

ROYAL COURT

20th September, 1991

134.

Before: The Deputy Bailiff, and  
Jurats Vint and Le Ruez

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Attorney General

- v -

David Francis Whiteford

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**OFFENCE:**

One Count of driving whilst disqualified; one Count of driving whilst uninsured; one Count of careless driving.

**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

Disqualified in 1987 for a total of 8½ years. Drove motorcycle in March 1991, followed by police, crashed.

**DETAILS OF MITIGATION:**

Plea of guilty. Defendant at last moment apparently willing to leave Jersey and a binding over order therefore asked for.

**PREVIOUS CONVICTIONS:**

Many, including previous for driving whilst uninsured and driving whilst disqualified.

**CONCLUSIONS:**

Driving whilst disqualified. 5 months.  
Driving uninsured: 6 months.

Careless driving: £75 or two weeks' imprisonment consecutive i.e. 6 months in total plus the fine or consecutive prison sentence. No further disqualification.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

Court would take an unusual course. It would do so because it would be in the public interest of Jersey. The conclusions of the Crown were correct on the information known but the defendant was now willing to leave Jersey. He had always been disqualified since 19 and prison was no deterrent. He had already served a sentence equivalent to nearly 4 months imprisonment. Best chance would be if he could live and work elsewhere where he was not disqualified from driving and was therefore unlikely to re-offend. He was accordingly bound over for three years on condition that he leave the Island and not return for three years. Will remain in custody until he leaves. No further disqualification. If he were to return he could only expect imprisonment.

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Advocate M.C. St. J. Birt, Esq., Crown Advocate;

Advocate C.J. Scholefield for the defendant.

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**JUDGMENT**

DEPUTY BAILIFF: The Court has decided to take an unusual course - as Mr. Scholefield put it a pragmatic course - or as we would put it a course which may well be as much in the public interest as that of Whiteford.

The conclusions of Crown Advocate Birt were absolutely correct on the basis of the information then before him. But we now have this changed circumstance that Whiteford is willing to leave Jersey.

In deciding to give him that opportunity we have studied his record. It is unusual that Whiteford was a first offender at the age of 19 years and was sentenced to six weeks' imprisonment and disqualified from holding or obtaining a licence to drive for two years. Since that date, he has never been free of a disqualification for holding or obtaining a licence. Certainly it is unusual that Whiteford has never been the subject of a Probation Order, nor of any sentence involving counselling and supervision.

We have no doubt that prison is no deterrent to him and we can take into account that he has, on remand, served the equivalent of three months three weeks and one day, a sentence slightly in excess of half of the total moved for.

For the reasons we have stated we make it possible for Whiteford to leave this jurisdiction and live, work and drive elsewhere. Of course if he breaches the order and comes back before us he will certainly go to prison yet again.

Whiteford on all three counts concurrently you are bound over to be of good behaviour for three years on condition that you will leave Jersey as soon as possible and not return for three years. You will remain in custody until arrangements have been made for you to leave. There will be no further period of disqualification.

Authorities

A.G. -v- Whiteford (14th January, 1991) Jersey Unreported.

A.G. -v- Mière (5th February, 1990) Jersey Unreported.