

ROYAL COURT (SUPERIOR NUMBER)
(exercising the appellate jurisdiction conferred upon it by
Article 22 of the Court of Appeal (Jersey) Law, 1961.)

19th September, 1996.

164.

Before: Sir Philip Bailhache, Bailiff, and
Jurats Bonn, Le Ruez, Vibert, Herbert and Ruffitt.

R

- v -

The Attorney General

Application for leave to appeal against a total sentence of 18 months' disqualification from driving, passed on 2nd February, 1996, following guilty pleas to:

- 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 36,40), on each of which counts sentences of 2 years' probation with 120 hours community service, to be performed within 12 months, with a condition of attendance at the Offending Behaviour Group and 18 months disqualification from driving, concurrent, were imposed; and
- 2 counts of driving a motor vehicle whilst disqualified by virtue of age, contrary to Article 13(1) of the Road Traffic (Jersey) Law, 1956 (counts 37,39), on each of which counts sentences of 2 years' probation with 120 hours community service, to be performed within 12 months, with a condition of attendance at the Offending Behaviour Group and 18 months disqualification from driving, concurrent, were imposed.

Leave to appeal was refused by the Bailiff on 30th July, 1996.

[The appellant, who appeared with 3 co-accused, was also sentenced to 2 years' probation with 120 hours' community service to be performed within 12 months with a condition of attendance at the Offending Behaviour Group on each of the following counts, against which sentences no appeal is made:

- 9 counts of larceny (counts 1,2,4,5,7,9,10,11,19).
- 8 counts of aiding, assisting or participating in larceny (counts 6A,8A,12A,15A,16A,17A,18A,20A).
- 1 count of aiding, assisting or participating in attempting to obtain goods by false pretences (count 13A).
- 1 count of aiding, assisting or participating in obtaining money by false pretences (count 14A).

1 count of receiving stolen property (count 38)].

Advocate Mrs. S.A. Pearmain for the Appellant.
J.G.P. Wheeler, Esq., Crown Advocate.

JUDGMENT

5 THE BAILIFF: This is an application for leave to appeal against a sentence of 18 months' disqualification from driving imposed by the Inferior Number on 2nd February, 1996, following guilty pleas to two counts of using a motor vehicle uninsured against third party risks and two counts of driving a motor vehicle whilst disqualified by virtue of age. Those four counts were, however, part of a much larger picture. The applicant appeared before the Inferior Number on an indictment which contained 44 counts charged against four accused persons; the applicant himself had 25 counts charged against him. This Court is, however, concerned only with the four counts in respect of which a disqualification from holding a driving licence was imposed. In respect of the other counts, a sentence of probation, coupled with conditions that he should attend the offending behaviour group and perform community service were imposed.

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20 The offences which the applicant committed were rightly described by his counsel as part of a "criminal rampage". The Court below considered very carefully whether the right sentence was not a custodial sentence and imposed the sentence which was imposed only after the most careful consideration. This Court finds it very difficult to reach the conclusion - and indeed does not reach the conclusion - that the sentences imposed by the Inferior Number were in any way manifestly excessive.

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35 The Court has, however, given consideration to the circumstances which exist today. At the time when the offences were committed the applicant was a very young man aged 16; he was 17 at the time when sentences were imposed in February this year and he is now, we are told, aged 18. We have had placed before us papers which show that subsequent to the imposition of the sentence he has performed the community service order to the complete satisfaction of the community service organiser. We have also been told that the applicant has completed a course at the Engineering Section of Highlands College and is on his way towards qualifying as a mechanic. He is very keen to pursue a career in the motor trade. The inability to obtain a driving licence is a

great inhibition to him in that respect and he has in the meantime found employment in a shop.

5 The Court has been impressed by the references placed before
it and has reached the conclusion that it is in the public
interest that the applicant should be encouraged to pursue his
career in the motor trade. Not because we consider that the
sentence passed by the Inferior Number was in any way excessive,
10 but because the Court wishes to encourage R in pursuing his
career and as an act of mercy, we propose to grant the
application. The application for leave to appeal is therefore
granted; we allow the appeal and quash the sentence of 18 months'
disqualification imposed on 2nd February and we substitute such
period of disqualification as would expire today.



Authorities

A.G. -v- Whiteford (14th January, 1991); (1991) JLR N.12, 15.