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ROYAL COURT

16th September, 1991 128.

Before: The Deputy Bailiff, and  
Jurats Coutanche and Vibert

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The Attorney General

- v -

Anthony Paul Lelliott

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Police Court Appeal: Appeal against sentence  
of two months' imprisonment on a charge of  
criminally receiving.

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W.J. Bailhache, Esq., Crown Advocate;  
Advocate Mrs. N. Davies for the appellant.

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**JUDGMENT**

DEPUTY BAILIFF: Lelliott appeals against a sentence of two months' imprisonment imposed by the Police Court on the 22nd August, 1991, for a single offence of receiving a stolen wristwatch of the value of approximately £30. He pleaded guilty to the charge. The sole ground of appeal is that the sentence was manifestly excessive.

The facts have been described to us. Lelliott was arrested. He was in possession of one of the stolen watches. He was interviewed. For some considerable time he stuck to a story that he received the watch in an unknown public house, from an unknown "scouser", for £25. Eventually he admitted that he had received the watch for nothing from Moffat, knowing it to have been stolen.

The Court has upheld a sentence of three months' imprisonment imposed on Moffat (16th September, 1991) Jersey Unreported. We do not need to repeat the reasons.

The learned Magistrate properly took into account the fact that Lelliott was younger (20 years as opposed to 22) and that Lelliott's record was less serious than Moffat's (10 convictions as opposed to 17, three of them involving dishonesty as opposed to five).

Thus the learned Magistrate applied the correct principles and we cannot find that he erred in any way.

The appeal is dismissed. Advocate Mrs. Davies will have her legal aid costs.

Authorities

A.G. -v- Peacock (10th February, 1989) Jersey Unreported.

Anthony and Berryman: Magistrates Court Guide 1990 p.141.

A.G. -v- Moffat (16th September, 1991) Jersey Unreported.