

ROYAL COURT

205.

11th December, 1989

Before: The Bailiff, and
Jurats Coutanche, Myles and
Le Boutillier

Her Majesty's Attorney General

- v -

Thomas Maitland Gilchrist McFarlane

Sentence imposed in respect of one count
of robbery and two counts each of
importation and possession of
controlled drugs.

Solicitor General for the Crown
Advocate P.C. Sinel for the Accused.

JUDGMENT

THE BAILIFF: This is a very serious offence of threatening staff in a small chemist's shop in the early hours of the evening when few people were about and it calls for a deterrent sentence and condign punishment, we have no doubt whatever about that. Having looked at the English cases and the Jersey cases - the Jersey cases are not of great help because the later one, Berhault (7th July, 1989) Jersey Unreported, was quite different, the circumstances were not similar and the earlier one of 1973 was a very much

more serious matter - we see that the range appears to be between three and seven years for offences of this nature. We agree very much of course with the Solicitor General that the small shops of this Island must be protected, but on the other hand as you have said, Mr. Sinel, there is not - thank goodness I hasten to add - a spate of these sort of offences. Nevertheless we have to ask ourselves how seriously we regard this offence. We regard it as very serious indeed. Under all the circumstances we feel that the conclusions of the Solicitor General, so far as the main count is concerned, that of the robbery, is too high. So far as Count 1 is concerned, we sentence you to four and a half years' imprisonment. As regards the other counts we sentence you in accordance with the conclusions of the Solicitor General, for the two counts of importing, twelve months' imprisonment; nine months' imprisonment for the two counts of possession, concurrent with each other and concurrent with the sentence for robbery. Therefore you are sentenced to a total of four and a half years' imprisonment.

Authorities cited:

A.G. -v- Cuthbertson and Cairney 39 P.C. 113.

Thomas' Principles of Sentencing (2nd Ed.) p.138 14B.

Thomas' Current Principles of Sentencing pp.2311-2320 & 2336-37.

C.A.R. (Sentencing) pp.137-139 re. Archer.

R. -v- Hercules (1987) 9 Cr. App. R. (S) 291.

R. -v- Skilton and Blackham (1982) 4 Cr. App. R. (S) 339.

R. -v- Fraser (1982) 4 Cr. App. R. (S) 187.