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ROYAL COURT

27th October, 1988

Before: The Deputy Bailiff and  
Jurats Coutanche and Baker

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Police Court Appeal:  
Ricardo Silverio McBride Dealmlida Governo

\_\_\_\_\_  
Appeal against a total sentence of five  
months and two weeks' imprisonment imposed in  
respect of one count each of larceny, forgery  
and fraud, together with a breach of a  
binding over order.

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Advocate S.C.K. Pallot for the Crown  
Advocate R.G.S. Fielding for the Appellant.

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**JUDGMENT**

DEPUTY BAILIFF: This appeal is wholly without merit. Five months for forgery and uttering is a very lenient sentence, particularly where the offences are aggravated by the theft of the forged instrument. In this Court nine months' imprisonment is regarded as the minimum sentence for forgery and uttering, even taking all mitigation into account including surrender and co-operation.

We make no criticism at all of the Relief Magistrate for dealing with the matter to avoid this Court being cluttered-up with cases, but bearing in mind that the Appellant had a previous conviction for forgery, the Relief Magistrate should have used his maximum powers at the least.

Accordingly we substitute for the two sentences of five months' imprisonment for forgery and uttering respectively, sentences of six months' imprisonment. Because we cannot exceed the Magistrate's maximum powers, the sentences of six months will run concurrently, not only with each other, but also with the sentences of two weeks and three months imposed by the Relief Magistrate - thus making a total of six months instead of a total of five months.

And we hope that the warning will go out loud and clear to potential appellants that they are in peril of longer sentences for worthless appeals against lenient sentences.

Mr. Fielding will have his legal aid costs.

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