclosed which would otherwise not have been traced to you. Secondly we take at its face value - and only either of you will know whether it is true or not - that you are both remorseful for what you have done and are determined to try to reform.

We will maintain, however, the disparity between Tregaskis' sentence and Le Cocq's, mainly because of the seriousness of your attack with a knife, Tregaskis. We do not accept your explanation - it was a deliberate attack and a serious one at that.

Therefore we are going to reduce the overall sentence in respect of each of you. Le Cocq, you will be sentenced to a total of 5½ years' imprisonment. Tregaskis you will be sentenced to a total of 6½ years' imprisonment.

In the case of Le Cocq, we will make counts 9, 10, 11, 12, 13 and 14, twelve months' imprisonment in place of 18 months, both concurrent and consecutive as set out in the conclusions. In the case of Tregaskis, we will make counts 21, 22 and 23, twelve months' imprisonment, again concurrent and consecutive to the previous amounts as set out in the conclusions.

You are both also sentenced, as asked for in the conclusions, so far as the driving licence offences are concerned: count 17, Le Cocq, you are sentenced to a fine of £300 or, in default, 3 months' imprisonment, to be consecutive, if served. Tregaskis, you are sentenced also in respect of the driving licence offences, count 27, to £300 fine or, in default, 3 months' imprisonment, to be consecutive, if served. The knife used by Le Cocq in the incident charged in count 6 is to be forfeited in accordance with Article 27 of the Firearms (Jersey) Law, 1956; and the knife used in the offence by Tregaskis in count 18 will also be forfeited under the same provisions.

The Probation Order against Le Cocq is discharged.

Authorities

A.G. -v- Norris (3rd June, 1992) Jersey Unreported.

A.G. -v- Aubin (14th May, 1987) Jersey Unreported.

Smith (1981) 3 Cr.App.R.(S.) 95.

Thomas (2nd Ed'n): p.p. 93-99.

A.G. -v- Fischer (15th June, 1994) Jersey Unreported.