

ROYAL COURT

14th August, 1989

Before: The Bailiff and  
Jurats Myles and Le Ruez

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Police Court Appeal: Sean Maurice Jéhan

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Appeal against total sentence of imprisonment of  
three months and one day following convictions  
on charges of being drunk and disorderly and an  
assault on a Police Officer.

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Advocate S.C. Nicolle for the Crown  
Advocate S.A. Pearmain for the appellant.

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**JUDGMENT**

THE BAILIFF: Mrs. Pearmain, we think that the principle the Court enunciated in the case of A.G. -v- Rowe(1985-86)JLR N26 of the 6th May, 1986, applies to this case. That is to say that it is wrong in principle to sentence an offender under the age of 21 to imprisonment unless there are exceptional circumstances which really require the imposition of a custodial sentence. As Miss Nicolle has not sought to argue that there are exceptional circumstances, although there was a case which had in part some factors common to this one, nevertheless we think that the learned Magistrate erred in sentencing your client to youth custody in a young offenders' centre. Therefore we are going to substitute for the sentence a one year probation

order with the condition that he attends the alcohol study group. As far as the breach is concerned, a six month probation order concurrent. Now, Jéhan, we are giving you a chance, you have heard what we have said. You have got good caring people to look after you and you have got the probation service to help you and if you attend the alcohol study group I think that will also assist you to get over your problem.

Authority referred to:

A.G. -v- Rowe(1985-86)JLR N26.