

Burglary of a pharmacy and theft of prescription medication.

[2023]GRC041

**ROYAL COURT  
FULL COURT**

**26<sup>th</sup> June 2023**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Claire Helen Le Pelley, Steven John Morris, David John Robilliard, Marilyn Jasmine King,  
Tina Jane Le Poidevin, Paul Martin Burnard, Heather Reed, James Robert Toynton.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**JAMIE LEE HUTCHINSON**

**Advocate F M Russell appeared for the Crown  
Advocate S J Maindonald appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

You appear here today for sentence on one Count of burglary of a pharmacy and theft of prescription medication from there. The maximum sentence is 14 years' imprisonment.

You are a local man, now aged 35, with a long list of previous convictions, including burglary, theft and damage. You are wanted in London for failing to appear there on charges of attempted theft, assault on an emergency service worker and damage. You came up before this Court in 2009 for damage and assault, and received 15 months' youth detention. In May 2022, you were put on probation for 2 years in the Magistrate's Court for theft and failing to surrender. You admitted breaking this Order and will be sentenced by myself, sitting as Magistrate, after this particular case now is concluded.

You have been in custody since 20<sup>th</sup> February. We have heard all the facts and a witness heard noises relating to your unlawful entry of the pharmacy and you were seen there. She called the Police and heard the alarm go off. You made off to an adjacent garden, dropping packets of pharmaceutical items and were found in black clothing, hiding and backed into a wall. You had injured your leg. Five boxes of prescription medicines were found on your person. Other such items were located at the scene of the crime, and a chisel, a broken file and a black bin bag with a hammer. The stolen items were worth £17.36 wholesale and it is worth noting that a few days after the offence the pharmacist could not dispense a prescription for one of the pharmaceutical items, as then, none were in stock.

You were also identified by DNA blood samples from the scene. You were interviewed and we have heard the details. You claimed to not remember the offence, apart from the leg injury you sustained trying to decamp. You did not work, were on income support and had previously been addicted to hard drugs. You were taking unprescribed diazepam. You again referred to your lack of memory. All of the drugs in question are Class C under the legislation and can be misused.

## **Sentencing Considerations**

You are in a population posing a very high risk of re-offending. You have been in trouble since you were 15. You have breached previous CSO's. In 2014, you were in prison for 21 months for theft and possession of a Class A drug; and subsequently theft of mobile phones to sell for drugs. You then received from your record 3 years' 6 months imprisonment.

Whether a dwelling or not, burglary is a serious offence. Here there were secure premises holding prescription drugs, some of which you took.

Looking at your record, which is very much linked to drug abuse and considering the need to protect property, we start here at 3 years' imprisonment. At present there seems little hope of you going straight until you personally manage to come off drugs for good. This is another example of drugs not only ruining a life but having an effect on others when crimes are committed to get drugs, or money to buy drugs. Drug abuse is rarely a victimless activity. Other non-custodial sentences have, very fairly, been tried in your case but you have blown the opportunity.

## **Mitigation**

You pleaded guilty but you were caught in the act plus, as mentioned, the overwhelming DNA evidence. We are encouraged by the Court of Appeal to give some effect for guilty pleas, even if the evidence, as here today, is unanswerable. The discount is limited, we go to 25%. We have carefully considered your letter.

We have listened to what your Advocate has said on your behalf and read a Probation Report, which was realistic in its account of your background and behaviour.

## **Sentence**

You are a persistent offender, mainly in dishonesty offences. The Island deserves some respite from your criminal activities. The sentence takes account of your bad record and also the need to protect people who are the victims of your offending.

Yet again, as we see regularly, drug abuse leads to crime. It is offending which affects the community. At present, on the facts before us, it is not possible to be optimistic about your future life, that is down to you.

The sentence is **2 years' and 3 months imprisonment - 27 months imprisonment from 20<sup>th</sup> February.**

In relation to Compensation, which has very properly been asked for, we take the view in the circumstances, looking at it fairly, that there is a civil remedy which the losers can take, as an Order would not be appropriate in the individual circumstances of this case. We are not depriving them of their right, but simply saying it should come from another court, the Petty Debts Court.

- Forfeiture Orders, as requested.
- Compulsory Supervision after release for ¼ of the total sentence under the relevant legislation.

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

**26<sup>th</sup> June 2023**