

COURT OF APPEAL

87/32.

6TH JULY, 1987

BEFORE SIR GODFRAY LE QUESNE, Q.C., (President)
JOHN DESMOND AUGUSTINE FENNELL, ESQ., O.B.E., Q.C.,
JOHN MARTIN COLLINS ESQ., Q.C.,

Appeal of MICHAEL AUBIN against the sentence of
3 years imprisonment imposed on him by the
Royal Court (Superior No.,) on the 14th May, 1987

Advocate Mrs. S.A. Pearmain
The Crown Advocate, Advocate Miss. S.C. Nicolle

JUDGEMENT

The President: Mrs. Pearmain has submitted to us that the appropriate course to take here would be to make a Probation Order. That course was considered and rejected by the Royal Court. We have considered it but we find it impossible to accept that submission. The terms of the probation report and what we have been told about the appellant's own attitude seem to us to put a Probation Order out of the question. If that is so, it is clear that a term of imprisonment has to be imposed.

This indictment included, as well as certain other things, twenty cases of attempted breaking and entering or breaking and entering. A list of offences like that, committed by a man with a record which, unhappily this appellant already has, makes it impossible in our judgement to say that a total term of three years imprisonment is inappropriate or wrong in principle. We therefore find it impossible to interfere with the total sentence of three years which was imposed by the Royal Court.

Mrs. Pearmain has suggested that the course adopted by the Royal Court of imposing a number of shorter consecutive sentences was wrong. The criticism that has been made in the authorities of the imposition of a number of short consecutive sentences is that the final result may be a total sentence of inappropriate length. It is only necessary to say that in this case, for the reasons which we have already given, we think that the total sentence ultimately passed of three years cannot possibly be said to have been inappropriate. The Appeal must therefore be dismissed.