

1st September, 1987

Police Court Appeal

A.G. -v- Cherylann Ann Mullane

BAILIFF: Mr. Meiklejohn, you've said all you can but the Court's order must be obeyed and we cannot say that the learned Relief Magistrate misdirected himself or did not apply the principle consistently. He had the evidence before him, he heard the parties and he heard your client, and he decided that there were no grounds for saying there were exceptional circumstances, and we cannot say that he erred in doing that. It would not be right for us to interfere with his discretion unless there were exceptional circumstances which in our view would have outweighed what he actually found.

Therefore the appeal is dismissed.

Authorities cited.

Thomas Principles of Sentencing p.212/213, p.192

Walls & Brownlee Drink Drugs & Driving p.17

A.G. -v- Rowe 6th May 1987 - Unreported.

Greffier's Note:

Appeal against sentence of 4 days imprisonment for Article 16 Road Traffic Law infraction (DIC), with very high blood alcohol level. Appellant had 18 month old child.