

ROYAL COURT
(Samedi Division)

15th May, 1995

90.

Before: The Deputy Bailiff and
Jurats Orchard and Le Ruez

Police Court Appeal
(The Magistrate)

The Attorney General

- v -

David John Mandel

Application for an extension of time within which to appeal.

On 20th March, 1995, the applicant was sentenced to a total of 6 months' imprisonment after entering guilty pleas to:

- 1 count of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974, on which count an absolute discharge was given;
- 2 counts of causing malicious damage, on the first of which counts a sentence of 3 months' imprisonment and on the second, 3 months' imprisonment consecutive was imposed;
- 1 count of violently resisting police officers in the due execution of their duty, on which count a sentence of 2 weeks imprisonment, concurrent, was imposed; and
- 3 counts of being drunk and disorderly, on each of which counts a concurrent sentence of 2 weeks' imprisonment was imposed.

On 9th April, 1995, the applicant lodged a notice of appeal against sentence.

Application for an extension of time refused.

Advocate P.C. Harris for the applicant
Advocate A.D. Robinson on behalf of the Attorney General

JUDGMENT

5 THE DEPUTY BAILIFF: This is an appeal out of time by David John Mandel. He was sentenced to a total of six months imprisonment by the learned Magistrate on 20th March, 1995. The offences of public disorder led to two acts of malicious damage, one involving a window costing £200, and the other a parked car costing £130.

Mr. Harris has argued forcefully that the learned Magistrate has dealt with Mr. Mandel in a manner that is manifestly excessive by giving him a sentence of three months imprisonment for each act of malicious damage. We cannot agree. The Magistrate had a case before him that was clear and unequivocal. Mandel had a long record of similar offences. There was shown to us no good reason for the late appeal and we would only have exercised a discretion in favour of the appellant if we had felt that the appeal had any real chance of success. We regard it as hopeless and we are not therefore prepared to extend the time.

No Authorities