

ROYAL COURT

4th November, 1988

Before: The Deputy Bailiff and  
Jurats Coutanche and Vint

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Her Majesty's Attorney General

- v -

Barbara Jones

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Defendant sentenced in respect of two  
charges of being drunk and incapable.

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H.M. Attorney General for the Crown  
Advocate A. Messervy for the Appellant.

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**JUDGMENT**

DEPUTY BAILIFF: Although the Superior Number as a Court of Appeal has adopted the principles as set out by Loughton L.J. and applied in the case of Le Monnier, the Court made it very clear that those principles are not of universal application. The Court said that it was 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. We believe that this is one of those cases where it would not be appropriate to use those principles because of the particular facts. Jones was in fact on probation from January of this year until May of this year when the Order

was finally discharged, and during that period there were six convictions for being drunk and incapable. So it is quite clear that any form of treatment in the open will not be successful. She is not prepared to co-operate with in-patient treatment and on the last occasion she celebrated too well on the very day of her release. In all those circumstances this Court believes that the only appropriate sanction is a sentence of imprisonment and the Court grants the conclusions. Therefore, Jones, on Count 1 you are sentenced to three months' imprisonment; on Count 2 to three months' imprisonment consecutive, making a total of six months' imprisonment.

Authorities cited:-

R. -v- Clarke C.A. 27/6/75.

A.G. -v- Le Monnier unreported J.J. 87/13.

A.G. -v- Campbell C.A. 7/9/87.