

ROYAL COURT

23rd June, 1993

79.

Before: The Bailiff, and
Jurats Blampied and Hamon

Police Court Appeal:

Brian William O'Shea

- v -

The Attorney General

Appeal against sentence of 2 months' imprisonment passed by the Magistrate, on 8th June, 1993, following guilty plea to 1 count of criminally receiving stolen goods.

Advocate R.J. Renouf for the appellant.
Advocate Mrs. S.A. Pearmain on behalf of
the Attorney General.

JUDGMENT

THE BAILIFF: We cannot say, even if the Magistrate had had before him the matters which have been put before us, that he would necessarily have imposed a different sentence.

After looking at the transcript we now understand the chronology of events and understand what Mr. Clyde-Smith was saying below. I am not saying that he did not express himself clearly, but it was difficult to follow without knowing the history.

The Magistrate clearly had before him all the matters which he took into account and we cannot find that the totality of the

sentence - even taking into account the additional mitigation which you have mentioned - meant that the Magistrate erred. The sentence was not wrong in principle and it cannot be said to be manifestly excessive. Accordingly the appeal is dismissed with legal aid costs.

Authorities

Archbold (1993 Ed'n) p.p. 1/732 - 1/737

Thomas: "Principles of Sentencing" (2nd Ed'n): p.p.56-60.

Koyce (1979) 1 Cr.App.R.(S.) 21.