

187 (7)

19th December, 1986

Her Majesty's Attorney General

-v-

James Demore

Judgment

**Deputy Bailiff:** We are going to grant the conclusions. The Court is very well aware of the difficulties of these kind of cases, however, if we placed Demore in the position of going out today or in within a few days by shortening the sentence in order to do work, we are sure that the present inclement weather would make it equally impossible for him to work in the work that he failed to do on the last occasion. And insofar as the psychiatric report is concerned we do feel that the Consultant Psychiatrist, we have said this before, and they are not of the same view, but we take the view that there should be if anything a compulsory admission under the Mental Health Law. The Mental Health Law deals with addiction as well as with mental disorder, and we doubt the motivation of somebody like Demore on a voluntary basis, and if the psychiatrist will not admit him on a compulsory basis, then we are left really with no alternative but to go back to a custodial sentence. As far as the length of sentence is concerned, whilst we appreciate Mr. Meiklejohn the authority which you put before us that the sentence must not be disproportionate to the offence, there are precedents for the Royal Court having imposed six months imprisonment for drunkenness on previous cases and therefore in Jersey that is not regarded as disproportionate. So, the conclusions granted. Demore you are sentenced to six months imprisonment.

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