

21st July, 1986

Her Majesty's Attorney General -v- Marc Yvon Gorvel

Deputy Bailiff: The Court does not accept the argument about disparity in this case. In the unanimous view of the Court, Gorvel is not justified in a sense of grievance or in feeling bitter about the sentence imposed on Taylor. When one looks carefully at the charges, the offences involving Gorvel were, in the view of the Court, more serious. He was alone in Count 1, which was the illegal entry and larceny of the television set. Neither Taylor nor Watts were with him in Counts 4, 5, 6, or 7, where a considerable amount of malicious damage was done, particularly in Count 6, which was breaking and entering - admittedly a garage, but nevertheless, breaking and entering and committing malicious damage of £184, and neither Taylor nor Watts were involved in Counts 12 and 13, where there was illegal entry of a garage and malicious damage of £78 and illegal entry of a cottage and the stealing of a radio-cassette recorder of £49.50 - and therefore on its own merits, we think that Gorvel was more seriously involved and should properly have had a more severe sentence. We also think that there was a lack of remorse, we think it is apparent both in the transcript, where his only explanation was that he was drunk, whereas Taylor immediately said how sorry he was and Watts immediately said he that would not make drink an excuse, that they knew what they were doing and should properly pay for it. Gorvel also wrote a statement under caution and at the end of that he just said "That's it, that's all I can remember", he did not go on as statements so often do at expressing his remorse and regret at what he had done. Furthermore, Gorvel had had the opportunity of probation and voluntary supervision on previous occasions, Taylor had not, and in the case of Taylor, it must be said that a Community Service Order requires first a finding on the part of the Court in favour of a custodial sentence. The Court then goes on to ask itself whether community service could be substituted as an alternative. Clearly from the reports, Gorvel was not suitable for community service, but Taylor was, and therefore the Court dismisses the substance of the appeal but nevertheless it allows the appeal to the extent of making both default periods of non-payment of fines concurrent with each other and with the three months Young Offenders Centre sentence, therefore making a total of three months in custody. Mr. Le Cornu will have his legal aid costs.