

155.

ROYAL COURT

Police Court Appeal

18th September, 1989

Before: Commissioner P.R. Le Cras and  
Jurats Le Boutillier and Le Ruez

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Her Majesty's Attorney General

- v -

Peter Le Neveu

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(1) Appeal against conviction; and  
(2) application for leave to appeal  
against sentence out of time; and  
(3) appeal against sentence, in  
respect of one infraction of each  
of Articles 15, 16 and 17 of the  
Road Traffic (Jersey) Law, 1956.

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Advocate S.C.K. Pallot for the Crown  
Advocate P.C. Sinel for the appellant.

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**JUDGMENT**

COMMISSIONER LE CRAS: Mr. Le Neveu, we have considered with very great care

the points made by counsel and we have to say that in our view there is ample evidence on which the Magistrate could have found as he did. We therefore uphold the conviction.

The first thing we wish to say is that we accept counsel's application for leave to appeal out of time on the grounds that there exist special and unusual circumstances.

We have to say that this is a most unusual application and indeed extraordinary is probably the correct word to use. It is quite clear from the way in which counsel for the appellant has put this that there is no question but that he accepts that on the facts of the case as before the learned Magistrate the sentence was a proper one and probably in line with normal sentencing policy. It would not in consequence have been a sentence at all likely to be varied on appeal. While we say that we would like to endorse that as being the correct view on the subject.

However, in view of Mr. Le Neveu's behaviour as put to us by counsel showing his obvious responsibility as a citizen, we feel entitled to take these extraordinary circumstances into account in mitigation.

On charge two therefore, which is the only charge on which you are appealing, Mr. Sinel, we vary the sentence. We cancel the sentence of seven days' imprisonment and we substitute a probation order for twelve months, subject to the usual conditions, plus 40 hours' community service. All other sentences are to stand and that includes the costs and disqualification on charge two. The sentence now is this: on the charge one, as in the Police Court you are fined £60 or 15 days' imprisonment. On charge two, the 7 days' imprisonment goes and instead there is the probation order with community service - the disqualification of three years and the doctor's costs of £56 remain as before. Charge three remains as it was: £90 or 20 days' imprisonment, disqualification for one year concurrent; with two weeks to pay the fine. The disqualifications remain as the Magistrate stated.