

ROYAL COURT
(Samedi Division)

183

12th September, 1994

Before: The Deputy Bailiff, and
Jurats Vibert and Rumfitt

POLICE COURT APPEAL
(The Magistrate).

Gary James Waugh

- v -

The Attorney General

Appeal against a total sentence of £650 fine or 21 days' imprisonment, in default, passed by the Magistrate on 15th July, 1994, following guilty pleas to:

- 1 charge of committing a nuisance by urinating in a public place (charge 1 of the charge sheet) on which the appellant was sentenced to £150 fine, or 7 days' imprisonment in default; and
- 1 charge of being drunk and disorderly (charge 2), on which the appellant was sentenced to £500 fine, or 14 days' imprisonment in default.

The default sentences to follow each other consecutively, if need be.
Fines to be paid at £100 per week.

Appeal against sentence on charge 1 dismissed.
Appeal against sentence on charge 2 allowed, £250 fine, or 14 days' imprisonment, consecutive, in default, substituted.
Fines to be paid at £50 per week.

Advocate Mrs. S.A. Pearmain for the Appellant.
Advocate J.G.P. Wheeler on behalf
of the Attorney General.

JUDGMENT

THE DEPUTY BAILIFF: Gary James Waugh appeals against his sentence imposed in the Police Court on 15th July, 1994, for two offences of being drunk and disorderly and urinating in a public place. For the offence of urinating he was fined £150, and for the

offence of being drunk and disorderly he was fined £500, making a total of £650. Mrs. Pearmain submits, on behalf of Waugh, that that sentence was manifestly excessive.

5 The Court desires to say that urinating on the streets of the town, particularly against properties belonging to others, is a disgusting habit and it has no sympathy with this kind of behaviour. Indeed, drunkenness on the streets of St. Helier, with
10 all its manifestations, is unpleasant for other law-abiding members of the public.

 The Court has also taken into account the fact that, at the time when Waugh committed these offences, he was in fact on
15 probation to the Royal Court for other and more serious offences.

 On the other hand we accept the submission of Mrs. Pearmain that the totality of the fine must reflect the totality of the conduct and must also bear some proper relationship to fines
20 imposed for other criminal conduct.

 We see no reason to interfere with the fine of £150 for urinating in a public place, but we feel able - having regard to the totality factor - to reduce the fine on charge 2, of being
25 drunk and disorderly, from £500 to £250, or 14 days' imprisonment in default. We therefore quash the sentence on charge 2 and we substitute therefore a fine of £250, or 14 days' imprisonment in default. That default sentence to be consecutive to the default sentence on charge 1. Mrs. Pearmain you shall have your legal aid costs.

No authorities.