

ROYAL COURT

71.

21st May, 1990

Before: P.R. Le Cras, Commissioner, and
Jurats Myles and Hamon

Police Court Appeal: David John Kidd

Appeal against sentence of three months' imprisonment imposed following a conviction on one count of breaking and entering a shop premises.

Advocate S.C. Nicolle, Crown Advocate,
Advocate R. Renouf for the appellant.

JUDGMENT

COMMISSIONER LE CRAS: The circumstances of this case are peculiar.

We note that no enquiry appears to have taken place before he was sentenced for the first time and that through what appears to have been an administrative oversight, instead of appearing at once in the Police Court on all the charges at the same time, notwithstanding that they were unrelated, he appeared on separate occasions on the second of which the learned Magistrate does indeed appear to have dealt with him on the basis that he had just been released and had reoffended. Against that the breaking and entering was a serious offence. However, we feel that in the peculiar circumstances of this case the sentence of three months' imprisonment for the second offence was too

long and we therefore substitute a sentence of two months' imprisonment. Mr. Renouf you shall have your legal aid costs.

Authorities referred to:

AG -v- Trudie Ann Henry (5th June, 1989) Jersey Unreported.