

ROYAL COURT  
(Samedi Division)

19th April, 1991

54A

Before: The Bailiff, and  
Jurats Myles and Herbert

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The Attorney General

- v -

Timothy O'Rourke

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**OFFENCE:**

Drunk and incapable.

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

O'Rourke was found collapsed at junction of King Street and Don Street.

**DETAILS OF MITIGATION:**

Amiable alcoholic with no convictions for violence or dishonesty. He did not want to give up drinking.

**PREVIOUS CONVICTIONS:**

Numerous for similar offences.

**CONCLUSIONS:**

9 months.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Conclusions granted.

**NOTES:**

In Demore the Superior Number stated that 9 months was not an excessive sentence for a persistent offender

convicted of being drunk and incapable. The Magistrate had previously sentenced O'Rourke to 6 months and this was therefore a logical progression to what must be the ceiling for this offence.

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The Attorney General.

Advocate N. Davis for the accused.

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**JUDGMENT**

BAILIFF: You have heard what the Attorney General has said; you have heard what your counsel has said. We really have little alternative but to grant the conclusions and hope that by drying out you might be able to start again when you come out. We sentence you to nine months.

Authorities

A.G. -v- Demore (16th September, 1988) Jersey Unreported.