

**ROYAL COURT**

**(Samedi Division)**

**(exercising the appellate jurisdiction conferred upon it by Article 22 of the Court of Appeal (Jersey) Law, 1961)**

**8th December, 1997**

**Before: Sir Philip Bailhache, Bailiff and Jurats  
Myles, Le Ruez, Vibert, Herbert, Rumfitt, Potter,  
de Veulle, Qu er e and Le Brocq.**

**Christopher Henry Hall**

-v-

**The Attorney General**

**Appeal against a total sentence of 2 years and 9 months' imprisonment, passed by the Inferior Number on 15<sup>th</sup> August, 1997, following guilty pleas to:**

- 1 count of receiving stolen property (count 1), on which count a sentence of 6 MONTHS IMPRISONMENT was imposed;
- 1 count of obtaining property by false pretences (count 2), on which count a sentence of 9 MONTHS' IMPRISONMENT, CONSECUTIVE, was imposed;
- 1 count of larceny (count 3), on which count a sentence of 9 MONTHS' IMPRISONMENT, CONSECUTIVE, was imposed; and
- 1 count of breaking and entering and larceny (count 4), on which count a sentence of 9 MONTHS' IMPRISONMENT, CONSECUTIVE, was imposed.

*[On 14<sup>th</sup> October, 1996, in the Magistrate's Court, the appellant pleaded guilty to 1 count of obtaining goods by false pretences; 1 count of breaking and entering and larceny, and 1 count of larceny by finding, and was placed on probation for 1 year with a condition he attended the High Risk Offenders Group.*

*On 22<sup>nd</sup> November, 1996, in the Magistrate's Court, the appellant pleaded guilty to 1 count of larceny, and a 3 month binding over Order was imposed; the Probation Order imposed on 14<sup>th</sup> October, 1996, was to stand.*

*On 10<sup>th</sup> December, 1996, in the Magistrate's Court, the appellant pleaded guilty to 1 count of larceny, and a 6 month binding over order was imposed; the Probation Order imposed on 14<sup>th</sup> October, 1996, was to stand; and the 3 month binding over Order imposed on 22<sup>nd</sup> November, 1996, was discharged.*

*On 4<sup>th</sup> January, 1997, in the Magistrate's Court, the appellant admitted a breach of the Probation Order imposed on 14<sup>th</sup> October, 1996, and was placed on probation for a further year, with a condition of 120 hours' community service and attendance at the SMART course.*

*The Royal Court, passing sentence on 15<sup>th</sup> August, 1997, discharged all existing probation and binding over orders.]*

Leave to appeal was granted by the Bailiff on 5<sup>th</sup> September, 1997.

**Advocate P.C. Harris for the Appellant.  
A.J.N. Dessain, Esq., Crown Advocate.**

**JUDGMENT**

**THE BAILIFF:** Hall, you have an appalling record and the Court considers that the sentences of imprisonment imposed upon you by the Inferior number were richly deserved having regard to the fact that you have spurned offers of assistance through the Probation Service on more than one occasion. Nevertheless, the Court has had regard to what is called the totality factor and the Court has reached the conclusion that taking the offences as a whole a small reduction should be made in the overall sentence.

The Court therefore allows the appeal to the extent of ordering that count 2 will run concurrently with count 1 and the total sentence imposed is therefore one of 27 months.

**Authorities**

Thomas: Principles of Sentencing (2<sup>nd</sup> Ed'n): pp.56-61.  
R. -v- Reeves (1980) 2 Cr. App.R. (S).  
R-v- Cooper (1983) 5 Cr. App.R. (S).  
Current Sentencing Practice (Release 25 : 1-iii-93).  
A.G. -v- Watts (19<sup>th</sup> March 1997) Jersey Unreported.  
Whelan: "Aspects of Sentencing in the Superior Courts of Jersey": pp. 64-7).  
A.G. -v- Aubin (17<sup>th</sup> May, 1987) Jersey Unreported; (1987-88) JLR N.6.  
A.G. -v- Dubois, Louis, Wakeling (4<sup>th</sup> February, 1994) Jersey Unreported.  
A.G. -v- Fischer (8<sup>th</sup> January) Jersey Unreported.