

PUBLIC PROSECUTOR

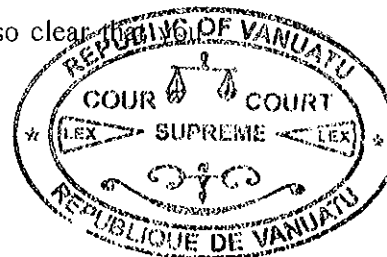
V

MANUEL JOB

Hearing: 14 October 2011
Before: Justice Robert Spear
Appearances: Tabisa Harrison for the State
Francis Tasso for the Accused

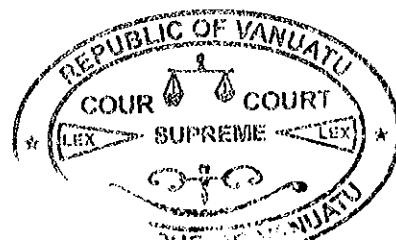
SENTENCE

1. Manuel Job you are for sentence today on 4 counts of burglary. You pleaded to those charges at an early stage. You are entitled to distinct credit for that.
2. A summary of facts has been presented by the prosecution. You take issue with that summary of facts only in respect of the extent of the items that are said to have been stolen by you. That is, indeed, taken up by the probation officer. He acknowledges that you dispute that you took any cash.
3. The burglaries happened to properties close to where you reside so they were the burglaries of your neighbours. The first complainant is an expatriate resident and you first burgled his home on 28 June 2010. You carried out the burglary of another neighbour, on 16 September 2010. Notwithstanding that the police had already apprehended you for the first burglary of Mr Scheuler's property and recovered most of the items that you had stolen as well as those taken from the second complainant (Mrs Bule) you went back to Mr Scheuler's home on 23 March 2011 and burgled his home again. You then burgled another neighbour's property (Mr Santa) on 1 April 2011.
4. It is significant that when you carried out the burglaries you also ransacked the properties no doubt looking for items to steal. It is also clear



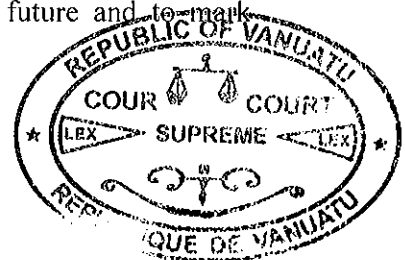
took a large number of items which would have necessitated more than 1 trip to and from the house on each occasion. It is of concern that in respect of Mrs Bule you also stole a .22 rifle.

5. No calculation has been done as to the loss sustained by those complainants through your dishonest activities is exactly. Clearly, they have lost material possessions and they have also lost their sense of security. No home owner, no person who thinks of their home as being a safe and secure environment for them, likes to know that there are people out there who are prepared to break into their home and steal items from them. This form of offending robs good honest people of their sense of security and makes them nervous about living in the community.
6. Additionally, the Courts have consistently sentenced those who carry out burglary of dwelling houses (that is, the homes of people) on the basis that this is more serious than the run of the mill a commercial property. The reason for that is that there is the risk of confrontation with the home owner. The home owner might be asleep in bed or might be away at the time the burglary commences but arrives home. All these have happened on numerous occasions.
7. In that situation, there is always the risk of confrontation and sadly that is when home owners are often seriously injured and in some cases even killed. That is because the burglars are desperate to evade detection. I tell you this because burglary is always going to be treated seriously by the Courts and you must understand that your persistent efforts in respect of these three neighbours will have had a lasting effect upon them.
8. What you have going for you is that you are still a young man of about 17 years of age at the times these offences were committed. You also pleaded guilty to the charges and at a reasonably first opportunity. That needs to be taken account of.
9. The real concern I have is that your attitude to the first victim (Mr Schueler) is simply unacceptable. You have indicated through the probation officer



that you have not been prepared to perform a custom reconciliation ceremony with Mr Schueler because he is “a foreigner” and he is not cooperative. You must understand that a significant factor in this case is the assessment of your remorse for your offending and the assessment by this Court as to whether you are likely to commit further offences. Sadly, the attitude that you have shown to your first victim (who was also your third victim) troubles me indeed.

10. Mr Scheuler described you as a hard core thief but I think you are simply to young to be classified in such a complete way. However, it is clear that you are a dishonest young man and that over a period of some 9 months you had no compunction at entering the homes of your neighbours and stealing from them. It is important that you understand how seriously the Court takes this offending and for that reason I do not consider that I can stop short of a sentence of imprisonment today notwithstanding your youth and your early guilty pleas.
11. Mr Tasso, on your behalf, paints you as a first offender. My response to that is that you were a first offender when you committed the first offence. This is not a case where you have committed two or three burglaries over a space of two or three days. You have committed these burglaries over the period of some 9 months. Significantly, you were also apprehended for the first and second burglaries by the police before you continued your plunderous activities.
12. The items that you stole in the first two burglaries, or most of them, were recovered and returned to the owners and yet you persisted in your burglary of those homes.
13. The Courts always look at every option s they try to avoid sending a young man of your agè to prison. Sadly, there are occasions when prison can considered to be the only proportionate response by the Court to the seriousness of the offending, to hold you fully accountable for what you have done, to deterryou from offending in this way in the future and to mark society’s condemnation for your activity.



14. I adopt a starting point here of 18 months imprisonment for the four burglaries having regard to the totality of the offending. I allow you a full third credit for your early guilty pleas. I allow you a further one third credit for the fact that you are only 17 years of age and hopefully you are still young enough to learn from this experience and put your criminal ways behind you. You must understand that you now have a criminal record and if you commit burglaries again or behave dishonestly, the sentences that will be imposed upon you will be extensive and much longer than I will impose today.
15. On each of the four burglaries you are sentenced to 6 months imprisonment which is reduced by 2 months to recognise time in custody leaving 4 months imprisonment to serve.
16. You have 14 days to appeal this sentence if you do not accept it.

BY THE COURT

