

**ROYAL COURT**  
**(Samadi Division)**

21st February, 1994

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**Before: The Bailiff, and**  
**Jurats Vint and Herbert**

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**Police Court Appeal:**

**Scott Martin Drever**

- v -

**The Attorney General**

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Appeal against total sentence of 12 weeks' imprisonment, passed on 4th February, 1994, following guilty plea to:

1 charge of breaking and entering and larceny.

Appeal allowed; sentence of 6 weeks' imprisonment substituted.

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**Advocate S.J. Willing for the accused.**  
**S.C.K. Pallot, Esq., Crown Advocate.**

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**JUDGMENT**

**THE BAILIFF:** There is no excuse for your behaviour that night. However, it was out of keeping, and you have shown that you are able to work in this Island without misbehaving. Any further misbehaviour, and you know you might well go to prison, youth or no youth.

There was, in this Court's opinion, a misdirection by the learned Magistrate. He did not look at the alternative to a binding over order, which could have been community service. That was not recommended by the Probation Officer and it really was a question of the Magistrate's having to weigh that against the very clear indication of this Court that people of your age should not go to prison unless there are exceptional circumstances. In spite of what you have said, Mr. Pallot, this Court does not think there were those exceptional circumstances.

Next to the very clear remarks in the Probation Officer's Report that he saw no point in placing you under any form of statutory supervision, there was a clear indication that you had been in prison some time already. A sentence ought to have been imposed which would have allowed you to be released at that time. We are going to do that. We are going to quash the sentence of 12 weeks' imprisonment and substitute one of 6 weeks' imprisonment, which will enable you to be released today. We trust you will not do this sort of thing again. Mr. Willing, you shall have your legal aid costs.

**Authorities**

A.G. -v- Rowe (1985-86) J.L.R. N.26.