

21st July, 1986

Her Majesty's Attorney General -v- Brian Allchin

Deputy Bailiff: We have approached this in a slightly different sense to that of Counsel, because we feel that the appellant had been warned and well knew of the possible side effects of valium and therefore that he had no good reason because he should have kept off drink altogether. In one sense this is a vexatious appeal, the appellant has a total of 31 convictions for being either drunk and incapable or drunk and disorderly. He has been bound over, placed on probation, fined on many occasions and has received terms of imprisonment varying between one week and six weeks. We think it unfortunate that the Police Court is inconsistent in dealing with these cases. We see for example a sentence of one months imprisonment being followed by a fine of £10.00; a fine of £30.00 being followed by a fine of £5.00 and six weeks imprisonment being followed by a fine of £5.00 - all for identical offences. However from March, 1986, the Court has been consistent. On the 14th of March, it imposed one week, on the 19th May, two weeks and on the 3rd June, 3 weeks and the question that we have considered is whether the jump from three weeks to three months is too much. The appellant had been out of prison only for a day or so, and unless and until the States provide other means of dealing with these drunks, the Court has no option but to apply increasing criminal sanctions. We think here that the jump was not too steep, having regard to the fact that this was the appellant's seventh conviction for the same offence this year - in other words an average of one a month - and therefore that he is a persistent offender. In those circumstances the appeal is dismissed and Mr. Dart will have his legal aid costs.