

**ROYAL COURT
FULL COURT**

24 September 2020

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff, and:
Jonathan Grenfell Hooley, Peter Sean Trueman Girard,
Alan Stevenson Boyle, Peter Francis Gill, David John Robilliard, Stuart Michael Crisp,
Marilyn Jasmine King, Paul Martin Burnard, Felicity Jane Quevâtre-Malcic, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

JASON DAVID JORDAN

**Advocate R J Calderwood appeared for the Crown
Advocate L C Roffey appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing two Counts: burglary and receiving. The maximum sentence on each is 14 years' imprisonment. The property, the subject of the second Count had been obtained after a burglary on a different house in the same vicinity.

You are a 31 year old local resident with 24 entries on your list of previous convictions. The Prosecution point out that roughly half involve dishonesty. Immediate custodial sentences have been passed for fraud, handling and perverting the course of justice. On 5 April 2016 you received 4 years and 8 months for a serious drug offence. You were, we have been told, released under a supervision order on 14 December 2018. It was in operation when the present offences took place. You also ran up a Community Service Order in the Magistrate's Court for no insurance on 7 November 2019, which you have breached by offending. It was a direct alternative to 3 months' imprisonment. I will constitute myself as the Magistrate's Court at the end of our sentencing today. We will rise first and then I will come back and we will carry on as the Magistrate's Court. We stress, that as that is taking place separately, we do not factor it in as an aggravating factor in our sentencing in the Royal Court.

You have been in custody since the 8 January 2020, and, of course Covid-19 has caused a delay in dealing with this present case. We will accept that timely guilty pleas were entered.

We have heard the facts of the two counts in detail from counsel. We now note you committed these offences on Police bail on other matters.

The burglary was of a dwelling and you were pursued by one of the occupants who unfortunately fractured his leg in the pursuit. Your manner was at times verbally aggressive. The ring was retrieved early on, and the pot found on your belongings, and was broken. You had the nerve to say to the victim, who acted admirably, that he had assaulted you. You gave an involved story to minimize your guilt, as is pointed out in the Probation report. No Newton hearing is needed, it would

be difficult as it would only rely on your word, and does not involve any likely material effect on sentence.

The householders have submitted victim impact statements, which we take into account, to the proper extent.

Sentencing Considerations

The previous dishonesty matters, your breach of the supervision order, the fact that this was an unpleasant domestic burglary (Count 1), and that Count 2 involved the proceeds of a domestic burglary, are all aggravating factors. You have continued to give different accounts and minimize your offending behaviour. The victim in Count 1 'caught you in the act'. This was an alarming and serious burglary. Count 2 represents dishonesty handling the proceeds, as we have said, another domestic burglary. As has been said many times before, without handlers there would not be many burglars or thieves. Count 2 offences are also significant and serious in such circumstances.

We note the English Guidelines, which are not binding on us but can be helpful, but we have to sentence on Guernsey considerations. Offences of this type are relatively uncommon in Guernsey and need to remain so. We are only too aware of just how unpleasant and concerning burglaries are to the victims. You are also as we have stated, a person with a bad previous record. Yet again, we see the misuse of drugs has significantly fouled-up someone's life. This is a very common feature in all sorts of offenders who appear here for sentence and shows just how pernicious the effect of illicit drugs is on society. So we have two different offences and start at a figure reflecting the aggravating factors, of 4 years on Count 1 and 9 months on Count 2 – a total combined starting point of 4 years and 9 months' imprisonment.

Mitigation

Your discount for the guilty pleas is limited, as you were caught 'at it' on Count 1. Nevertheless, we are encouraged to give some form of discount for guilty pleas, even when as here, the evidence is highly compelling.

We have carefully noted the helpful Probation report. Your general risk of re-offending has increased. Paragraph 12 shows just how many opportunities you have had in the past. We make our discount around 25%. We are not here to fish around for mitigation. Although we have appreciably listened to what your learned Advocate has said, there really is nothing effective apart from your pleas to mitigate what flows from the offences that you committed.

Sentences

Guernsey people need a respite from your alarming activities. Your own needs come a long way behind the public's need to be safe. There are notable aggravating factors here, especially on the first count. The Probation report makes generally depressing reading.

On Count 1, the sentence is 3 years' imprisonment. On Count 2, a separate matter, 6 months consecutive. Handling after domestic burglaries is always serious.

- Total sentence 3 years and 6 months' imprisonment with effect from 8 January 2020.
- Compulsory Supervision, again, after release.
- Compensation – as a matter of law and practice we leave this on Count 1 to the Civil Court, as the amount for the victim is not a simple and straight-forward matter, so the law requires us to leave it to a civil action, especially as the amount would be difficult to calculate here. This amount will be significant. We do order £32.73 on Count 2, which is a clear figure.
- Commendation – the Royal Court commends Mr Irvin for his courageous conduct, which brought the perpetrator to account and thanks to the others who assisted.

John Russell Finch, Esq., O.B.E., Lieutenant Bailiff

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