

The Court of Appeal

27th September, 1989

Before: Sir Godfray Le Quesne, Q.C., (President)
J.M. Collins, Esq., Q.C., and
E.A. Machin, Esq., Q.C.

The Attorney General

- v -

John Connor

Applications (1) for an extension of time within which to apply for leave to appeal; and (2) for leave to appeal against a sentence of two and a half years' imprisonment, passed by the Royal Court (Superior Number) on the 31st October, 1988, following guilty plea to larceny as a servant (2 counts).

The Attorney General
Advocate S.A. Meiklejohn for the applicant.

JUDGMENT

THE PRESIDENT: Mr. Meiklejohn has put fully before us everything which could be urged on behalf of this applicant and we have considered carefully everything which he has said.

The delay of eight months between the expiry of the time for appealing and the actual giving of the notice of appeal is a long period, and it is desirable to emphasise once more that the time limited for appealing is a time which has to be observed and if it is not to be observed, so far from it being taken for granted that the Court will extend the time, it should be understood that the Court will do so only if exceptional circumstances are shown.

In our judgment the circumstances which have been urged in this case do not amount to exceptional circumstances for this purpose, nor are we satisfied that the prospects of success were an appeal to be allowed are clear enough to add weight to the case for extending the time.

Therefore, the application for leave to extend the time for applying for leave to appeal is rejected.

Authorities

- A.G. -v- Fossey (1982) J.J. 223 C.A.
- R. -v- Lesser (1939) 27 Cr. App. R.69.
- R. -v- Cullum (15th June, 1942) Cr. App. R.150.
- R. -v- Moore (23rd July, 1923) Cr. App. R.155.
- R. -v- Marsh, Bickerdike, and Glen (5th February, 1935) Cr. App. R.49.
- Archbold (43rd Edn.) Vol. 1, para. 7-85, p.1004.
- A.G. -v- La Solitude Farm, Ltd (1983) Jersey Unreported.
- A.G. -v- Aubin (1985) Jersey Unreported.
- R. -v- Barrick (1985) 81 Cr. App. R.78.
- A.G. -v- Pagett (1984) J.J. 57 C.A.
- A.G. -v- Turner (7th February, 1985) Jersey Unreported C.A.
- A.G. -v- Hayden (10th July, 1985) Jersey Unreported C.A.
- A.G. -v- Preston (7th April, 1986) Jersey Unreported C.A.
- A.G. -v- Prisk (5th August, 1988) Jersey Unreported.
- A.G. -v- Foster (22nd December, 1988) Jersey Unreported.
- A.G. -v- Kerr (16th June, 1989) Jersey Unreported.