

ROYAL COURT

13th July, 1988

Before: The Deputy Bailiff and  
Jurats Vint and Le Ruez

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Her Majesty's Attorney General

- v -

Alan Patrick Cavanagh

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Appeal against a sentence of six months'  
imprisonment imposed in respect of one count  
of being drunk and incapable

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Advocate A.J. Olsen for the Crown  
Advocate D.F. Le Quesne for the Appellant

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**JUDGMENT**

**DEPUTY BAILIFF:** The Court is going to dismiss the appeal because it cannot ignore twenty previous convictions for the same offence in under nine years and it has judicial knowledge of the deplorable situation which exists in the Parade Gardens.

The Magistrate correctly stated that the Police Court had been charged by this Court to impose the maximum sentence in its power before remanding people up here. This Court has also expressed disquiet about lack of consistency in Police Court sentencing. This is one of those cases where

past sentencing has lacked a regular pattern. It is true that the circumstances of every offence are not identical. Nevertheless it is difficult to see how after three months' imprisonment on the 21st March, it was reasonable on the 23rd May, merely to bind over the appellant for three months and on the 31st May, to impose a fine of £25. It is those sentences that make the present six month sentence seem to create a jump and I must say that Mr Le Quesne has said everything it was possible to say for this appellant. But it is an acceptable jump over the previous longest sentence. When one looks at the cases to which we were referred, take for instance Berridge. Berridge had received sentences totalling seven years. His previous longest sentence was thirty months and the Court of Appeal reduced the seven years to five years which in fact was exactly double the thirty months. In the case of White he was sentenced to five years, his previous longest sentence was nine months and the Court said that that could have a shattering effect and reduced the sentence to eighteen months, again exactly double. We think that six months being exactly double the previous longest sentence is perfectly in line with the decisions of the Court of Appeal.

We must state again, however, that the Authorities are in our view under a duty to provide facilities where people such as Cavanagh can be treated without coming through the Court system at all. The appeal is dismissed. Advocate Le Quesne will have his legal aid costs.

Authority cited

Thomas - Principles of Sentencing - p.p. 204 and 205.