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ROYAL COURT  
(Samedi Division)

11th February, 1991

26A.

Before: The Bailiff, and Jurats  
Gruchy and Orchard

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Police Court Appeal: Kenneth Ward

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Appeal against sentence of four days' imprisonment and a suspension of licence of two years imposed by the Police Court Magistrate in respect of an offence under Article 16 of the Road Traffic (Jersey) Law, 1956 (as amended).

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Miss S. C. Nicolle, Crown Advocate.  
Advocate G. Le V. Fiott for the Appellant.

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**JUDGMENT**

BAILIFF: It is not a requirement that before an adult first offender is sentenced, that a Court must obtain a background report, although of course in certain circumstances it might well be desirable. In the present case some mention was made of a background report being prepared, but on the other hand in the course of the trial Mr. Fiott said that it could not add anything to what the Magistrate would have known.

What has influenced our decision is the feeling that although we do not think the Magistrate erred, the appellant might be left with a sense of grievance inasmuch as he may have thought, no matter what the Magistrate said, that the error in describing him as having had two previous convictions might have influenced the Magistrate. For that reason we agreed to receive a Probation Report which had been prepared following the trial and we have also examined a number of references and looked at previous cases which are not of great help, because as Miss Nicolle has said, the details of mitigation are not reported and each case must be taken individually, although of course there must be a consistent application of principle. It is when there is an inconsistent application of principle this Court interferes, but because, as I have said, there could be a lingering sense of grievance in the mind of the appellant we are going to allow this appeal in part and in substitution of the sentence of four days' imprisonment to order that the appellant be placed on one year's probation and as a condition of that probation, do 40 hours' Community Service.

The appeal against disqualification is dismissed and unless counsel wish to address me to the contrary, I am minded not to make any order for costs.

No authorities.