

23rd April, 1985

85/38

IN THE ROYAL COURT OF JERSEY (INFERIOR NUMBER)

H M Attorney General -v- David Julian Lelliott

(Appeal against sentence imposed by the Assistant Magistrate on the 15th March, 1985)

DEPUTY BAILIFF: The Learned Assistant Magistrate was entitled in principle to impose a sentence of imprisonment for the first series of offences concerned, that is to say the two assaults; it is clear to us from our observation that the appellant is a well-built young man and committed assaults on a much younger person than he was. On the other hand, of course, it is perfectly true that if he had really wanted to injure her, he could have done so but, nevertheless, it was bad enough and therefore we cannot find that a sentence of imprisonment was wrong in principle in that case. Neither can we find that a sentence of imprisonment was wrong in principle in respect of the solarium offence; it was an unpleasant offence, it was committed when he was on bail and also when he had been questioned about the telephone call matters and, again, we can find that there was nothing wrong in principle with a sentence of imprisonment. So far as the second matters are concerned, the hoax telephone calls, again, it is a matter of discretion and again we cannot find, having regard to the number of calls and the circumstances that a sentence of imprisonment was in itself wrong in principle, but in spite of what the learned author, Professor Thomas, says at page 56 of his well-known work, we are satisfied that in this case, it would have been proper for the Court to have exercised its discretion further and made those sentences concurrent. In our view, they were part of the same series of activities between the appellant and his former girlfriend and, therefore, we are going to allow the appeal to that extent that we will make the sentence of 6 weeks in respect of the hoax call to be concurrent with the three months; otherwise the appeal in respect of the assaults and the other assault in the solarium are dismissed. Legal Aid costs.