

H.M. Attorney - General

85/1

-v-

John Kevin Rowlands

BAILIFF: So far as counts 1 - 5 are concerned, the Court refuses the application for leave to appeal. The Court can see no merit in the appeal..... the Court considers that the total sentence of 12 months imprisonment imposed on those five counts was entirely appropriate, having regard to the fact that there were three breakings and enterings and stealings and that there were two counts of larceny from motor cars and the Court does not accept that there was any jump effect, having regard to the fact that there were five separate offences committed on this indictment and that they were committed for financial gain. And so, as I say, application for leave to appeal is refused in respect of counts 1 - 5.

In respect of counts 6 - 7, the Court will grant leave to appeal, because the Court considers that there is merit - some merit in the argument that the effect of imposing fines in respect of both counts 6 and 7, without time to pay and, at the same time imposing a sentence of imprisonment in default, is, in effect, to impose a sentence of imprisonment in respect of those two offences, and this Court does not think that a sentence of imprisonment in respect of those two offences was appropriate. Therefore the Court does agree that there ..... that as it appears that the applicant is not in a position to pay the total fines of £200 imposed on those two counts, and the Court can well understand that Rowlands is not in a position to pay fines immediately upon his release, the Court does agree that the appropriate course to take is to grant him time within which to pay the fines. Therefore as I say we grant leave to appeal in relations to counts 6-7 and we vary the original decision of the Inferior Number to the extent only that Rowlands is granted 2 months from the date of his release from La Moye within which to pay the fines of £150 and £50 respectively as imposed by the Inferior Number. If he does not pay those fines within the delay then proportionally he will serve the sentences of imprisonment which were imposed by the Inferior Number in default of payment. Is that quite clear? In other words we vary the order of the Inferior Number only to that extent. We give him 2 months to pay as from the date of his release. Quite clear.