

R. v. JAM JOHANNES.

A CRIMINAL REVIEW CASE OF 1936.

Charge of housebreaking and theft—plea of guilty—conviction—recommendation for deportation—no outline of case for the prosecution or record of the evidence of the principal witness.

Where an accused person pleads guilty to a criminal charge upon conviction for which the convicting Court may recommend deportation within the Territory under the Penal Code section 34, the convicting Court must include in the record an outline of the case for the prosecution or of the evidence of the principal witness in order that the High Court may have knowledge of the circumstances surrounding the offence for which such deportation is recommended.

Francis, J.: Although the Magistrate is entitled, on a plea of guilty, to sentence accused forthwith, I am not prepared to recommend deportation in the absence of an outline of the case for the prosecution and a record of the evidence of the principal witness.

I order that such additional evidence be taken.