

COURT OF APPEAL

24th September, 1984.

President: In this case George Frederick Harrington and Vasco Velosa Pinto seek leave to appeal against the sentences imposed on them by the Royal Court earlier this year respectively of 3 years and 2½ years imprisonment.

We propose, having heard the arguments addressed to us, to give leave and to treat the hearing for leave as the appeal.

Nothing we say should be taken as detracting from the seriousness of these offences. We realise that Jersey has its own sentencing policy and that Jersey does not follow what happens on the mainland. However, having heard the references Mrs. Regal has made with regard to the other sentences, we do not regard the sentence imposed on Harrington in particular as quite in line with the sentencing policy of the Jersey Court as manifested by those various sentences. Furthermore, in Harrington we have before us a man in his sixties, previously of good character and with an older wife. We think that in such a man imprisonment represents a more substantial punishment than on a man of younger years. We do not consider that in either of these cases there arises any matter of principle save that one must regard every case coming before the Court as depending on its own facts.

Giving due regard to all the facts of this case, we consider that the right sentence to impose on Harrington is two years and having regard to the fact that Pinto is somewhat less concerned we think that the right sentence in his case is 18 months. To that extent we allow the appeal.