

ROYAL COURT
(Superior Number) exercising the Appellate
Jurisdiction conferred upon it by Article 22
of the Court of Appeal (Jersey) Law, 1961

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7th September, 1987.
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Before the Bailiff and Jurats Perrée, Coutanche, Vint, Mrs Myles, Orchard,
Hamon, and Gruchy.
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The Appeal of Archibald Donald Campbell against the sentence of
seven months' imprisonment imposed on him by the Royal Court
(Inferior No.) on 24th July, 1987.
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The Solicitor General.

Advocate P.A. Bertram for the Appellant.
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Judgment

The Bailiff: Campbell, I want to ask you this question: are you prepared, if the Court puts you on probation and orders you to do community service work, to

attend, as an out-patient, the psychiatric clinic, as often as the doctor requires, on a daily basis?

Campbell: Yes Sir.

The Bailiff: Very well. The Court, as a Full Court, has had the opportunity of considering the principles, to which the Inferior Number referred in the case of Le Monnier; the Court wishes to say that it is in agreement with the application of those principles, as far as it can be, in this jurisdiction. But having said that, there are, of course, many circumstances where it would not be appropriate to use those principles, because of the particular facts. But I will repeat them, for the purposes of the record, as this is the Full Court: they are in the words of Laughton, L.J. in the case of Dawn Clark, where he says:

"The first thing to be said, and said very firmly indeed is that Her Majesty's Courts are not dustbins into which the Social Services can sweep difficult members of the Public" -

I hasten to interpolate as I did in the case of Le Monnier, that we are not suggesting that our Social Services are endeavouring to do that. Laughton, L.J. goes on:

"still less should Her Majesty's Judges use their sentencing powers to dispose of those who are socially inconvenient; if the Court becomes the disposer of those who are socially inconvenient the road ahead would lead to the destruction of liberty".

Having said that, we are nevertheless well able to understand the decision of the learned Magistrate to send the case, up and we well understand the decision of the Inferior Number, but we are going to take the risk of trying to assist you, Campbell, because this is just about the first time that you have shown some cooperation, with the medical authorities. But if you fail the trust which we are going to place in you and if you do not cooperate with the doctors, you will come back here, and we will have to review the matter.

You will be on probation for a year; you will do 30 hours community service, and you will attend daily, for as long as is required by the doctors at the adult Psychiatric Unit - at Saviours or the General Hospital: that is up to the doctors. You understand, this is a chance; it is up to you to take it.

I want to make it quite clear that the Court was unanimous that if we had not taken this step, we would have dismissed the appeal: we would have thought that 7 months was the right sentence.

There is one other matter, you are not to be released until midday, tomorrow, in order that the first appointment may be made for you and you will be taken to that first appointment.

Cases cited

Clark:(1975) 61 Cr. App. R. 320

Le Monnier: 13th March, 1987: Jersey Judgment as yet unreported.