

ROYAL COURT

25th October, 1991 157.

Before: The Bailiff, and
Jurats Coutanche and Le Ruez

Attorney General

- v -

David Francis Whiteford

OFFENCES:

Breach of Binding Over Order imposed in respect of:

- Count 1: Driving whilst disqualified (Article 9(4) of the Road Traffic (Jersey) Law, 1956).
- Count 2: Driving without due care and attention (Article 15 of the Road Traffic (Jersey) Law, 1956).
- Count 3: Driving whilst uninsured (Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948).

PLEA:

Guilty.

DETAILS OF OFFENCE:

Three Counts on the original indictment. Within weeks of release from prison on motoring offences he re-offended. He was bound over on the 20th September, 1991, on condition that he left the Island and did not return for three years. He returned on the 16th October, 1991.

DETAILS OF MITIGATION:

He voluntarily gave himself up on breach of Binding Over Order. He had served two months and ten days in custody on remand which would not be taken into account when calculating remission for good conduct.

PREVIOUS CONVICTIONS:

Numerous motoring offences for driving whilst unfit, whilst disqualified, uninsured, and leaving the scene of the accident, drugs, etc.

CONCLUSIONS:

Five months' imprisonment on each of Counts 1 & 2 (concurrent).

Six months imprisonment concurrent on Count 3.

SENTENCE AND OBSERVATIONS OF THE COURT:

Count 1: two months' imprisonment.

Count 2: £75 or two weeks' imprisonment consecutive to Count 3, if need be.

Count 3: three months' imprisonment concurrent with Count 1.

W.J. Bailhache, Esq., Crown Advocate;
Advocate C.J. Scholefield for the accused.

JUDGMENT

BAILIFF: If it were not for the fact that the amount of imprisonment you have served on remand will not be taken into account in the sentencing here we would certainly have granted the conclusions asked for.

Under the circumstances we think it would be only just that you should not have to serve more because of the question of remand. I should add before sentencing you that we endorse the remarks this Court has made in the past about people who drive uninsured. It is a serious offence and these words were actually used in the case of A.G. -v- Mière (5th February, 1990)

Jersey Unreported: **"People like you pay scant regard to your obligations as a citizen"**. There is also some element of contempt.

We are going to sentence you as follows: on Count 1, two months' imprisonment; on Count 2, £75 or two weeks' imprisonment in default of payment; and on Count 3, three months' imprisonment. The sentences imposed on Counts 1 and 3 to run concurrently with one another, and the sentence imposed in default of payment on Count 2 to follow consecutively, if need be, the sentences imposed on Counts 1 and 3.

Authorities

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