

ROYAL COURT

28th September, 1987

**Before the Bailiff assisted by Jurats Myles and Orchard.**

The Attorney General

-v-

Michael John Egre

THE Bailiff: .... Mr. Renouf we have decided to do these things, we are going to re-iterate that in our view the Magistrates' Court are perfectly entitled, and should in fact keep to a principle, that people who have 200 millegrams in their blood are seriously impaired and unless there are exceptional circumstances the Court is entitled to send them to prison.

Having said that, in this particular case two things were lacking before the Magistrate could reach a conclusion, he hadn't, and you hadn't either, it is fair to say, asked Mr. Halliday whether he could calculate how much he thought the contents of the blood showed the accused had an hour and an half before. That ought to be put right and Mr. Halliday ought to be heard again, I don't think he has been heard at all, Mr. Halliday ought to be called to Court, or his assistant, to give evidence as to the way in which alcohol is ingested into the blood and work it back for the Magistrate so he has a figure. Secondly, having arrived at that figure there should be a probation or background report, and on that the Magistrate can have all the information regarding your client before him, and what the probation people will recommend. That is of course, entirely if the Magistrate having done those two things, then sentenced him to prison notwithstanding, he is entitled to do so is subject to what you may have to say in a further appeal. But at this stage we think that we make that order. And you may have your costs for this appeal.

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