

ROYAL COURT

21st March, 1988

Before: Sir P.L. Crill, C.B.E., Bailiff
assisted by Jurat P.G. Blampied
and Jurat D.E. Le Boutillier

Her Majesty's Attorney General

- v -

Philip Raymond Cowley

Appeal against sentence on 1 Count of larceny,
1 Count of fraud and infraction of Article 4
of the Motor Vehicle Duty (Jersey) Law, 1957

Advocate S.C. Nicolle on behalf of the Crown
Advocate R.J. Renouf on behalf P.R. Cowley

JUDGMENT

THE BAILIFF: It cannot be said that the learned Magistrate was wrong in principle, or erred in the amount of imprisonment he gave you because this is a case which would normally require a sentence of imprisonment. We are satisfied that you took the car and that you carefully worked out a scheme which you thought would not be detected. You were not co-operative with the police and only when faced with overwhelming evidence did you confess. Therefore, in our opinion the Magistrate was clearly entitled to sentence you to imprisonment on those facts.

Nevertheless, because of the exceptional circumstances of your family and as an act of mercy, and not because we think the Magistrate was wrong, we are going to vary the sentence. We are going to place you on probation for one year to live and work as directed by your Probation Officer to be of good behaviour during that time and to come up for sentence if you are not and you will do 120 hours community service.

AUTHORITIES CITED

D.A. Thomas, Principles of Sentencing (2nd Edition) p.211 & 213.