

ROYAL COURT

4th July, 1988

Before: the Deputy Bailiff,
assisted by
Jurats Coutanche and Bonn

Her Majesty's Attorney General

- v -

James Manning

Appeal against sentences of imprisonment
of one week and two months for charges
of committing a nuisance by urinating
in a public place and acting in a manner
likely to cause a breach of the peace,
respectively

Advocate S.C. Nicolle for the Crown
Advocate C.J. Dorey for J. Manning

JUDGMENT

DEPUTY BAILIFF: So far as the record of the sentence is concerned we have no doubt that the Magistrate's note and the Greffier's note correctly reflect the intention. The charges are; (1) urinating; and (2) breach of the peace and the sentences are: (1) one week's imprisonment; and (2) two months' imprisonment concurrent. We believe that the intention of the Court can

clearly be seen from the transcript - it was the very unpleasant tendencies of the appellant that gave rise to the two months' sentence and not the urinating - therefore we treat the sentences as imposed in accordance with the two notes.

This appeal is without any merit.

The serious matter here was the breach of the peace in the form of running after children. The Magistrate was absolutely correct in taking a serious view of it. The urinating in a public place only incurred one week's imprisonment and there is no dispute about that. The only question is whether two months is manifestly excessive for a breach of the peace consisting of chasing after children. The appellant has an appalling record including indecent assault on a child of seven and assault with intent to rape. He was under the influence of drink at 8 o'clock in the evening at a time when, in midsummer, it was perfectly reasonable for children to be playing in the park.

This is yet another case where self-induced intoxication is no mitigation and is indeed an aggravating factor. As the Magistrate said: "When the appellant is in drink, he has some very unpleasant tendencies which he needs to keep firmly in check". This sentence was imposed for the protection of children and is not a day too long. The appeal is dismissed and Miss Dorey will have her legal aid costs.

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Authority cited

A.G. -v- Ryan (1965) J.J. p.543.