

ROYAL COURT
(Samedi Division)

75.

21st April, 1994

Before: The Bailiff, and
Mr. Adolphus Le Maistre,
Ms. Wendy Kinnard.
Mrs. Jacqueline Le Brun.

JUVENILE COURT APPEAL

D.

- v -

The Attorney General

Appeal against sentence of 4 months' imprisonment imposed by the Juvenile Court on 2nd February, 1994, following admitted breach of an Attendance Centre Order imposed by the said Court on 1st December, 1993, when the appellant pleaded guilty to breach of a probation order imposed on 19th May, 1993, following a guilty plea to 2 counts of aiding/assisting in larceny from unattended motor vehicle; 3 counts of driving under age; 2 counts of using an untaxed vehicle; 1 count of dangerous driving; 1 count of driving without due consideration; 2 counts of using defective vehicle; and 1 count of failing to display registration mark; and guilty to breach of a binding over order, imposed on 25th August, 1993, following guilty plea to 1 count of failing to report an accident.

On 1st December, 1993, the appellant further pleaded guilty to 1 count of driving uninsured; 1 count of aiding/abetting in commission of offence under Article 3 of the Road Traffic (Jersey) Law, 1956; and 1 count of aiding/abetting in commission of offence under Article 1 of the Road Traffic (Protective Helmets) (Jersey) Order, 1983.

Appeal allowed; sentence quashed; sentence of 1 year probation with 70 hours community service substituted.

S.C.K. Pallot, Esq., Crown Advocate.
Advocate A.P. Roscouet for the Appellant.

JUDGMENT

THE BAILIFF: This is an appeal by D. from a sentence of 4 months' imprisonment imposed by the Juvenile Court in respect of a number of traffic offences.

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The reason the Juvenile Panel imposed the sentence was that D. had committed a number of traffic offences over a period of

time during 1993, for some of which he had been sentenced to a probation order and then to an attendance centre order. He had not fulfilled his attendance at the centre and was therefore in breach of a condition of probation. He had fulfilled, however, 8
5 hours out of the 60 hours.

On the occasion that he was sentenced he was not represented, nor does it appear from the transcript that the Panel considered alternatives such as a further period of probation on condition he
10 attended an offending behaviour group as suggested today by his counsel. On the other hand, that would not necessarily mean that he would obey, because he has shown in the past that he would not. He was in breach of the trust placed in him and one can well understand that the Juvenile Panel had lost patience with him.
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D. has served six weeks of his four month sentence and I wish to say, also, that we think it desirable in cases where juveniles are sentenced to a term of imprisonment that enquiries should be made on the day that they are sentenced as to whether they wish to
20 appeal and if so, that they should be bailed unless there are exceptional reasons for not doing so.

The effect of the appeal today, if we were to reject it, would be that you would be returned to prison, which we feel would be undesirable. We think that we should nevertheless mark the
25 seriousness of the offence - that is to say permitting another to use a motor vehicle without insurance, which is a very serious offence. Therefore, the appeal is allowed and you are placed on probation for one year subject to the usual conditions, to which
30 we attach the special condition that you serve 70 hours of community service. I must make it quite clear that, as far as this Panel is concerned, that is your last chance.

Authorities

Holley -v- A.G. (2nd March, 1992) Jersey Unreported.

A.G. -v- Hall (6th September, 1991) Jersey Unreported.

A.G. -v- Howard (27th November, 1992) Jersey Unreported.