

**ROYAL COURT  
FULL COURT**

**16 November 2021**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Claire Helen Le Pelley,**

**Steven John Morris, Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin,  
Paul Martin Burnard, Felicity Jane Quevâtre-Malcic, Heather Reed, Simon Ernest Bodkin.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**DARREN LEE HENDERSON**

**Advocate R Calderwood appeared for the Crown  
Advocate S E Steel appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on one Count of attempted robbery on 13 July, 2021. The maximum sentence is life imprisonment.

You are a 41 year old local man with , we note, 107 offences on your PNC record. You have committed numerous offences and received a range of sentences; non-custodial at first, then as you went on, custodial measures.

You have been in custody since the date of this offence and indicated an early ‘guilty’ plea, despite refusing to accept your guilt in 3 Police interviews, at the end observing: “You’ve come up with absolutely bollocks.”

On 4 June 2018, this Court sentenced you to 42 months for robbery of Boots involving the theft of drugs. We note you breached your Parole Licence by multiple drug use and were back inside, being released on 11 June 2020.

The present offence is also very distressing, an inept but worrying attempt, to rob the Newspaper Kiosk at the Bus Terminus in broad-daylight around 2 pm, threatening the 70 year old assistant with a knife, demanding money whilst the victim was trapped. As there was no money you began running away. You were caught in the vicinity around a quarter of an hour later, and, amongst other things, you left your fingerprints on the back door that you used for entering and you appeared on the CCTV. You were caught due to speedy and efficient Police work and you were positively identified by the victim.

**Sentencing Considerations**

First of all, we note the lady victim’s Impact Statement. Whether or not this was an incompetent attempt at robbery, you made use of a knife depicted in our photographs; this was a considerable escalation

from the previous offence at Boots. She is signed off work, is unlikely to work again and has had considerable worry and anxiety affecting her previously active life. This is a notable aggravating factor. The Prosecution have carefully listed what they submit are aggravating factors (things that make things worse) and, apart from the bad effect on the victim, we find the following significant:

- (a) planning: You had a mask, a knife and a top you could throw away.
- (b) use of a weapon: On the evidence you were intoxicated at the time, which is concerning.
- (c) the similar recent previous robbery and generally, the impact on the community.
- (d) you were on Court bail for various other offences.

Also, despite your activities, this sort of crime is uncommon in Guernsey and needs to remain so.

So, in broad summary, we have got a weapon, some planning, a terrified victim with notable ongoing problems and a recent offence of a similar nature. All these factors combine to enhance our starting-point. We note that the English Sentencing Council Guidelines refer to very similar factors. However, we sentence on local Guernsey considerations, repeating that this type of serious offence is mercifully pretty rare here in Guernsey. We therefore start at 7 years, reflecting the need to repudiate such offences, protect the public and taking full account of the considerable aggravating factors here.

### **Mitigation**

We have listened carefully to your Advocate's mitigation. The helpful Probation Report is depressing but realistic. You are assessed as having a very high likelihood of re-offending and present a risk of serious harm to the public, both physically and psychologically, when drugged-up or drunk. You pose a risk to the community through violence.

The only possible mitigation here is the 'guilty' plea, but the evidence was overwhelming. We are not under an obligation to go fishing around for mitigation when there is hardly any, but we are still encouraged to give some recognition for pleas of 'guilty'. Our discount is around one-seventh, which reflects the limited mitigation present.

We should point out that we have not lost sight of the fact that this was an attempt. However, the most serious element, that is putting somebody in fear, here with a weapon, was present. It is an attempt because you didn't get any money. This does not justify any further effective mitigation on these particular facts.

### **Sentence**

You have had chances when you were younger. You keep on offending. The best we can do is keep you out of circulation to protect the public. There is something particularly mean about waving a knife to threaten a 70 year old lady to steal from her place of work. There was serious psychological harm caused to the victim, her statement is very clear on this, and we express our sympathy and good wishes to her.

Guernsey people, i.e., the public generally, and the authorities, deserve an extended break from your criminal activities for the future. You are a menace to the law-abiding community and our first consideration is to protect them and demonstrate this type of nasty offence does not pay in this jurisdiction.

Taking all the circumstances fairly into account, the sentence of the Court is 6 years' imprisonment from the date of your arrest, namely 13 July 2021.

Forfeiture and Destruction Orders as requested.

## **Extended Sentence**

We have now considered the question of an Extended Sentence and having carefully looked at the Probation recommendation, and taken account of all the circumstances, we consider the usual period of supervision after sentence, would not be adequate for the purpose of preventing the commission of further offences and securing your rehabilitation. Consequently, the Court is imposing an Extended Period of Imprisonment. This has two elements, the 6 years you have just got, followed by an Extension Period after your release, throughout which you will be subject to an Extended Sentence Licence. I point out we will be passing over a written Notice with all the conditions on there, via your Advocate, and you can speak to him if you have any problems understanding them.

You have had the custodial term, but the Extension Period shall be for 3 years. If upon release, you fail to comply with the conditions in the Extended Sentence Licence, or you are convicted of anything else imprisonable, the Court sentencing you or the Parole Review Committee, can revoke the Licence, in which case you could be returned to custody for the remainder of the sentence. The standard conditions will be handed over to you, but nevertheless I will read them out so you understand what is involved:

1. To be well behaved and not commit any offence and not to do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from reoffending and help you to resettle successfully into the community.
2. To keep in touch with your supervising officer in accordance with any instructions you may be given.
3. If required, to receive visits from your supervising officer at your home.
4. Permanently to reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address, or any proposed stay (even for one night) away from that approved address.
5. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change.
6. Not to travel outside Guernsey without prior permission of your supervising officer (which will be given in exceptional circumstances only).

The probation Service have indicated that they would like another condition, which is understandable in the circumstances:

7. To attend the Criminal Justice Substance Service as directed and comply with drug testing and treatment as required.

Those are the conditions. I repeat, you will get a Notice of them and you can ask your Advocate should you have any problem understanding them.

So, the Order of the Court is:

- **6 years' imprisonment** from the day you were arrested;
- Plus, 3 years' **Extended Sentence** which is an extended period of supervision, which you must comply with.

**J R Finch, O.B.E.**  
**Lieutenant Bailiff**  
**16 November 2021**