

ROYAL COURT
(Superior Number) 34

27th February, 1991

Before: The Bailiff, and Jurats
Coutanche, Blampied, Myles, Le Boutillier,
Orchard, Hamon, Le Ruez, Vibert and Herbert

Attorney General

- v -

Paul Christopher Godfrey

Following Guilty Plea, remanded by the
Inferior Number for sentencing on:
13 Counts of Fraud (Counts 1-13)
1 Count of Attempted Fraud (Count 14).

Application to defer sentencing pending decision by the
Court of Appeal in the appeal of Derek George Foster, on
whether or not fraud is known to the Law of Jersey.

There had been previous, unsuccessful, application to
the Inferior Number, on the 15th February, 1991.
(see Jersey Unreported Judgment of that date).

The Crown opposed the application broadly on the same
grounds as those put before the Inferior Number on the
15th February, 1991.

The applicant again cited Clarkin and Pockett (5th
February, 1991) in support of application. Applicant in
addition informed Court that firm date (24th June, 1991)
now arranged for Foster Appeal; if Foster were to
succeed on appeal, applicant would suffer prejudice in
that he would have served four months, at least, in
prison, on a charge which did not exist.

Court grants application, and adjourns Superior Number
sentencing sine die.

C.E. Whelan, Esq., Crown Advocate.
Advocate D.E. Le Cornu, for the accused.

JUDGMENT

BAILIFF: We find ourselves unable to distinguish this case from earlier applications in respect of other accused and therefore we are going to grant the application and postpone sentence sine die and bail will be renewed on the same terms.

One thing caused us some disquiet; it could be that the Court of Appeal may take some little time to consider its judgement and therefore we may not be talking about a delay of four months, we might be talking about a delay of something longer than that. However, the principle is clear that whilst under Article 6 of the European Convention of Human Rights an accused must be brought to trial as quickly as possible; that in fact has happened. As far as I know there has been no delay in charging the accused, or going through the processes of the Police Court or the indictment up here and he has been brought to trial and he has pleaded. It is only the sentence which we are being asked to postpone at his request and therefore it cannot be said that we could in any way be infringing Article 6 of the Convention. As I said, the application is granted.

Authorities

A.G. -v- Clarkin (5th February, 1991), Jersey Unreported.