

ROYAL COURT

5th February, 1990

23.

Before: The Deputy Bailiff, and  
Jurats Blampied and Orchard

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Police Court Appeal: Martin Jude Sean Curley

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Appeal against a total sentence of  
two weeks' imprisonment imposed  
following convictions on one charge  
of fraudulently obtaining four meals  
and one charge of larceny.

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Advocate S.C. Nicolle for the Crown,  
Advocate M. St. J. O'Connell for the appellant.

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JUDGMENT

DEPUTY BAILIFF: This is an appeal against sentence. On the 3rd January, 1990, the appellant was before the Police Court on two charges, firstly that with Charles George Curley and two others he had on the the 1st January, 1990, obtained four meals by fraud; and secondly, that with Charles George Curley alone, he had, on the 29th December, 1989, stolen 19 x 200 cartons of cigarettes.

The appeal is brought on the ground of disparity of sentence. Charles George Curley was sentenced to one week's imprisonment on each count concurrently. The appellant was also sentenced to one

week's imprisonment on each count, but consecutively, making a total of two weeks.

Charles George Curley has a record with a previous conviction for dishonesty. The appellant is a first offender.

It is quite clear from page 2 of the transcript that the Magistrate intended to do the opposite to that which he did, but inadvertently he made a mistake.

We therefore vary the Order of the Magistrate to make the two one week sentences on the appellant concurrent. The appeal to that extent is allowed. Mr. O'Connell will have his legal aid costs.

n.b: no authorities.