

ROYAL COURT

23rd May, 1988

Before: The Bailiff,
assisted by
Jurats Coutanche and Le Boutillier

Her Majesty's Attorney General

- v -

Joao Rodrigues Pita

Appeal against sentence for infractions of
paragraph (1) of Article 28 (as amended)
of the Road Traffic (Jersey) Law 1956,
Article 16 of the said Law, and of
Article 2 of the Motor Traffic
(Third Party Insurance) (Jersey)
Law 1948

Advocate S.C. Nicolle for the Crown
Advocate A.P. Begg for the Appellant

JUDGMENT

BAILIFF: The question we have to ask ourselves is this: would the Magistrate if he had had the benefit of the report which he ought to have had and which we have had, have sentenced the accused in the manner he did, and if so would we have allowed an appeal from those sentences. We have come to

the conclusion that we would have allowed an appeal. We are going to exercise the jurisdiction conferred on us by the law and substitute the following sentences for those imposed by the Magistrate. Under Article 16 you will be placed on one year's probation under the usual conditions, that is to say to live and work as directed by your Probation Officer, to be of good behaviour during that period and to come up for sentence if you are not of good behaviour and you will do fifty hours of community service work. Under Article 28 (which is taking and driving away), you will be fined £100.00 or in default two weeks; and under the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948, you will be fined £250.00 or in default four weeks to run concurrent with the sentence of two weeks (if served), and you will be disqualified from driving for eighteen months.

We have done the best we can to help you, Pita, as a result of your counsel's address to us; it's entirely up to you. If you break your probation and come before us, you will go to prison.