

**Currency Offences (Guernsey) Law, 1950 – uttering, and possession, of forged paper money – appeal against conviction – Firearms (Guernsey) Law, 1998 – possession of prohibited weapon and ammunition – appeal against sentence – Court of Appeal (Guernsey) Law, 1961 (s.24) – circumstances in which leave required to appeal against conviction – distinction between questions of law, of mixed law and fact, and of fact – criticism of the summing up, and of the verdict of the Jurats, considered - application for leave to appeal against conviction dismissed – as respects the firearm offences, sentences reduced from 12 months to 9months’ imprisonment**

**IN THE COURT OF APPEAL OF THE ISLAND OF GUERNSEY**

No. 371

**The** 12<sup>th</sup> day of December, 2007 before the Hon Michael Jacob Beloff, QC, presiding, Peter David Smith, QC and Sir de Vic Carey

THE LAW OFFICERS OF THE CROWN

- v -

ALAN GUILBERT TAYLOR

(Appellant)

On the applications by the Appellant for leave to appeal from his conviction by the Royal Court on 17<sup>th</sup> May 2007 and of the offence of uttering forged paper money (three counts) and possession of forged paper money (two counts), and from the sentences imposed on him on 4<sup>th</sup> September 2007 in respect of possession of a prohibited weapon and possession of prohibited ammunition;

THE COURT, having on 10<sup>th</sup> day of December, 2007 heard Advocate M.G.A. Dunster for the Appellant, and Crown Advocate G.D. McKerrell, thereon, this day GAVE JUDGMENT in the attached terms and:-

1. REFUSED leave to appeal from the said conviction; and

2. GRANTED leave to appeal from the said sentence and ALLOWED the appeal to the extent that the sentence on each of the two counts was reduced from twelve months' to nine months' imprisonment, to be served concurrently with each other but consecutively to the sentences imposed in respect of the offences relating to forged paper money, which were effective from 4<sup>th</sup> September 2007.

C A RODGER

Deputy Registrar of the Court of Appeal.

**IN THE COURT OF APPEAL GUERNSEY**  
**CRIMINAL DIVISION**

**In the Matter of an Appeal Against Conviction  
and Sentence by**

**Between**

**Alan Guilbert TAYLOR**

**Appellant**

**-v-**

**Respondent**

**THE LAW OFFICERS OF THE CROWN**

**Judgment delivered  
Wednesday 12th December 2007**

**Before: Mr Michael Beloff QC (Presiding)  
Mr Peter Smith QC  
Sir de Vic Carey**

**Beloff JA**

**INTRODUCTION**

1. This is the judgment of the Court.
2. This is an appeal by Mr Taylor against his conviction by the Royal Court on one indictment containing three counts of uttering and two counts of possessing, forged paper money contrary to Sections 8 and 9 of the Guernsey offences (Guernsey Law) 1950 (“the counterfeit convictions”), and against his sentence imposed by the Royal Court on the second indictment containing two counts of possession first of a prohibited weapon, and secondly of prohibited ammunition contrary to Section 6(1) of the Firearms Guernsey Law 1998 (“the firearms convictions”).
3. In respect of the first indictment Mr Taylor pleaded not guilty but was found guilty on 17<sup>th</sup> May 2007. He was subsequently sentenced on 5<sup>th</sup> September 2007 to 12 months imprisonment on each count one to five concurrent, against which he does not appeal.
4. In respect of the second indictment Mr Taylor pleaded guilty, and was sentenced also on 5<sup>th</sup> September 2007 to 12 months imprisonment on each count one and two concurrent with each other, but consecutive to the sentences in respect of the first indictment.

5. In a Notice of Appeal dated 25<sup>th</sup> May 2007 Mr Taylor applied for leave to appeal against the counterfeit convictions on the basis that the verdict was unreasonable and could not be supported by the evidence. The gist of the grounds were that the Lieutenant Bailiff's summing up was not comprehensive and failed to bring out a series of points in Mr Taylor's favour, further, that the jurats decision to convict him was perverse.
6. These arguments were elaborated in a second notice of application dated 19<sup>th</sup> October 2007. In correspondence with the Single Judge it was asserted that no leave was required since all the grounds of appeal involved a question of law.

### **APPLICATION OR APPEAL?**

7. There is then a preliminary point as to whether this assertion was correct. The Court of Appeal Guernsey Law 1961 ("The 1961 Law") provides, so far as material, as follows:

#### *"PART III*

#### *Appeals in Criminal Matters*

*[Section 24 reflects the (now repealed) Section 3 of the Criminal Appeal Act 1907].*

*24. A person convicted on indictment or summarily convicted in the Royal Court sitting as a Full Court on or after such day as shall be appointed in that behalf by Ordinance of the States may appeal under this Part of this Law to the Court of Appeal –*

- (a) against his conviction, on any ground of appeal which involves a question of law alone; and*
- (b) with the leave of the Court of Appeal or upon the certificate of the judge who presided at his trial that it is a fit case for appeal against his conviction, on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or on any other ground which appears to the Court of Appeal to be a sufficient ground of appeal.*

*25. (1) The Court of Appeal on any such appeal against conviction shall allow the appeal if it thinks that the verdict should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence, or that the judgment of the court before whom the appellant was convicted should be set aside on the ground of a wrong decision of any question of law or that on any ground that there was a miscarriage of justice, and in any other case shall dismiss the appeal;*

*PROVIDED that the Court of Appeal may, notwithstanding that it is of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has actually occurred."*

8. What then is a question of law? In *Whales* [ 16GLJ87] this Court said:

*“The learned Bailiff invited the Jurats to decide –*

- (i) whether there was sufficient evidence for the Lieutenant Bailiff to find a conviction, and –*
- (ii) whether they had any doubt whether there had been a miscarriage of justice.*

*It is well settled that the question whether in any case there is evidence to support a conviction is not a question of fact but a question of law. The first of the questions left to the Jurats in this case was therefore a question of law, as such it was under the Royal Court of Guernsey (Miscellaneous) Reform Commissions Law, 1950, Section 6(2)(a) within the sole competence of the Bailiff and should not have been put to the Jurats.”*

9. This appears to have been accepted by this Court in a case heard earlier this year [Adrian Charles George] (Criminal Appeal No.368) when Advocate Merrien commented:

*“Now, that has since developed into the practice of all appeals against conviction from the Magistrate’s Court to the Royal Court being dealt with as under a point of law alone, and that makes a great deal of difference as Jurats do not sit in the appeals, or have not sat, I think, since that case, in connection with appeals, even though they are arguing about whether there was sufficient evidence or whether the decision was correct upon the evidence.”*

10. However we note that in neither case was the 1961 Law specifically interpreted; and the context of both cases was an appeal against the judgment of the Royal Court on appeal from the Magistrate’s Court. In *Archbold* 36<sup>th</sup> edition, the commentary on Section 3 of the Criminal Appeal Act 1907 – the analogue of the 1961 Law states:

*“An appeal by a person convicted lies as of right on grounds involving a question of law alone. Under section 8(b) leave to appeal is necessary where the ground involves a question of mixed law and fact. A convicted person who is entitled under section 8(a) to appeal without leave on a question of law does not obtain the right also to appeal without leave on a ground of fact or of mixed law and fact merely by including such grounds in his notice of appeal: R v Robinson (Practice Note) [1985] 1 W.L.R. 878; 37 Cr. App.R. 95. A certificate should not be granted by the judge of the court of trial except in cases which clearly come within subsection (b). See R. v. Langley, 17 Cr. App.R 199; R. v. Parkin, 20 Cr.App.R. 173; R. v. Boseley, 26 Cr.App.R. 99; R. v. Eyles (1963) 47 Cr. App.R. 260, where the judge was persuaded by defending counsel to grant a certificate, although he himself was of opinion that there was sufficient evidence to justify a conviction; but as to the advisability of the judge granting a certificate when he thinks that there is a point of law proper to be investigated by the Court of*

*Appeal: see R. v. Vindrich (Practice Note) [1953] 1 W.L.R. 893, 81 Cr.App.R. 118. If a convicted person appeals against his conviction on the ground that the hearing of the preliminary issue was open to objection for error in law, so that he should never have been tried on the substantive charge at all, the Court of Appeal has jurisdiction to entertain the appeal: R. v. Podola [1980] 1 Q.B. 825; 48 Cr.App.R.220.*

*In order that there may be a right of appeal on a question of law, a ground of appeal must be raised, which is, in the opinion of the court, a question of law, and the right cannot be obtained merely by raising a ground which the grounds of appeal or the submission of counsel at any later stage describe as a question of law. Before a right of appeal on a question of law can be demanded or asserted, a question of law alone must have risen in the appellate proceedings and remained undetermined. Where the court has decided that there was no such point of law alone, this decision cannot be reviewed at any subsequent sitting of the court: R. v. Hinds (1962) 46 Cr.App.R. 827.*

11. As it seems to us, whatever meaning may be attributed to the concept of a “*question of law*” in other contexts, in the 1961 Law, there has been a distinction in Section 24 deliberately drawn between questions of law, questions of fact, and questions of mixed law and fact, and the distinctive procedural incidents of each, and that Section 25 differentiates between questions of law (on which there is a wrong decision) and other grounds giving rise to an appeal including those of a verdict which “*cannot be supported having regard to the evidence*”.
12. We consider that the need to obtain leave for appeals other than those involving pure questions of law provides a useful filter and prevents the full Court from having its timetable clogged up with unmeritorious appeals.
13. We shall therefore treat this “appeal” which, as appears from our recitation of Mr Taylor’s points at paragraph 18 below, raises, in our judgment, no such pure question of law as being an application for leave, which (if granted) can be treated as a substantive appeal since we have *de bene esse* heard full argument.
14. In his Application dated 5<sup>th</sup> September 2007 Mr Taylor applied for leave to appeal against the sentence of 12 months for possession of an unlicensed firearm and ammunition on the grounds that it was manifestly excessive.
15. We shall deal with each separate matter, conviction and sentence, in the logical order reflecting indeed Counsels’ presentation.

### **COUNTERFEIT CONVICTIONS:**

16. As to the counterfeit convictions there was no issue that the money was counterfeit. Mr Taylor’s defence was that he was not aware that the money was counterfeit. His evidence was that he believed he had received the money in return for furniture he sold on three occasions to a Mr Mann, proprietor of a Chinese Takeaway, and that he then stored it in a cash box in a shop which he owned. Mr Mann’s evidence was that he paid for the furniture in £10, not £20 notes and indeed that in his own business £20 notes were a rarity. Mr Taylor

accepts he is likely to have passed the money onto the Total Convenience Store known as Jeffrey's Service Station on 8<sup>th</sup>/9<sup>th</sup> and 10<sup>th</sup> June 2006. So the only issue was as to Mr Taylor's knowledge that the notes were forged.

17. In an appeal against conviction it is necessary to bear in mind at all times the following matters:
- (i) The jurisdiction of this Court is defined by the 1961 Law (the material parts of which we have already recited).
  - (ii) The powers of this Court are therefore more limited than those currently enjoyed by the Court of Appeal (Criminal Division) in England and Wales, which incorporates the concept of an "unsafe" verdict, and, by judicial gloss, that of a lurking doubt.
  - (iii) Where an appeal is from the verdict of jurors, which are not 'speaking' i.e. do not disclose the reasons upon which the verdict is based "*if the summing up is sound the Court may well not be able to interfere unless the verdict is obviously wrong*". *Heather Helena Guest* (Criminal Appeal No. 290) para 12.
  - (iv) The only available grounds for an appeal under the 1961 Law are that:
    - (a) the verdict is unreasonable.
    - (b) the verdict cannot be supported having regard to the evidence.
    - (c) there has been a wrong decision of any question of law.
    - (d) on any ground there was a miscarriage of justice.

The grounds, may overlap. For example, a verdict that cannot be supported by the evidence will obviously be unreasonable. A wrong decision of any question of law can create a miscarriage of justice. [They will not, however, necessarily do so. A judge may conduct a trial so unfairly, for example by excessive intervention, as to lead to a miscarriage of justice without committing an identifiable error of law].
  - (v) Summing up itself is an art not a science. There is no template. The Judge who sums up must give correct directions as to law, and fairly put the case for the defence. He cannot do less; how much more he should do depends axiomatically on the length and complexity of the matters in issue in the trial.
  - (vi) Brevity is not of itself a vice, in particular where the evidence is fresh in the fact finders minds; indeed it is, subject to what is said in sub-paragraph (v), usually a virtue.
  - (vii) In assessing the rightness or wrongness of the verdict the Court of Appeal must at all times bear in mind that the function of fact finding has been left to the lower court, and that, particularly where credibility is in issue, the lower court notoriously has the advantage, denied to the Court of Appeal, of seeing and hearing the witnesses, including, most importantly, the defendant.

- (viii) Furthermore, as Le Quesne JA observed in *Tilley v the Law Officers* 1973 Court of Appeal Reports 88 at p.97 “*The jurors are holders of judicial office and are far more experienced in the affairs of law and legal procedure than the normal jurymen in the United Kingdom*”. Challenge to their verdict as unreasonable is especially difficult to make good.
18. Mr Taylor’s case was comprehensively presented by Advocate Dunster, [who did not represent the applicant below], under 5 headings.
- (i) The Learned Lieutenant Bailiff failed properly to direct the jurors upon the ingredient of knowledge of the offence.
- (ii) The Learned Lieutenant Bailiff misdirected the jurors in putting too much emphasis and importance on the evidence of Mr Mann from whom Mr Taylor claimed he received the money in exchange for furniture.
- (iii) The Learned Lieutenant Bailiff gave the impression to the jurors they might wish to prefer the evidence of Mr Mann.
- (iv) The Learned Lieutenant Bailiff failed to correct the false and misleading impression given by the Crown that Mr Taylor was involved in the production of the notes.
- (v) The Learned Lieutenant Bailiff failed to remind the jurors of the explanation put forward by Mr Taylor when directing them of the inference could be drawn from circumstantial evidence; namely, that while the prosecution had put forward alternative and exclusive inferences that either:
- (1) Mr Taylor did receive the forged notes from Mr Mann who himself knew the notes were forged; or
- (2) Mr Taylor did not receive the forged notes from Mr Mann and was therefore lying.
- Mr Taylor for his part had put forward an alternative innocent explanation that he had received the notes from Mr Mann but without Mr Mann necessarily knowing they were forged, which, Advocate Dunster contends, was not inherently incredible as an explanation.
- (vi) The verdict was unreasonable.
19. We do not, we repeat, consider that any of these grounds incorporated involve a (pure) question of law within the meaning of the 1961 Law. Advocate Dunster candidly and realistically conceded that the Learned Lieutenant Bailiff correctly gave standard JSB directions on all general matters such as burden and standard of proof, the weight to be attached to circumstantial evidence, and the relevance of Mr Taylor’s admitted good character. Furthermore he did not misrepresent the elements of the offence charged or omit any such element in his summing up. We have accordingly treated this matter as an application for leave.
20. We now consider the grounds relied on one by one.

As to (i) the Learned Lieutenant Bailiff made it abundantly clear that Mr Taylor's knowledge as to whether or not the notes were counterfeit was the key issue. He mentioned this on several occasions. We see no reason why he should have had to explain to the Jurats the meaning of an ordinary English word, or painstakingly to distinguish between knowledge, belief or suspicion.

As to (ii) and (iii) (which largely overlap) we consider that on a fair reading the Learned Lieutenant Bailiff did not in the context of this case put too much emphasis on the evidence of Mr Mann. Mr Taylor's case was that the notes had been passed to him by Mr Mann: Mr Mann's evidence, we have already mentioned, was to contrary effect. In such circumstances the Jurats were properly directed to evaluate their respective testimony.

Nor do we consider that the Learned Lieutenant Bailiff influenced the Jurats by betraying any strong personal view as to Mr Mann's credibility. The transcript shows that the Jurats were given the option of deciding whether or not to accept Mr Mann's evidence ("*you will have to decide what you make of this evidence*") (Transcript 165B): and the Learned Lieutenant Bailiff did draw their attention to contradictions in his evidence (ditto 165D). We accept that the reference to the health problem of Mr Mann's daughter (ditto 162C) as a possible explanation for the lack of focus of his recollection: and the absence of an elaborate recitation of Mr Mann's changes of story were legitimate points for us to consider: but while we accept as a general proposition that "*A summing up which is fundamentally unbalanced is not saved by the continued repetition of the phrase that it is a matter for the jury*" (*Gilbey*: Lloyd LJ January 26 1990 (unreported) approved in *R v Mears* 1993 97 Cr App R [PC] 239 at p243), there was, looking at the summing up in this round, no such fundamental unbalance here. Notably the Learned Lieutenant Bailiff ended his summing up by summarising the defence case and reminding the Jurats "*It's not for the defence to prove anything against Mr Mann: the Defendant does not have to prove the Defendants' innocence*". Ditto 172E-F.

As to (iv) this submission cannot survive the Learned Lieutenant Bailiff's unequivocal observation "*There is nothing to show the Defendant was involved in the production of notes, which is a correct observation on the evidence*" (ditto 177E).

As to the alternative submission, developed orally by Advocate Dunster, that the Crown was wrong, even obliquely, to invite an adverse inference to be drawn from the fact that the original, as well as the counterfeit, notes were found in Mr Taylor's possession, this was not a matter on which the Learned Lieutenant Bailiff commented one way or the other. In our view it was open to the Jurats to make of that (admitted) fact what they would. It was, as a fact, not inconsistent with guilt: and, in the overall context of the case, capable of being probative of it.

As to (v) the hypothesis that Mr Mann could have innocently passed on counterfeit notes was not closed off from the Jurats. Again we draw attention to the fact that the Learned Lieutenant Bailiff said expressly that Mr Mann's innocence did not establish Mr Taylor's guilt. However it is not easy to see realistically how twenty counterfeit notes could have been paid in a single batch to Mr Mann by some culpable third party and retained their identity as a batch when passed on to Mr Taylor: or why the Learned Lieutenant Bailiff should have raised the hypothesis of some dishonest employee of Mr Mann's

tinkering with his till in an amateurish exercise of money-laundering, when there was no basis for any such hypothesis advanced by Counsel or in evidence before the Court.

As to (vi), first the Jurats heard and saw Mr Taylor. They heard and saw Mr Mann. In so far as it was necessary to chose between them, they clearly preferred Mr Mann's evidence. By itself this would have discouraged any reliance by them on Mr Taylor's version. Secondly, the Prosecution did not need to prove motive: but it is the common experience of the criminal courts that those who seek to profit from dishonesty are not necessarily inspired by need. That there may be cases where an appellate court can find a verdict unreasonable is assumed by the 1961 Law. The present is, in our view, not within striking distance of being such a case.

21. At the conclusion of his summing up the Learned Lieutenant Bailiff invited both Counsel to indicate any matter of law or fact upon which he should have further addressed the Jurats. Both responded in the negative. Such a concession might not bind an appellant on an appeal, but we consider that Advocate Mallett, who appeared below, made, as has Advocate Dunster before us, all the points that could properly be made on Mr Taylor's behalf. After a fair summing up the Jurats rejected the points. The last words of the Learned Lieutenant Bailiff summing up were "*you are the Judges of fact – it is your evaluation of the facts and judgment on the facts alone that matters*". In our view there is no basis for concluding other than that the Jurats performed their function impeccably.
22. We accordingly refuse leave to appeal.

### **SENTENCE – THE FIREARMS CONVICTIONS**

23. We turn to the issue of sentence for the firearms convictions.
24. The background is as follows.
25. On the 11<sup>th</sup> June 2006 the police attended Mr Taylor's address in order to undertake a search in respect of counterfeit notes. Mr Taylor volunteered that he had an unlicensed firearm in an upstairs cupboard. The police officer went upstairs and recovered the cashbox in which the weapon was located and the key to the cashbox. He returned downstairs and opened the cashbox and found the handgun located inside, together with six boxes of ammunition. The weapon was loaded with ammunition in a magazine.
26. The gun was examined and formally identified as a mauser 6.35mm calibre automatic pistol. There were two 9 round magazines of the weapon. There were also 175 rounds of box 6.35mm ammunition, which together with a further 5 rounds in each of the two magazines made a total of 1855 rounds.
27. Mr Taylor said in interview he had been in possession of the firearms since about 1985 having bought it from a friend. He accepted he previously held a firearms license and was aware of the procedure for registration. He acknowledged that it was pure stupidity to have a loaded magazine and the pistol.
28. The Royal Court rightly observed "*firearms offences are comparatively rarer in Guernsey than in England but are still viewed with proper seriousness*". It

is accepted that there is no relevant Guernsey (or Jersey) jurisprudence. We therefore found it helpful to make use of an English guideline case which speaks of a general approach, especially since the Royal Court said “*the public concern expressed about firearms in Guernsey is on the same level as in England*”.

29. In *Avis* [1998] 1 Criminal Appeal Reports 420 the Court presided over by Lord Bingham of Cornhill C J said the sentencing judge should ask four questions.
1. What sort of weapon was involved? (i.e. genuine or imitation: loaded or unloaded?)
  2. What use, if any, was made of the firearms?
  3. With what intention, if any, did the defendant possess it?
  4. What was the defendants record (relating to firearms offences or crimes of violence?)
30. The other firearms cases to which we were referred were less helpful since the sentences imposed depended so much upon their individual facts only. We list them for completeness:
- Horn* [1997] 2 Criminal Appeal Reports 172;
- Lindsay* [1998] Criminal Appeal Reports 324; and
- Alan* [2001] 2 Criminal Appeal Reports 76.
31. The facts relied on in support of the application for leave to appeal against sentence were:
- (i) Mr Taylor did not use the firearm and had not touched it for a few years.
  - (ii) He had no intent to use the weapon.
  - (iii) He was hitherto a man of positive good character and there was nothing to suggest that he was privy to violence, let alone in matters in relation to firearms.
  - (iv) He volunteered to the police, when they attended his home address, that he had possession of a firearm.
  - (v) He had locked the firearm in a tin and the key was housed separately.
  - (vi) He had pleaded guilty at the first opportunity.
  - (vii) He was assessed as not likely of re-offending and had a young family, who in particular have been and continue to be adversely affected by his imprisonment.
32. On the *Avis* criteria Mr Taylor scored highly on 2 and 4 (no use made - other than at a firearms club - no record of violence) but less so on (1) (genuine weapon and loaded) and (3). In particular as to (3) like the Royal Court we share the concern expressed in the Probation Report on the firearms offences.

We read the material parts of paragraphs 2-6 and 13-14 of the report dated 7<sup>th</sup> June 2007:

Possession of Prohibited Weapon: Possession of Prohibited Ammunition

2. *In relation to the firearms offences, Mr Taylor tells me that he obtained a World War II gun from an acquaintance, who had found it, approximately twenty to twenty-five years ago whilst renovating a house. He states that his acquaintance had had it valued and it was worth a “lot of money”. He tells me that he was aware that legally he should have declared it and obtained a licence for it, as he had licences for other firearms and knew the law. However, he says he had been told that it would be worth more money if it was “kept off ticket”. The defendant states that he kept the firearm in a locked box hidden in his wardrobe.*
3. *Mr Taylor tells me that he was a member of a firearms club, where he had used his licensed weapons previously. He tells me that he also used the unlicensed gun at the club on occasion, although he believes staff presumed it was licensed because of his licensing on other firearms. He tells me he was able to purchase the ammunition for the gun at the club as he owned another licensed firearm which took the same calibre of ammunition.*
4. *The defendant states that he sold most of the guns approximately ten years ago to a licensed gunsmith but that he could not sell him the World War II one because it was unlicensed. He tells me that he had no plans to use the gun in the future, however could not explain why he had not sold the ammunition to the gunsmith (which he confirms he could have done as it would have been licensed if sold with the licensed firearm of the same calibre).*
5. *The Court will no doubt be concerned that the gun was found by officers with ammunition in the magazine. Mr Taylor tells me that this was because he did not want the loose rounds (which he tells me come in racks) “rolling around” the tin. He states that he feels particularly bad because the gun was stored in this home, where his young son was living, and did not consider at the time the potential risk to his son. He says the risk would have been reduced because the firearm and ammunition was in a locked box hidden in a wardrobe, however he accepts that he was fully aware that his method would not have officially been considered ‘safe’ storage.*
6. *Despite discussions with Mr Taylor, I continue to struggle to understand his motive for keeping the firearm and the ammunition. His keeping them and statement that had the police not retrieved it in his arrest for the counterfeit money offences it “probably would have remained where it was”, does not assimilate with his portrayal of himself as a ‘conventional’*

*member of society and family man. He does appear to be aware of why it is important to ensure that firearms and associated ammunition are licensed in terms of safety and monitoring.*

7. *Mr Taylor informs me that his wife was not aware that he had the unlicensed firearms or ammunition (she was aware of the licensed guns). He also informs me that he is particularly concerned about the impact of his arrest and conviction, and potential sentencing, on his wife and young son. He notes concern about the anxiety that he may have caused for his wife in relation to both her reputation and within her employment.*

Assessment of Likelihood of Re-offending and Risk of Harm to the Public

13. *Statistical assessment places Mr Taylor in a population with a low likelihood of re-offending. He has many stable factors within his lifestyle and describes a relatively conventional lifestyle, which has influenced this assessment. I do however have concerns about the moral reasoning that Mr Taylor has applied in relation to the firearms offences particularly, and the apparent ease with which Mr Taylor decided not to licence them in the first place.*
  14. *The firearms offences do suggest a significant risk of potential harm to the public. I remain unclear as to why Mr Taylor chose to commit these offences, and keep the gun and ammunition within his home for such a significant amount of time, particularly with his young son present. There would also be obvious concerns had Mr Taylor sold the gun on in the future as this sale would also have been illegal and the defendant could not know what the motive of the buyer would be.*
33. Moreover, as the Royal Court expressly noted, Mr Taylor had had the gun for more than 21 years and the ammunition (separately purchased) for several years. (See record of police interview on 30 June 2006).
  34. As the Royal Court said: “*Each case falls to be decided individually*” and we agree. However, taking all these circumstances favourable and unfavourable into account, we for our part, consider that which an immediate custodial sentence was wholly appropriate, but the sentence itself was manifestly excessive, if not to the degree contended for on Mr Taylor’s behalf. We grant leave to appeal and on appeal will reduce the sentence on each count to one of 9 months, concurrent with each other but consecutive to those on the counterfeit offences.