

ROYAL COURT  
(Samedi Division)

170.

22nd August, 1994.

Before: The Bailiff, and  
Jurats Coutanche and Potter

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POLICE COURT APPEAL  
(The Magistrate).

Almos Uddin

- v -

The Attorney General

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Appeal against a total sentence of 1 years Probation with 40 hours' Community Service passed on 22nd March, 1994 following guilty pleas to:

- 1 charge of being drunk & disorderly (charge 1: on which the appellant was sentenced to 1 year's Probation with 40 hours Community Service); and
- 1 charge of resisting Police Officers in the execution of their duty (charge 2: on which the appellant was sentenced to 1 year's Probation with 40 hours' Community Service [concurrent]).

Appeal dismissed.

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Advocate J.C. Gollop for the Appellant.  
Advocate A.D. Robinson on behalf of the Attorney General.

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JUDGMENT

THE BAILIFF: Mr. Gollop, you have very fairly put the position to the Court, but the position is quite clear: I must rule that, under Article 14 of the Police Court (Miscellaneous Provisions) Jersey Law, 1949, there is no appeal from a Probation Order. What  
5 your client is really objecting to is not the Probation Order but one of the conditions attached to the Probation Order: Community Service, which, incidentally, your client accepted; although you gave us the reason why he accepted it was that he balanced it up between 7 days imprisonment. As Mr. Robinson has said, he might  
10 have refused the Community Service at the time or even refused the Probation Order and been sentenced to 7 days and come before us in that way. There is no criticism of either you or the client that that did not happen, but it is an unfortunate fact that an Order

made under a Probation Order such as a Community Service Order is part of the Probation Order and is therefore not appealable and therefore we have no jurisdiction to go further than that. You have urged all you can very fully, Mr. Gollop, but I am afraid I must rule against you and say we have no jurisdiction.

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#### Authorities.

Police Court (Miscellaneous Provisions) (Jersey) Law, 1949: Article 14.

Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée.