

ROYAL COURT

(Samedi)

1,

7th January, 1991

Before: F.C. Hamon, Esq., Commissioner, and  
Jurats Coutanche and Vibert

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Attorney General

- v -

Paul Brady

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Police Court Appeal - Appeal against sentence of two months' imprisonment imposed for original offences following appellant's failure to comply with the conditions of a Probation Order (failure to report to Probation Officer as required). The original offences were contained in a single charge of criminally conspiring with three others to fraudulently obtain goods and money from retail premises to the value of approximately £1,500. The goods etc were obtained by the appellant presenting cheques from a chequebook which had been given to him by two of his co-accused who had also forged the entries and signatures on the cheques. The appellant did not profit from the offences which were committed to provide funds for the two co-accused to move to England. All co-accused showed remorse. The two co-accused (the main benefactors) were bound over for one year and each ordered to pay compensation of £325.00.

The appellant had served one week in custody before being granted bail pending appeal. The number of hours of Community Service which the Court was minded to impose (70 hours) was correspondingly reduced to give "credit" for time spent in custody.

Appellant was unrepresented at the time of the representation for breach of the conditions of his Probation Order as he alleged that a Probation Officer had told him that it was unlikely that he would receive a custodial

sentence as two of the other co-accused had been bound over.

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Advocate S.C.K. Pallot for the Crown.

Advocate S.E. Fitz for the appellant.

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**JUDGMENT**

COMMISSIONER HAMON: This appeal has caused us serious concern because a breach of a Probation Order is a serious matter and there appears to us, despite the persuasive arguments that we have heard, to be serious breaches of a Probation Order.

We must remember that it is not as though this appellant has not had experience of probation and he seems to have approached his obligations - despite the persuasive excuses put forward on his behalf by his advocate - in the words of Advocate Pallot, with a "cavalier attitude".

He has not, from the transcript that we have seen, kept an appointment. He has not yet signed his Probation Order and perhaps because of that he has not had it explained to him. Now that can only be his fault, particularly in the light of his previous experience of probation.

The Magistrate has discharged the Probation Order and substituted two months' imprisonment for the original offence. But we must recall that the principal offenders - and they were principal offenders - were only bound over for one year.

Therefore in the circumstances and not because of the family background because really that cannot affect any decision that we might wish to make, we are going to re-impose the Probation Order for one year on the usual conditions, but we are also going to order that the

appellant perform 30 hours of Community Service. Miss Fitz, you shall have your legal costs.

No authorities.