

Police Court Appeal: Paul Christian Haynes.

29th June, 1987

Before the Bailiff, assisted by Jurats Perrée and Coutanche.

JUDGMENT

THE BAILIFF: First of all I must say Mr. Le Cocq that the Court cannot find that the principle of imprisonment was wrong or that the amount was excessive. Having said that, we note that your client was only aged twenty when he was sentenced and because he was of that age and not because he is possibly going into the R.A.F. (that would be, as Miss Nicolle has pointed out, a wrong sort of discrimination which would make the task of sentencing impossible), we are going to vary the sentence, because I repeat of his age and because no background report was available to the Magistrate before he sentenced him. We are going therefore to remit the case back to the Magistrate for a report to be prepared as to your client's background by the Probation Service. It has to be done this way because I do not think the amendment is through which would enable us immediately to impose a Community Service Order which we would like to do but cannot without ordering Probation report up here, which we do not want to do. So, it is going back to the Magistrate for a report and we trust then that a Community Service Order will be imposed which in our opinion should be not less than ninety hours. Because we have found that the Magistrate was not wrong in principle or that sentence was excessive, but we are exercising our discretion because of the age of your client, we are not making any order for costs.

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