

18th September, 1986.

Her Majesty's Attorney General

-v-

Jason Alexander Donaldson

DEPUTY BAILIFF: Whatever the value of the submissions made by Mrs. Pearmain, it is abundantly clear on the authorities that the issue of the order of certiorari in all cases is discretionary. Therefore, without deciding whether certiorari does lie in Jersey in addition to the right of appeal provided in the 1949 Law, the Court, having regard to all the circumstances of this particular case, would not be prepared to exercise its discretion in favour of the representor. We distinguish the case of Hewitt where the sentence would have had to be increased; thus the representation is dismissed. The Court will go on to deal with this matter under the appeal provisions but before deciding the matter we wish to give Mrs. Pearmain a further opportunity to address us.

ADVOCATE PEARMAN:(indistinct)....

DEPUTY BAILIFF: Very well, we shall allow the appeal and substitute for the sentences imposed, a sentence of 3 months detention at the Young Offenders Centre concurrent on counts 1, 2 and 3 and on count 1 of the conviction of the 18th June, 1986, where the probation order is discharged and 3 months detention concurrent is substituted. I presume it is legal aid? You will have your legal aid costs.