

ROYAL COURT

19th November, 1990 177

Before: The Bailiff, and
Jurats Bonn and Hamon

Attorney General

- v -

Gary Mark Baudains

Police Court Appeal.

Appeal against the length of custodial
sentence imposed for forging a Social
Security Health Insurance prescription form
(by inserting the words "Phensedyl Linctus
300 ml" thereon) and presenting and attempting
to obtain Phensedyl Linctus from a pharmacy.

S.C.K. Pallot for the Crown.
Advocate S.E. Fitz for the appellant.

JUDGMENT

BAILIFF: We cannot find, Miss Fitz, that the Magistrate's decision was manifestly excessive and therefore in the ordinary case we would dismiss the appeal, but because we are satisfied that it cannot be said with certainty that he had the Probation Report before him and we cannot say that if he had had the Probation Report before him he would necessarily have given the same sentence, we think that justice will be

met by reducing the appellant's sentence slightly by one month to three months for the second group of offences. Therefore, he will serve a total of five months' imprisonment. Miss Fitz, you will have your legal aid costs.

No authorities.