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31st October, 1996

The Attorney General

-v-

Paul Robert Jonathon Brannan

*This Judgment, originally distributed on 6th January, 1997, contained errors in the headnote. An amended version is attached, without charge to subscribers.*

ROYAL COURT  
(Samedi Division)

200.

31st October, 1996

Before: Sir Philip Bailhache, Bailiff, and  
Jurats Myles and Potter.

The Attorney General

- v -

Paul Robert Jonathon Brannan

- 1 count of breaking and entering and larceny (count 1).
- 7 counts of obtaining goods by false pretences (counts 2,3,4,5,6,7,8).
- 7 counts of obtaining money by false pretences (counts 9,10,11,12,13,14,15).
- 1 count of attempting to obtain services by false pretences (count 16).
- 1 count of obtaining a service by false pretences (count 17).
- 1 count of taking a vehicle without the owner's consent or other authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (count 18).
- 1 count of driving without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (count 19).
- 1 count of using a motor vehicle uninsured against third party risks, contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (count 20).

Plea: Guilty.

Age: 29.

Details of Offence:

Broke into the "Welcome Inn", Grouville and stole a charity bottle containing cash and a quantity of cigarettes. While staying with a friend stole her boyfriend's cheque book and cheque guarantee card and used the same to obtain petrol and cash payments. While staying at the "Pomme d'Or" hotel used the cheque book to obtain a number of cash payments from the hotel and left the hotel without paying the hotel bill. Whilst lodging at friend's premises took a car without her consent and for two weeks drove the car without licence or insurance.

Details of Mitigation:

Defendant had spent most of his adult life in prison for similar offences. Had become institutionalised and imprisonment was no deterrent. Wanted professional help but claimed that such help was not available to him in prison. Asked for one more chance to prove that he could make something out of his life.

Previous Convictions:

Numerous dating back to 1982 for similar offences. As stated the Defendant had spent most of his adult life in prison.

Conclusions:

Count 1 : 2 years' imprisonment.  
Counts 2-17 : 18 months' on each count concurrent but consecutive to count 1.  
Count 18 : 6 months' consecutive.  
Count 19 : fine £50 or 2 weeks' imprisonment concurrent.  
Count 20 : 6 months' concurrent but consecutive to counts 2-17.  
TOTAL : 4 years' imprisonment.

Sentence and Observations of the Court:

The Crown correct in moving for long custodial sentence, however, Court takes into account letter written by the Defendant to the Police Court Magistrate when making bail application in June, 1996, expressing wish to reform his life. Court prepared to give Defendant one final chance.

Probation for 2 years on condition that the Defendant seeks psychiatric help and that he perform 180 hours of community service to be completed within 12 months.

D.E. Le Cornu, Esq., Crown Advocate.  
Advocate J. Martin for the accused.

JUDGMENT

5 THE BAILIFF: Brannan, you do have - as the Crown Advocate and your  
counsel have said - an appalling criminal record. You have  
continued to commit over many years serious criminal offences  
causing distress and aggravation to innocent members of the  
public. In relation to this indictment you have committed a  
particularly mean offence in relation to the charity bottle which  
you stole and you have also again as the Crown Advocate has said  
committed a breach of trust in taking the cheque book and credit  
card from the place where you were staying.

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The Crown Advocate was absolutely right to move for a long  
period of imprisonment because that is indeed what you deserve.  
The Court has, however, taken into account everything which your  
counsel has said on your behalf. We have also taken very careful  
15 note of the letter which you wrote to the Police Court Magistrate  
in June and we are taking what was said in that letter at face  
value. We accept therefore that you are expressing a wish perhaps

for the first time for a very long time to reform your life and to keep out of trouble and to make something of your life rather than continuing to commit offences and spending your life behind prison bars.

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The Court is going to give you what might be termed a final chance to reform the way in which you are living your life. We are going to place you on probation. You will get the assistance for which you have asked. You will get assistance from the Probation Officer and you will get assistance from the Consultant Psychologist and we hope that you will take advantage of that assistance and that you will, as I have said, reform the way in which you have lived for the last few years. If you do not take this chance, you will come back before the Court and as you well understand you will be dealt with again for these offences. The Court is going to place you on probation for 2 years subject to the usual conditions that you live and work as directed by your Probation Officer. It will be a further condition that you attend upon the Consultant Psychologist for treatment as and when required to do so. It is also a condition of the order that you perform 180 hours of community service to be completed within 12 months. The Court hopes, Brannan, that this is the last occasion on which we shall see you here.

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Authorities

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

A.G. -v- Brannan (12th June, 1994) Jersey Unreported.

Current Sentencing Practice:

Release 23: 1-vi-92:

R -v- Barton (A5-3A01).