

ROYAL COURT
(Superior Number)

(exercising the appellate jurisdiction
conferred upon it by Article 22 of the
Court of Appeal (Jersey) Law, 1961).

12th July, 1988

Before: the Deputy Bailiff,
assisted by
Jurats Coutanche, Vint, Blampied,
Baker, Bonn, Orchard, Hamon and
Mrs Le Ruez

Her Majesty's Attorney General

- v -

Stephen Paul Blackmore

Application for leave to appeal against
sentence of 15 months' imprisonment
imposed by the Royal Court (Inferior
Number) on the 6th May, 1988,
following guilty plea to 1 count
of Fraudulent Conversion

Advocate C.E. Whelan the Crown Advocate
Advocate P.A. Bertram for the applicant

JUDGMENT

DEPUTY BAILIFF: I should say, first, that the Superior Number is bound by its own previous decisions, as a Court of equal jurisdiction, unless it is convinced that those previous decisions are plainly wrong. Far from thinking that the previous decisions are plainly wrong, this Court agrees with the judgment of the Superior Number in the Goodsir and Boyle cases. This Court believes that Thrift Clubs are in a separate and special class of case. They are in a category of their own. Serious consideration has been given by the Court to increasing the sentence in this case to that asked for by the prosecution in the Court of trial, because the Court, as now constituted, does not find it easy to see why the sentence was then reduced. However, if the Court were to do that, it would have first to grant leave to appeal and then on appeal vary the sentence. So the Court is not going to do that. The Court is merely going to refuse the application for leave to appeal.

Mr Bertram will have his legal aid costs.

Authorities (*: referred to at the hearing)
(B: referred to in the judgment)

- * B A.G. -v- James Thomas Goodsir (29/2/84) Unreported J.J. 1984/8.
- * B A.G. -v- Patrick Joseph Boyle (7/1/85) Unreported J.J. 1985/1.
- * A.G. -v- James Harry Severns (19/11/87) Unreported J.J. 1987/194.
- * A.G. -v- Badrul Huda (4/12/87) Unreported J.J. 1987/206.