

**ROYAL COURT
FULL COURT**

13th July 2023

**Before: Catherine Maureen Fooks, Judge of the Royal Court 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, Heather Reed and
Simon Ernest Bodkin.**

THE LAW OFFICERS OF THE CROWN

- v -

JASON DAVID JORDAN

Advocate F M Russell appeared for the Crown

Advocate L C Roffey appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

Mr Jordan you have pleaded guilty to a single count of handling stolen goods, contrary to section 25(1) of the Theft (Bailiwick of Guernsey) Law, 1983 the maximum penalty for which is 14 years' imprisonment.

The facts are that, sometime after 11.00am on 29th June 2022, the home of the victim ("the Victim") was burgled and there was stolen amongst other things, £62,000 in cash. On 1st July you were stopped by Police and found to have a large sum of cash, £1,349.37 in sterling, together with €60, as well as cash receipts for jewellery totalling £2,470. You claimed that the money was your savings. At your flat, Police found some of the notes the Victim had left with the cash earmarking amounts for individual family members. CCTV footage showed you arriving home on 29th June, 2022 at 11.24 carrying a number of bags and leaving one hour later with one large blue bag. Your phone was seized which revealed photographs of the hiding place of the blue bag from which the Police were able to recover the bag and £56,615 in cash. It was uncovered that you had spent further cash totalling £515. £1,050.63 is unaccounted for. The Victim is missing £5,385 altogether.

At your Police interviews you largely exercised your right to silence before admitting the offence of handling, declining to "grass up" the thieves and apologising as the money belonged to an old aged pensioner. Your basis of plea is that you were asked to receive property and hold it. You knew that the property, the cash, was stolen.

The Victim's Impact Statement details the devastating effect of the invasion of the Victim's home and loss of his life-savings. It has been life-changing for him, impacting his health, wellbeing and relationships. He describes himself as a shell of his former self.

You are a local man of 34 years, 33 at the date of the offence. As the Probation Officer nicely puts it, you have a "ream" of previous convictions, including theft and handling offences, the last in 2020 for theft and handling for which you were sentenced to 3 years' imprisonment from which you were released on 2nd June, 2021. You were re-called to Prison on 21st January, 2022 and re-released on 17th June, 2023 on an Adult Custody Supervision Order, due to end on 17th May, 2023. You were arrested on 21st September, 2022 and remained under arrest, although in hospital, until your remand in custody on 28th September and you have remained in custody since then.

Sentencing Considerations

There are no guidelines in Guernsey specifically for offences of handling but we note the useful guidance within the English sentencing guidelines, particularly as to aggravating and mitigating factors. As always, we sentence in the context of Guernsey, where such crimes are fortunately rare and with a view to their remaining so.

We set the initial starting point before aggravating and mitigating factors at 4 years. There are significant aggravating factors in your case. The offence was committed within 12 days of your release from Prison; that release was from a sentence for the same offence; you were subject at the time to an Adult Custody Supervision Order; the cash had been very recently stolen; it represented the Victim's life savings and was of a high value. We set the revised starting point before consideration of your plea and personal mitigation at 6 years.

Mitigation

Plea

The Court must first consider the impact of your guilty plea on sentence. In your case, we afford you a 30% discount to reflect the inevitability of your guilty plea.

Personal Mitigation

In terms of personal mitigation the Court has considered carefully the informative, if rather depressing, Social Enquiry Report prepared in respect of you. We have also listened to the eloquent submissions of your Advocate.

Your personal mitigation is limited. We note that you have children and a partner, whose lives are blighted by your offending and will continue to be so blighted until you stop offending. We have considered the impact on them, as part of the sentencing exercise. You are not assessed as needing any supervision or intervention.

It is a matter of concern that you were released from Prison without accommodation and money into the community. That said, your claim that your involvement in the offence was motivated by a need for funding for your housing conflicts with your decision to spend £2,470 on jewellery alone. It was your choice to offend. Further, your explanation that your cut from the cash was to be £3,500 is inconsistent with the amounts that you spent and the cash that you had on you, which total, not counting the Euros, £4,334.

We note that you have the support of your partner and your parents. We note that you have expressed remorse and some acknowledgement of the impact on the Victim of this offence.

The Probation Officer describes your offending behaviour as entrenched and assesses you as a very high risk of re-offending, which is of great concern to this Court. We have taken into account that you have been in hospital and then in custody since the 21st September, 2022 and we have also taken into account the events following your arrest on 21st September. An immediate custodial sentence is, as your Advocate said, inevitable and the only appropriate penalty.

Sentence

Mr Jordan you stood in that dock on 20th September, 2020 and got 3 years for theft and burglary. You were out for about 6 months from June 2021, but here you are again having committed the same offence within a fortnight of your release in June 2022. You knew what you were doing was wrong but carried on. Each time you commit these offences, another Victim and the community is harmed. The community must be protected from you for as long as possible.

You have said that you are worn out from Prison. You are also upset at the impact on your partner and children of your offending. You have said that you want to break the pattern. You can start that by improving your behaviour in Prison and taking advantage of the courses and opportunities available to you to prepare you for your release. At the end of the day, only you can make your future.

Taking into account all that has been said and applying the appropriate discounts the sentence will be one of 3 years and 9 months with effect from 21st September, 2022.

In accordance with section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any parole period, if applicable) you will be subject to supervision by the Probation Service for a period equal to one quarter of the total sentence or the period you would have served had you not received remission, whichever is the shorter. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both. That is a standard paragraph, please take it to heart, you do not have a good record with compliance with those Supervision Orders and it is important that you do comply with it.

Having heard representations from counsel in respect of the Prosecution's application for compensation under section 2 of The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 and in respect of other orders available to the Court in the circumstances of the case, the Court made the following orders, with your consent:

- a) the restitution of exhibit numbers NF/910/020722/10 and NF/910/020722/15 (buried stash of cash), seized by the Police, in the sum of £56,615 to the Victim, pursuant to Section 33(1)(a) of The Theft (Bailiwick of Guernsey) Law, 1983 ("the Theft Law");
- b) the restitution of exhibit number JS/86/020722/1, cash seized by the Police from Guernsey Goldsmiths, in the sum of £2,480, comprising £2200 for the necklace, £270 for the ring and a £10 tip to the Victim, pursuant to Section 33(1)(a) of The Theft Law;
- c) the restitution of exhibit number JT/208/010722/1, seized from you on your arrest in the sum of £1,349.37, to the Victim, pursuant to Section 33(1)(a) of The Theft Law;
- d) the forfeiture of exhibit number JT/208/010722/1, seized from you on your arrest in the sum of €60 pursuant to Section 3(2) of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006, as amended ("PPFL"), with a request to the Police that the Euros are converted to sterling and paid to the Victim;

- e) the forfeiture of exhibit numbers JT/208/010722/2, necklace and JT/208/010722/3, ring, seized by the Police from you, pursuant to Section 3(2) of the PPFL, with a request to the Police that they be returned to Guernsey Goldsmiths;
- f) the forfeiture of exhibit numbers DJO/178/010722/4, Samuel Pepys t-shirts with tags and DJO/178/010722/1, Hugo Boss sweatshirt, seized by the Police from you pursuant to Section 3(2) of the PPFL, with a request to the Police that they are sold and the monetary value be paid to the Victim;
- g) the forfeiture of exhibit number RK/111/020722/1, iPhone 13, seized by the Police from you, pursuant to Section 3(1) of PPFL, with a request to the Police that, if no claim as to ownership of the iPhone 13 is made by your telecommunications provider within 60 days of notification to that provider from the Police that this order has been made, that the iPhone 13 is sold and any monetary value be paid to the Victim;
- h) the forfeiture of exhibit number RB/64/010722/8, used fentanyl patches, seized by the Police from the accused, pursuant to Section 3(2) of PPFL.

Catherine Maureen Fooks
Judge of the Royal Court

13th July, 2023