

ROYAL COURT

23rd May, 1988

Before: The Bailiff,
assisted by
Jurats Coutanche and Le Boutillier

Her Majesty's Attorney General

- v -

Ronald Martin Da Rosa

Appeal against sentence of imprisonment
imposed in respect of two counts of fraud

Advocate S.C. Nicolle for the Crown
Advocate S.J. Habin for the Appellant

JUDGMENT

BAILIFF: It cannot be on every occasion that the Magistrates are required to obtain a background report before they sentence an accused person. That must be a matter for their discretion. The general rule which this Court has laid down, of course, is that it is the rule or the practice in a case where an offender is likely to go to prison for the first time, or where he is a very young man. In this particular case, although your client hasn't actually been to prison, or had a prison sentence, he has a longish record and he is not a young man; we do not think the Magistrate erred in not

ordering a background report, Mr Habin.

Having said that, we cannot find that the sentence is wrong in principle or manifestly excessive and the appeal is dismissed.

Authorities cited

A.G. -v- Franz Wickenhauser (Unreported J.J. 1987).