85|32

11th April, 1985

H M Attorney General -v- Gary Albert Laurent

BAILIFF: The Court is unanimously of the opinion that the application for an extension of time should be refused and it is of that opinion on two grounds: firstly, it repeats what was said by the Court of Appeal in an authoritative place, that the rules which govern the time in which appeals must be brought are rules that are intended to be observed and that leave to appeal out of time ... I leave out certain words ... leave to appeal out of time in criminal matters should only be given in cases where special circumstances of an important character are disclosed. In this particular case, the reasons for the delay in submitting the appeal and the reasons given for not having submitted the appeal within the time laid down are reasons really without merit, reasons which did not apply at the time and are certainly ... certainly do not disclose special circumstances of an important character. The second reason why we refuse an extension of time is that we have had regard, as is the custom of the Court in these cases, we have had regard to the possibility that the appeal might be successful if the extension of time were granted and we have listened to what counsel has said and we find that the sentencing Court, the Inferior Number, had no option, in our view, but to do what they did and were correct in doing what they did. The applicant was ineligible for a sentence at the Young Offenders' Centre and of the alternatives which then presented themselves to the Inferior Number, we think that a Borstal sentence was the appropriate alternative. It is true that that was calculated to result in a longer period in custody than would have been served by an adult in the position of (indistinct) but we think that it is wrong to try to compare, in cases like this, sentences which are applicable to persons under twenty-one with sentences applicable to adults; one cannot compare them because the motivation of certain sentences which are applicable to young people is quite different and in this case, the motivation was training, a training element. It is unfortunate, of course, that because of the delay due to the appeal that there is now not much time left in which Laurent can receive that training experience; nevertheless, we are assured by the Attorney General that there is at least a two month period which will be available which, we are sure, will have a certain value at least and furthermore, of

course, there is what is quite an important bonus and that is that Laurent will have a four month supervision period on licence and, therefore, we think that the Inferior Number was correct in what it did in the first instance and we think that that course is still the best course today and, therefore, that is the additional reason why we refuse the application for an extension of time.