

ROYAL COURT

32.

22nd February, 1990

Before: P.R. Le Cras, Esq., Commissioner, and
Jurats Vint and Vibert

Police Court Appeal: Charles Herbert Harris

Appeal against a total sentence of three months and three days' imprisonment imposed following a conviction on one charge of being drunk and incapable, breach of a binding over order and default on the payment of a fine. The appellant had a very long criminal record of predominantly drink related offences.

Advocate S.C. Nicolle for the Crown,
Advocate T.J. Le Cocq for the appellant.

COMMISSIONER LE CRAS: We cannot say that the learned Magistrate's sentence was wrong in principle. However, we note that the appellant was not represented at the Police Court and notwithstanding the three offences this year, we are not satisfied that the due credit to which the appellant is entitled for the first major effort he has made for many years was properly put to the Magistrate.

In the circumstances and in the hope that the appellant will continue with his efforts, we are prepared to exercise clemency.

There were three sentences for three offences. We will therefore maintain the sentence of one month's imprisonment for breach of the binding over order and reduce the sentence of two months' imprisonment for being drunk and incapable to one month, to run consecutively; and the sentence of three days' imprisonment consecutive will stand. The total sentence is therefore altered and substituted to a total of two months and three days' imprisonment.

Your future is in your own hands and if you fall back again, you know the dreary future which is in prospect for you. You must use the help which is available to you; we make no order that you do so, but if you don't, you know what will happen to you. Mr. Le Cocq, you shall have your legal aid costs.

Authorities referred to:

- A.G. -v- R.A. Le Monnier (2nd Feb:87) Jersey Unreported.
- A.G. -v- R.V. Surcouf (2nd Feb:87) Jersey Unreported.
- A.G. -v- B. Allchin (21st Jul:86) Jersey Unreported.
- A.G. -v- W.S. McGregor (Appellant) (13th Oct:86) Jersey Unreported.
- A.G. -v- A. Campbell (15th Dec:86) Jersey Unreported.