

ROYAL COURT
(Samedi Division)

13th September, 1993

116.

Before: The Bailiff, and
Jurats Hamon and Le Ruez

Police Court Appeal:

Christopher Henry Hall

- v -

The Attorney General

Appeal against total sentence of 18 weeks' imprisonment, imposed by the Magistrate on 3rd August, 1993: (a) following a guilty plea to: 1 charge of breaking and entering (charge 1 on the charge sheet) on which the Appellant was sentenced to 8 weeks' imprisonment; and 1 charge of attempted breaking and entering (charge 2) on which he was sentenced to 4 weeks' imprisonment (consecutive); and (b) following an admitted breach of a probation order, imposed in the Magistrate's Court on 15th January, 1993, in respect of 1 charge of being drunk and disorderly, (charge 1); 1 charge of resisting Police Officers in the due execution of their duty (charge 2), and 1 charge of aiding, assisting or participating in breaking and entering and larceny (charge 3), on which the Appellant was sentenced to a total of 6 weeks' imprisonment (consecutive to the sentencing imposed in paragraph (a) above), and the Probation Order was discharged.

Advocate S. Slater for the Appellant.
Advocate Mrs. S.A. Pearmain on behalf of the
Attorney General.

JUDGMENT

THE BAILIFF: The principles for imposing consecutive sentences are well-known, but have to be balanced against the totality principle

and we are quite satisfied that a total of 18 weeks' imprisonment for what your client did, Mr. Slater, and for the breach of probation is in order. However, in order to arrange the sentence so that it does not infringe the principles we are going to change the amount slightly in respect of each count, but the total will remain the same.

In respect of count 1, we will substitute a sentence of 12 weeks' imprisonment; count 2, will be four weeks' imprisonment concurrent. In respect of the breach of the probation order, there will be 6 weeks' imprisonment on count 1, and 2 weeks' imprisonment each on the other two charges, concurrent with each other, but consecutive to the later offences; the total will be maintained at 18 weeks' imprisonment, which cannot be excessive having regard to all the circumstances and your client's record.

Authorities

Current Sentencing Practice: Part A5: Consecutive Terms:

p.p. 10501-10503:

- R. -v- Jones (1980) 2 Cr.App.R.(S.) 152.
- R. -v- Skinner (1986) 8 Cr.App.R.(S.) 166.
- R. -v- Matthews (1987) 9 Cr.App.R.(S.) 1.
- R. -v- Lewis (3rd July, 1972).
- R. -v- Paddon (3rd March, 1971).

p.p. 10519-10521:

- R. -v- Cooper (1953) 5 Cr.App.R.(S.) 295.
- R. -v- Smith (13th February, 1975).
- R. -v- Millen (1980) 2 Cr.App.R.(S.) 357.