

**ROYAL COURT
FULL COURT**

22 October 2021

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:
Claire Helen Le Pelley, Jonathan Grenfell Hooley,
Steven John Morris, David James Mortimer, David John Robilliard,
Stuart Michael Crisp, Paul Martin Burnard, Heather Reed, Simon Ernest Bodkin.**

THE LAW OFFICERS OF THE CROWN

- v -

REECE ANDREW EDWARDS

AND

ALEXANDER JAMES BATISTE

**Advocate J D McVeigh appeared for the Crown
Advocate S E Steel appeared for the First Defendant
Advocate P F Cobb appeared for the Second Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence, each for one Count of dishonest handling. The maximum sentence on each Count is 14 years' imprisonment.

The First Defendant, Mr Edwards' Count, relates to the dishonest handling of car stereo equipment and a BMW 118 diesel, between 12th October and 8th November, 2019, burgled and stolen from the Rohais Motor Centre overnight on 12th October, 2019.

The Second Defendant, Mr Batiste's Count, relates to an item of car stereo equipment, also taken from the same premises during the burglary.

The First Defendant is aged 26, born in the UK. On 15th October, 2020 a Community Service Order for 40 hours, plus a year's Probation Order was imposed for an offence of making threats to kill, by the Magistrate's Court (an offence which took place after the burglary). The conviction for today's offence technically breaches the Probation Order.

The Second Defendant is aged 23 years, born locally. Apart from dangerous driving and other less serious Road Traffic matters, a Community Service Order of 140 hours, as a direct alternative to 6 months' Youth Detention, was imposed on 29th June, 2017 for attempting to pervert the course of public justice.

The charges were made on 27th April, 2020. The Indictment for the First Defendant was amended following representations. For a while the First Defendant, (5th December, 2020 to 10th February, 2021) was remanded in custody having breached bail imposed when charged. But since 10th February, conditional bail was granted.

The Second Defendant has been on conditional bail throughout and entered an early ‘guilty’ plea. In the circumstances, whilst the time taken is noted, we do not blame either of the defendants for that.

Facts

We have heard, in the full Prosecution Outline, the facts of the burglary and the recovery of property from another in November, 2020. We need not repeat those details.

We have heard how the stolen vehicle was recovered on 14th October, 2019 in Mount Durand. We have the photographs. Vigilant police work caused your apprehension on 8th November, 2019. It was in the Second Defendant’s vehicle, that the First Defendant was one of the passengers. The Second Defendant’s vehicle was fitted with the stereo item, the subject of the Count against him.

The First Defendant’s involvement came about when in January 2020, as we heard, another person’s mobile phone was examined. The First Defendant is depicted examining boxes of stereo equipment in the car-park and also shows a BMW 118D. The First Defendant is shown with a partially-covered face. The First Defendant is therefore with the car, the subject of the First Count, and various relevant items, very soon after the burglary.

In your interview, the First Defendant denied any knowledge of the burglary and then exercised his right to silence. The Second Defendant initially declined to answer, but then said, ‘a friend had fitted the stereo after it had been found in a hedge near the Foulon’, in suspicious circumstances. He also stated that there might be photographs “of some stuff” on his mobile device. You had not handled stolen items yourself, but the stereo is not in a re-saleable state.

Sentencing Considerations

There are a large number of sentences that can be imposed, depending on the circumstances for this offence. The closeness of the handling here to the primary offence of burglary is an aggravating factor. These items were the proceeds of burglary. We consider that the custody threshold has been passed, noting as we do, that offences like this remain relatively uncommon in Guernsey and there is a need to prevent them. Although your convictions do not include dishonesty, we start as follows:

- In respect of Mr Edwards – 18 months’ imprisonment, before applying the appropriate mitigation.
- In respect of Mr Batiste - 9 months’ imprisonment, again before applying the appropriate mitigation.

Mitigation

We have listened carefully to what your Advocates have said, considered the two Probation reports and the helpful written materials put in. The best mitigation lies in your ‘guilty’ pleas. We sentence on the facts given and the offences admitted. We note that Mr Edwards spent time on remand, which was his own fault and we have taken that into account. We note neither of you has served immediate custodial sentences.

In all the circumstances, we are just about able to accede to agree with the recommendations in the Probation reports.

Sentence

Mr Edwards, you will undertake 180 hours Community Service Order as a direct alternative to 12 months' imprisonment.

Mr Batiste, you will undertake 120 hours Community Service Order as a direct alternative to 6 months' imprisonment.

You both know what that means. You have got to do those hours in the next 12 months and if you don't do every single minute you will be brought back. If you commit any further offences you will be brought back and the alternatives, the 12 months and 6 months respectively, are going to be the first thing the Court looks at. Those are the Orders of the Court and your Advocates will advise you further before you leave the building.

Just speaking for myself, as your able Advocates can tell you and back it up, I have a long memory and if you come before me convicted of offences of dishonesty, particularly in future, the result won't be the same. You have now got a criminal record of dishonesty and the CSO bus that you are getting on today, won't come around again if I am sitting here, so don't foul-up in future. You did not go down the steps today but, putting it bluntly – and I think your Advocates will probably tell you the same afterwards, your chances have now run out – you are not going to get another one – that is it. Do the hours and don't do any crime and don't come back here.

That is the Order of the Court and we make no Order on the technical breach of the Probation Order.

J R Finch, O.B.E.
Lieutenant Bailiff

22 October 2021