

MEMORANDUM FOR THE CABINET BY
THE MINISTER RESPONSIBLE FOR PRISONS

Proposed amnesty on the occasion of the assumption of Office by the new Government

On the occasion of the assumption of Office by the new Government, the granting of an amnesty is proposed, and the Crown Advocate-General recommends the following scale and criteria:

- I. Sentences restrictive of personal liberty -
- (a) not exceeding two years - a remission of three months for every year or one-fourth remission;
 - (b) exceeding two years but not exceeding six years - a remission of two and a half months for every year or five twentyfourths remission; and
 - (c) exceeding six years but excluding life sentence - a remission of two months for every year or one-sixth remission.

Provided that recidivists in a crime three or more times shall benefit only of one half of the said remission.

II. There is only one subsisting case of a life sentence, i.e., that of Anthony Pattinot, which was commuted from a life sentence. He has benefited of three amnesties the last one having been granted in 1968, on the occasion of the 60th Anniversary of His Grace the Archbishop's Ordination to the priesthood. The date of his release now stands at 18th October, 1972 and the Crown Advocate-General recommends that his sentence be now reduced so that he will be released from prison on the 23rd December, 1971. Pattinot will have, thus, actually served a sentence of imprisonment of little more than eight years.

III. The amnesty will apply only to sentences restrictive of personal liberty and shall not apply to any term of imprisonment or detention resulting from the non-payment of any fine or other pecuniary penalty imposed by any Court of Justice.

IV. Should a prisoner forfeit any remission to which he is entitled under the Prisons Regulations for good conduct and industry, the amount of remission granted to the prisoner by virtue of the amnesty shall be reduced by the amount of the remission so forfeited.

The prerogative of mercy is exercised by the Governor-General under section 94 of the Constitution on the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet.

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When the Crown Advocate-General is informed that the Cabinet or the Minister delegated as above has approved the above scale and on what date the amnesty will be granted, he will instruct the Director of Prisons to apply the scale to each prisoner and work out the date of each prisoner's release. This will enable the Crown Advocate-General to draft the Warrant which the Governor-General will sign on the advice of the Cabinet or of a Minister delegated as above stated. The scale which is being suggested is the same scale adopted for the amnesty on the occasion of Independence, except in regard to Pattiniot's case when his life sentence was reduced to twenty years imprisonment and except the special provision concerning recidivists three or more times.

Hon. Ministers may wish to consider the above.