

23rd May, 1986

Attorney General

-v-

Michael Perkins

DEPUTY BAILIFF: The Court here is faced with a very difficult problem and the first thing that must be said about the two 1984 cases is that in order to impose community service the Court must have first been minded that a custodial sentence was the right course; otherwise it would have applied financial sanctions. The correct approach to ~~the~~ community service is that the Court first says "Is this a case for the custodial sentence?" Having decided that a custodial sentence is necessary, the Court then goes on to consider whether we can avoid custody by imposing community service. Now that course, obviously, is not available to us in the present case, because that requires a probation order coupled with the condition that work is done for the community over a period of time and obviously with Perkins being resident in Scotland, that is an impossibility. So the Court cannot move away entirely from a custodial sentence for a number of serious offences of forgery. At the same time it is going to attempt to be merciful. It is going to attempt to ensure that Perkins returns to his employment; and it is going to attempt to ensure that his home will be retained; but that doesn't mean that the Court disapproves in any ^{way} at all with the conclusions of the Attorney General, in fact, we think the conclusions were lenient in the circumstances, but we are going to try a slightly different solution in the hope that we might achieve those things that I have mentioned.

At the same time, imposing a custodial sentence to mark the seriousness of the offences and the fact that we cannot ignore that Perkins ran away from the Island. So we shall sentence him in this way: on count one to three months' imprisonment; on count two, to three months' imprisonment, concurrent; on count three, to a fine of £500 or three months' imprisonment consecutive; on count four to three months' imprisonment, concurrent; on count five, to a fine of £500 or three months' imprisonment consecutive; and on count six, to three months' imprisonment, concurrent; So that means, in total, a sentence of three months' imprisonment; we take into account that he has been in custody since the end of April and that provided that he behaves well he will have a month remission for good behaviour, so he

will serve just over a month more, which should give him a chance to save the situation in Scotland; and he will be fined £1,000 or six months' imprisonment consecutive and, of course, because it is consecutive we expect that fine to be paid; and we are going to order that it be paid at £20.00 per week, commencing one week after the resumption of employment in Scotland.

Now that means, Perkins, that we put you on trust and put your employer on trust with his undertaking to deduct from your wages and to pay monies to Jersey. So there will be three months' imprisonment and £1,000 payable at £20.00 per week.