

85/101

Royal Court of Jersey

(Superior Number)

14th October, 1985

Attorney General -v- John James Ryan

Application for leave to appeal against sentence passed on him
by the Royal Court (Inferior Number) on the 26th July, 1985.

Bailiff: "The decision of the Court is, that the application for leave to appeal will be allowed, and the appeal itself will be allowed to the extent that the sentence of twelve months will be reduced to a better sentence of nine months, and the nine months will be on the basis that wherever twelve months was imposed there will be a sentence of nine months. The Court wishes to give very brief reasons. Firstly, I shall say that this decision is by a majority, it's not unanimous; and secondly, the view of the majority is that if Ryan had appeared before this Court on his own, then the sentence of twelve months for the offences which he committed, which was imposed by the Inferior Number, would have been regarded by this this Court as in no way excessive. The reason why the majority of this Court has allowed the appeal and reduced the sentence by three months, is solely on the ground that they have had regard to the disparity factor. There are three reasons why the majority is of the opinion that the sentence of half that which Hughes received did not give sufficient weight to the difference with Ryan on the one hand and Hughes on the other.

The three reasons are these:-

First, Hughes committed many more offences than Ryan did. Not only did he commit offences on his own, but of course he committed offences with Ford. Secondly, there was no doubt at all that Hughes was the ringleader, in those offences which he did commit with Ryan, and thirdly, Hughes had a worse record than Ryan, whose record is really extremely modest. Therefore on those three grounds, the majority of this Court feels that a greater disparity should have been allowed for as between Ryan and Hughes than was allowed, with the result the majority think that the sentence of twelve months was excessive.

Therefore as I have said, application for leave to appeal is given and the appeal is allowed to the extent that the sentence of twelve months' imprisonment - that is, a total of twelve months' imprisonment - will be reduced to nine months imprisonment, nine months on each of the (I think I'm right in saying) Counts 12a, 13a, and 14, nine months on each of those concurrent, and three months concurrent on Count 23. That's right, a total of nine months. Legal aid costs."