

4 pages.

**ROYAL COURT**

(Superior Number)

218

4th December, 1992

**The Bailiff, and Jurats  
Coutanche, Orchard, Vibert.**

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**The Attorney General**

- v -

**Gerrard Joseph O'Neill**

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**Sentencing, following conviction before the Royal Court (Criminal Assize) on 11th November, 1992, on one count of Manslaughter, "Renouf" form of Indictment.**

**AGE:** 29.

**PLEA:** Not guilty.

**DETAILS OF OFFENCE:**

Caused the death of his two passengers by reckless (not dangerous) driving. See the Bailiff's preliminary point judgment on the law delivered 6th November 1992. Aggravating features were that the defendant had consumed a considerable quantity of alcohol (perhaps some eight pints of lager beer) quite shortly before the accident. He had certainly been drinking beer in three public houses round for round. His severe injuries prevented a blood sample for analysis. He had taken the bend on the wrong side of the road at excessive speed passing the "critical" speed for the bend and thereby lost control. There was evidence of bad driving and excessive speed before the eventual impact with a granite wall in La Bllnerie Lane, St. Clement.

**DETAILS OF MITIGATION:**

First offender, excellent character references, genuinely remorseful, suicidal at times, genuinely shocked. One victim was his best friend. Both victims from his small town in Ireland. He could remember nothing after visiting the last public house and was unaware who had driven from it.

**PREVIOUS CONVICTIONS:** None.

**CONCLUSIONS:**

Two years and six months' imprisonment and disqualification from driving for five years.

**SENTENCE OF THE COURT:** Conclusions granted.

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**The Solicitor General.**

**Advocate N.M.C. Santos Costa for the accused.**

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**JUDGMENT**

**THE BAILIFF:** This is, in many ways, as your counsel has said, a tragic case.

We have examined very carefully the full references which your counsel has provided, and I am sure it does not need me to say how much you are indebted to them for what they have said.

It is clear to us that you come from a part of Ireland which is well-knit and integrated and where there are happy family circumstances; and we understand the distress that has been caused to your parents and your family by the position in which you have found yourself as a result of that unhappy night.

Nevertheless, comparing the case of Boswell, (1984) 6 Cr.App. R.(S.)257, which the Crown put to us with the Jersey case of A.G. -v- Hunter (19th September, 1988) Jersey Unreported; and looking at the matters in Boswell to which we should properly have regard,

both for and against mitigation, we cannot overlook the fact that you drove in a reckless manner on that night, due, as the Jury found, and as was suggested by the Crown, to your having drunk far too much.

We considered also the distress you yourself have felt and still feel at causing the death of your closest man-friend and another young acquaintance. Nevertheless we think that the Crown has taken all those matters fully into account in arriving at its conclusions.

Therefore we are going to grant the conclusions. You are sentenced to two and a half years' imprisonment and you will be disqualified from driving for five years.

**Authorities**

A.G. -v- Hunter (19th September, 1988) Jersey Unreported.

Thomas: Current Sentencing Practice: p.p. 2046-2046/1;  
2077-2087.

R. -v- Boswell (1984) 6 Cr.App.R.(S.)257: p. 2077;  
B1-7.2.

R. -v- Robson (1989) 11 Cr.App.R.(S.)78: p.2082;  
B1-7.3.

R. -v- Chadwick (1990) 12 Cr.App.R.(S.)349: p.2083;  
B1-7.3.