



**THE COURT OF APPEAL**

**[140/2018]**

The President

Edwards J.

Hedigan J.

**BETWEEN**

**THE PEOPLE AT THE SUIT OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

**APPLICANT**

**AND**

**DEAN MOORE**

**RESPONDENT**

**JUDGMENT (Ex tempore) of the Court delivered on the 2nd day of October 2018 by Birmingham P.**

1. This is a case that has been before the Court for some time and it has been before the Court on foot of an application brought by the Probation Service arising from the situation where this Court had imposed a suspended sentence on 14th March 2017.
2. There were difficulties with the level of Mr. Moore's commitment, but matters have moved on and things have taken a turn for the better.
3. Perhaps the easiest thing to do is to read the last paragraph of the most recent report which was prepared for today's hearing. It says:

"Mr. Moore was last before the Court of Appeal for non-engagement with his probation supervision. In the adjourned period, while initially progress was slow due to Mr. Moore's presentation, there was a marked difference following the third week. From this point forward, there was no issue with Mr. Moore's presentation/ engagement. Mr. Moore participated fully in the IMAP [Individual Managing Anger Programme] and engaged openly during each session. Mr. Moore reports that he is motivated to complete the IMAP and this will be of benefit to Mr. Moore moving forward."

So, the final paragraph summary is a positive and encouraging one. The fact that that positive development has occurred is a tribute to the diligence and commitment of the Probation Service who have not given up on Mr. Moore and continue to do work with him and have tried a number of approaches and eventually identified an approach that has proved effective. It has been pointed out that there is, on one calculation, a number of weeks to go while the programme is being completed and the question is whether the Court should seek to put in place any particular requirement in that regard, though if it did do so, there might well be issues as to effectiveness and as to jurisdiction. However, the position is that the Probation Service are now of the view that such is the level of Mr. Moore's commitment that he can be relied upon to complete the programme he has embarked upon on his own volition.

4. In those circumstances, it would seem that there is no requirement for any further orders and the Court will express its appreciation to the Probation Service for bringing the matter back before us and its satisfaction that the intervention has proved effective.

5. So, we make no order.