

ROYAL COURT
(Samadi Division)

21st February, 1994

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Before: The Bailiff, and Jurats
Vint and Herbert

Police Court Appeal

Philip Francis Walsh

- v -

The Attorney General

Appeal against total sentence of 4 weeks' imprisonment, passed on 21st January, 1994, following admitted breach of two concurrent 1 year Probation Orders, the first with a 60 hours community service condition attached and 1 year's disqualification from driving; the second with a 60 hours community service condition attached imposed on 22nd November, 1993.

The first Probation Order was imposed following guilty pleas to 1 charge of driving or attempting to drive a motor vehicle whilst disqualified: Probation Order discharged: 4 weeks' imprisonment, substituted.

The second Probation Order was imposed following guilty plea to 1 charge of driving whilst uninsured: Probation Order discharged: 4 weeks' imprisonment, concurrent, substituted.

Appeal dismissed.

Advocate P.C. Harris for the Appellant.
S.C.K. Pallot, Esq., Crown Advocate.

JUDGMENT

THE BAILIFF: It must never be thought by persons who are sentenced to perform community service orders, whether by this Court or the Magistrate's Court, that they can ignore those orders with impunity. They have to be obeyed; they are in fact an alternative to prison. There were circumstances before the sentencing Magistrate in November which convinced him that, although prison is normally the appropriate sentence for these two serious motor traffic infractions, he decided at the time to give the present appellant a chance and sentenced him to community service.

The appellant did not to turn up on the first day. That in itself showed an attitude of mind that was totally reprehensible.

Next, after being clearly told that he had to be back in the Island by 8th January, the appellant ignored that requirement and took no steps in Dublin - which he could easily have taken - to inform the Jersey police that he had been delayed.

Thirdly, after returning to Jersey he endeavoured, he said, to contact his Probation Officer but failed to do so for whatever reason. It was incumbent upon him - because he knew where the Probation Office was - within a very short time to report to that office and find out what was wrong.

He did none of these things.

We cannot find that the sentence imposed by the relief Magistrate of 4 weeks' imprisonment was in any way contrary to principle or manifestly excessive and the appeal is dismissed. Mr. Harris, you will have your legal aid costs.

No authorities.