

ROYAL COURT

(Superior Number)

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

11th July, 1989

Before: The Bailiff and
Jurats Coutanche, Vint, Blampied,
Myles, Baker, Le Boutillier,
Orchard, Hamon, Gruchy and Le Ruez

Her Majesty's Attorney General

- v -

Paul Andrew Cassin

Appeal against the sentence of 18 months'
imprisonment, passed on him by the
Inferior Number on the
18th November, 1988.

The Attorney General
The appellant on his own behalf.

JUDGMENT

THE BAILIFF: When the Royal Court sat on the 18th November, 1988, there was no indication in their judgment nor in the learned Deputy Bailiff's notes whether they took into account the generally held belief that time spent on remand would be part of the sentence. We do not know what was in their mind. But whether that was or was not in their mind we cannot find that the sentence of 18 months was wrong in principle or manifestly excessive. The Court was quite clear that every effort had been made to help you, Cassin, and you fully deserved that sentence, but that is not the end of the matter. Unfortunately there was this muddle at the prison, due to the best of motives, we have no doubt at all, and we concur with what the Attorney General has said that the prison authorities - and we are glad to note that you agree also - have done their utmost to help you.

Nevertheless there was this muddle which perhaps led you to think that you might be released earlier than otherwise and we note that part of the reason for your re-offending was that you had to leave the Adult Psychiatric Unit owing to a shortage of bed. Therefore, the Court desires me to say that we hope that if persons in your position are obliged to leave the Adult Psychiatric Unit for the perfectly sound reason that the doctors cannot treat people if there are not beds, we hope that the Public Health authorities and the States will see to it, if they can, within the constraints of manpower and budgets, that sufficient beds are available so that people like you who are there and who rely on the Adult Psychiatric Unit as a prop do not suddenly have that prop withdrawn. Of course you had two props withdrawn, first of all your first probation officer, Mr. Heath went and secondly you were turned out for perfectly good reasons - we do not criticise the doctors for doing it - of the Adult Psychiatric Unit at the time. But these matters obviously affected you.

Under all the circumstances we think that justice would be done if we allowed the appeal and substituted for the sentence of 18 months one of 14 months and 14 days which would have the effect of releasing you tomorrow. This would give everyone time in the prison and elsewhere to make arrangements for you to be received back into society. We note your undertaking that you will keep in touch and work with Dr. Faiz, who is assisting you, and also with the after care service provided by the probation office, which includes living where they tell you to live and finding a place

for you with your mother's assistance. We must make it clear that we are doing this partly because of the improvement you have shown in the last few weeks in prison and partly because of the unfortunate circumstances which the Attorney General rightly described as a muddle at the prison, but we can well understand how that occurred.

Please understand that if, having got yourself straight, you then commit further offences, I am afraid a prison sentence will be inevitable.

n.b: no authorities.