

ROYAL COURT
(Samedi Division)

26

19th February, 1993

Before: J.H. Vint, Esq., Lieutenant Bailiff
and Jurats Myles and Orchard

The Attorney General

-v-

Darren Gerald Louvel

PV
NM

Louvel, PV, NM

- 1 Count of taking a motor vehicle without the owner's consent or authority contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (Count 1 of the Indictment).
- 1 alternative Count of knowing that the said vehicle had been taken and driven away without the consent of the owner or of other lawful authority allowed themselves to be carried in the said vehicle without such consent or authority (Count 1 A).

Louvel, PV

- 2 Counts of taking a motor vehicle without the owner's consent or other authority contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (Counts 2 & 3).
- 2 alternative Counts of knowing that the said vehicle had been taken away and driven away without the consent of the owner or other lawful authority allowed themselves to be carried in the said vehicle without such consent or authority (Counts 2A & 3A).
- 2 Counts of Larceny (Counts 4 & 5).
- 2 alternative Counts of receiving the property, knowing it to have been stolen (Counts 4a & 5a).
- 1 Count of Fraud (Count 6).

Louvel

- 1 Count of carrying an offensive weapon, contrary to Article 27 of the Firearms (Jersey) Law, 1956 (Count 7).
- 1 Count of breach of the public peace (Count 8).
- 2 Counts of driving without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (Counts 9 & 11).

- 2 Counts of using a motor vehicle uninsured against third party risks contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (Counts 10 & 12).
- 1 Count of falling to stop a motor vehicle when required to do so by a Police Officer contrary to Article 26(1) of the Road Traffic (Jersey) Law, 1956 (Count 13).
- 1 Count of reckless driving contrary to Article 14 of the Road Traffic (Jersey) Law, 1956 (Count 14).

PV

- 1 Count of taking a motor vehicle without the owner's consent or other authority contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (Count 15).
- 1 Count of driving a motor vehicle whilst disqualified by virtue of age, contrary to Article 13(1) of the Road Traffic (Jersey) Law, 1956 (Count 16).
- 3 Counts of using a motor vehicle uninsured against third party risks contrary to Article 2(1) of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (Counts 17,18,19).
- 1 Count of purchasing intoxicating liquor at licensed premises contrary to Article 13(2) of the Licensing (Jersey) Law, 1974 (Count 20).
- 1 Count of consuming intoxicating liquor on licensed premises contrary to Article 13(2) of the Licensing (Jersey) Law, 1974 (Count 21).

NM

- 1 Count of breaking and entering and larceny (Count 22).
- 1 Count of malicious damage (Count 23)

LOUVEL

AGE: 18

PLEAS: Guilty

DETAILS OF OFFENCE: This defendant with 2 co-accused youths committed a catalogue of offences over the period August and September 1992 reflected in the Royal Court by specimen counts only. No offence was so grave that the proper sanction exceeded the jurisdiction of the Magistrate.

DETAILS OF MITIGATION: Severely deprived background. A hearing disability since infancy. A recent injury at work. Employment found for him at Oakfields industries which caters for the disabled. Manager says he is a "natural" French polisher. Now able for the first time to look after himself on his own from his own earnings. Life at cross-roads.

PREVIOUS CONVICTIONS: 8 for similar type offences and now in breach of 16th April 1992 Magistrate's Probation Order.

CONCLUSIONS: 1 year Probation and attendance at the Offending Behaviour Group.

For the Breach discharge of Order and replacement with a new 1 year Order subject to condition of 90 hours Community Service.

SENTENCE AND OBSERVATIONS OF THE COURT: Conclusions granted. Defendant warned by Lt. Bailiff Vint and Jurat Myles as to future behaviour.

PV

AGE: 17

PLEAS: Guilty

DETAILS OF OFFENCE: Defendant committed a catalogue of offences over the period August and September 1992 reflected in the Royal Court by specimen counts only. No offence was so grave that the proper sanction exceeded the jurisdiction of the Magistrate.

DETAILS OF MITIGATION: First offender. Deprived institutionalised background - mostly in care - special arrangement proposed by Probation Officer which will remove him to England to be fostered by a Mr. E who was in charge of the defendant when Mr. E was at Heathfield Children's Home in Jersey and with whom the defendant had a good relationship.

PREVIOUS CONVICTIONS: None.

CONCLUSIONS: Probation for 3 years so that in practice the defendant will be directed by his Probation Officer to go to England and reside with Mr. E and then to work in England as will also be directed. S.G. gave stern warning that any breach would result in a custodial sentence.

SENTENCE AND OBSERVATIONS OF THE COURT: Conclusions granted. Stern warning underlined not only by Lt. Bailiff Vint but also by Jurat Myles who spoke of her experience on the Juvenile Court Bench.

NM

AGE: 17

PLEAS: Guilty

DETAILS OF OFFENCES: Good home. Industrious hard-working parents. No explanation beyond interest in motorcycles. Has rejected all chances. Contemptuous of all authority. Spurns help of Probation Service - rejected by Attendance Centre through wilful refusal to co-operate. Only solution is custodial.

DETAILS OF MITIGATION: Youth and the guilty pleas. Counsel regretted the uselessness of a custodial order where nothing could be done for the defendant in prison other than to further qualify him for a life of crime.

PREVIOUS CONVICTIONS: 12 for motoring offences similar to those now indicated. Now in breach of Probation Orders not only of the Royal Court but also of the Juvenile Court.

CONCLUSIONS: For each of the 3 offences 3 months imprisonment concurrent, i.e. total of 3 months.

For the Juvenile Court Breaches Original Order discharged. 1 month concurrent for each of the 3 original offences but consecutive to the 3 months.

For the Royal Court Breaches Original Order discharged. 2 months concurrent for each of the original counts but consecutive to the 3 months and the one month, i.e. to total 6 months imprisonment in all.

SENTENCE AND OBSERVATIONS OF THE COURT: Conclusions granted. Lt. Bailiff Vint addressing the defendant said "In prison it is all up to you - you will receive help if you avail yourself of the opportunities of such help.

The Solicitor General
Advocate D.J. Petit for Louvel

Advocate P.A. Bertram for PV.
Advocate S.A. Pearmain for NM.

NO RECORDED JUDGMENT

No Authorities