

233.
ROYAL COURT
(SUPERIOR NUMBER)

(exercising the appellate jurisdiction conferred upon it by Article 22 of the Court of Appeal (Jersey) Law, 1961).

23rd November, 1994.

Before: The Bailiff, and
Jurats Coutanche, Bonn, Orchard,
Hamon, Gruchy, Vibert, Herbert,
Rumfitt and Potter.

DO

-v-

Her Majesty's Attorney General

Appeal against a total sentence of 12 months' Youth Detention passed on the Appellant by the Royal Court (Inferior Number) on 7th October, 1994, following guilty pleas to:

2 counts of breaking and entering and larceny (counts 1 and 2 of the indictment); on each of which counts a concurrent sentence of 12 month's Youth Detention was imposed.

Advocate D.M.C. Sowden for the Appellant.
J.A. Clyde-Smith, Esq., Crown Advocate.

JUDGMENT.

THE BAILIFF: Eight of the Court were satisfied that the appropriate sentence was that imposed by the Inferior Number. One member of the Court would have altered it on the basis that there was no forensic evidence to connect the accused with the offence at Woolworths and therefore the likelihood of his being convicted for that offence was remote if he had gone to trial. Accordingly, the sentence imposed in respect of the Anderson break-in would have been considerably less.

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10 The Court, however, felt that the Crown had taken into account the appropriate sentence that would have been passed had

the accused not been subject to Article 4 of the Criminal Justice (Young Offenders) (Jersey) Law, 1994, and sufficient allowance had been made by the Crown of one-third to allow for his guilty plea.

5 The Court also looked at the other cases cited by both counsel and also the chance - and it is no more than a remote chance - that if the accused went back to England he might receive some treatment.

10 The Court felt that all those matters had been before the Inferior Number and had been fully canvassed by the Crown and counsel. Eight of the Jurats cannot find that the Inferior Number imposed a sentence that was manifestly excessive; clearly it was not wrong in principle and accordingly the appeal is dismissed.

Authorities.

Criminal Justice (Young Offenders) (Jersey) Law, 1994, Article 4.

A.G. -v- Garnham & Anor (15th September, 1994) Jersey Unreported.

Wood -v- A.G. (15th February, 1994) Jersey Unreported C.of.A.

Thomas: Current Sentencing Practice (Sweet & Maxwell) p.p. 10803 -
10810.

A.G. -v- Falle & Ors. (25th June, 1993) Jersey Unreported.

A.G. -v- Dubois & Ors. (4th February, 1994) Jersey Unreported.

A.G. -v- Louvel & Ors. (4th March, 1994) Jersey Unreported.

A.G. -v- McLean & Anor. (18th March, 1994) Jersey Unreported.

Whelan: "Aspects of Sentencing in the Superior Courts of Jersey":
p.p. 63-69.

