

ROYAL COURT
23rd November, 1987

Before The Bailiff, assisted by Jurats Coutanche and Bonn

Her Majesty's Attorney General

-v-

P.C. Haynes.

Advocate S.C. Nicolle for the Crown

Advocate T.J. Le Cocq for the Appellant.

Appeal from Police Court against sentence of 10 days imprisonment imposed for a charge of grave and criminal assault.

THE BAILIFF: This Court having considered the appeal earlier and having sent it back to the Magistrate with a recommendation that a background report should be prepared, and that the Magistrate should consider imposing a Community Service Order of not less than ninety hours, indicated quite clearly (or should have indicated) that this Court considered that a prison sentence should be avoided as far as possible. It seems to us that the learned Magistrate erred in re-considering the matter 'de novo', and bringing in matters that were more applicable to his first decision to impose a sentence of imprisonment, and whilst we do not differ from his general statement that people in their houses are entitled to be protected, we think that he did not give sufficient weight to the question of remorse as suggested by Counsel that Centenier Rouillé had told the Court that the appellant had apologised and also the statement of the accused to the police. Furthermore, I think it fair to say that the accused could have been lead to hope by the reason of our earlier order that he would be given Community Service, if the report was suitable. We consider that the report was suitable, and that we are going to substitute the prison sentence by placing your client on probation for one year.

Stand up, we are going to place you on probation for one year, on the usual terms, that is to say you have to live and work as directed by the Probation Officer and you will serve ninety hours of Community Service.

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