ROYAL COURT

Superior Number, exercising
appellate jurisdiction

4th May, 1989

Before: The Bailiff sitting
with the Superior Number

Her Majesty's Attorney General
- v -
Duncan Edward Muir

Superior Number Appeal. On the 17th February, 1989, the appellant had been sentenced to a term of imprisonment of eighteen months for breaking and entering and larceny involving the theft of the sum of £8,412 from an elderly persons' home.

H.M. Attorney General for the Crown
Advocate A Robinson for Muir.

JUDGMENT

THE BAILIFF: The Court has seriously considered whether it should reduce the

sentence imposed upon you. Your counsel accepted that a prison sentence was appropriate and that it was a question of degree.

The principle on which this Court always works on appeals is whether we can be satisfied that the sentence was manifestly excessive, or alternatively, whether there are special circumstances which would entitle us to depart from that generally accepted principle.

The Court has looked at the circumstances and has come to the conclusion, by a majority, that the sentence should not be disturbed. The Inferior Number considered all the matters that they should have; they read the statements (which is unusual) and they were fully appraised of the circumstances. By a majority, we do not think that the circumstances are such that we could be entitled to reduce the sentence and accordingly the appeal is dismissed with legal aid costs.

Authorities referred to:-

A.G. -v- Barbet 1985-86 JLR N.20.

A.G. -v- J.P. Nolan and J.R. Patterson JJ 1st July, 1988 - as yet unreported.