

ROYAL COURT

13th March, 1987

Her Majesty's Attorney General

-v-

Shane John Le Monnier

Before The Bailiff assisted by Jurats Blampied and Myles.

The Bailiff: We have little doubt that this case falls within the category of a social nuisance, and that being so the Court is being faced with the problem as to whether it is right to deal with these sort of cases by sending an offender to prison. In our view, and we adopt the words of Lord Justice Laughton in the case to which you have referred us Mr. Messervy; that of Dawn Clark, where on page 323 Lord Justice Laughton says this: "the first thing to be said and said very firmly indeed is that Her Majesty's Courts are not dustbins into which the Social Services can sweep difficult members of the public". I hasten to interpolate that to say that I am not suggesting that our social services are endeavouring to do that. He goes on "still less should Her Majesty's judges use their sentencing powers to dispose of those who are socially inconvenient, if the Court becomes disposer of those who are socially inconvenient the road ahead would lead to the destruction of liberty". It should be clearly understood that Her Majesty's judges stand on that road barring the way, well substituting the words of the Royal Court for her Majesty's Courts and her Majesty's judges, we are prepared to accept under that expression of Judicial functions in England as our own. We are glad to learn from the Chief Probation officer that indeed the attitude of the Social Services in Jersey and the

facilities being made available to them is such that one hopes that inadequate and social nuisances such as you Le Monnier undoubtedly are will be dealt with without the need for sentencing you to prison. We had to ask ourselves therefore what was the appropriate a sentence for being drunk and disorderly. <sup>the</sup> range can be quite considerable between a fine or binding over, or indeed probation. In these circumstances we are going to exercise our discretion and not sentence you to a term of imprisonment for the reasons I had expressed through the principles in Clark, which we have adopted for ourselves and therefore we hope that you will take advantage of what we are trying to do with you. Therefore as regards the present indictment you will be sentenced to one year's probation, under the usual terms and conditions and as regards your breach of probation that order will be cancelled and you will be sentenced to a hundred and twenty hours Community Service Order. We shall give you a chance to try to start to work again and we note that you are being supported by Miss O'Shea and her mother and with the help of the Probation office and also with Doctor Faiz 's staff, we hope that you will make some progress.