

156.

ROYAL COURT

Police Court Appeal

18th September, 1989

Before: Commissioner P.R. Le Cras and
Jurats Le Boutillier and Le Ruez

Her Majesty's Attorney General

- v -

Alfred Henry Cartwright

-
- (1) Application to hear appeal out of time; and
 - (2) Appeal against conviction in respect of one infraction of Article 15 of the Road Traffic (Jersey) Law 1956.

Advocate A.J. Olsen for the Crown
Advocate P.C. Sinel for the appellant.

JUDGMENT

COMMISSIONER LE CRAS: There are two questions before us. The first is whether the appeal should be heard at all as it is put in out of time. I should say at once that we propose to allow the appeal to be heard out of time.

The reasons for making this first decision are that the circumstances in this case are in our view sufficiently special and when we deal with it, Mr. Olsen, one of those circumstances is that in hindsight the letter from the Attorney General might have been better specifying that he had a time limit in which to appeal rather than merely stating that he had a right, which as we all know had by that time in fact expired. In saying this one appreciates how easy it is to look at these matters with hindsight. Nonetheless, Mr. Sinel, we propose to hear the appeal.

Turning to the appeal itself we have to say that in our view there was ample evidence on which the Magistrate could convict and we do not propose to interfere with his findings.

Mr. Sinel, you shall have your legal aid costs.

Authorities cited:

Archbold (43rd ed.) Sect. 7-85 p.1005.

A.G. -v- Fossey (1982) J.J. 221.

A.G. -v- La Solitude Farm (1985-86) J.L.R. 1.

A.G. -v- Gibaut (28th January, 1985) Jersey Unreported.

A.G. -v- Boyle (7th January, 1985) Jersey Unreported C.A.

A.G. -v- Laurent (11th April, 1985) Jersey Unreported C.A.

A.G. -v- Turner (7th February, 1985) Jersey Unreported C.A.

A.G. -v- Aubin (7th February, 1985) Jersey Unreported C.A.

Wilkinson's Road Traffic Offences (13th ed.) 1/302-303.

R. -v- Rhodes (Justice of the Peace) (24/7/1910) Vol. LXXIV p.381.

Lesser (1939) 27 Cr. App. R.69.

Rigby (1923) 17 Cr. App. R.111.