

ROYAL COURT  
(Samedi Division)

37A.

9th March, 1990

Before: The Deputy Bailiff, and  
Jurats Myles and Orchard

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The Attorney General

- v -

Michael John Le Feuvre

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Forgery; uttering and obtaining  
money on forged document; making  
false statement to obtain use of  
a hire car; driving without a  
licence; using motor vehicle  
uninsured.

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C.E. Whelan, Esq., Crown Advocate,  
Advocate C.J. Dorey for the accused.

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JUDGMENT

DEPUTY BAILIFF: We have listened and considered carefully everything that Advocate Miss Dorey has said on your behalf, and she has in fact covered every point that could have been covered. We find ourselves in agreement with some of that which she said, but not all of her submissions.

Insofar as Counts 1 and 2 are concerned we regard forgery as a serious offence, as this Court has always done, and we are not prepared to reduce the sanction for that offence to less than nine months which we regard as the minimum, even after taking all mitigation into account.

We do accept, however, the principle that the maximum penalty set down by the legislature should generally be reserved for the worst case of its kind. If maximum sentences are too low, as we believe them to be in respect of Counts 3, 4 and 5, then it is for the legislature to give attention to raising them and not for the Court to impose the maximum.

Moreover, because all the offences were committed on the same day and the same method of identification was used and the driving was consequential we can regard all the offences as part of a series and impose concurrent sentences throughout.

So we vary the conclusions slightly and we sentence you as follows:

On Count 1 you will serve nine months' imprisonment.

On Count 2 you will serve nine months' imprisonment concurrently.

On Count 3 you will serve two months' imprisonment concurrently.

On Count 4 you will be fined the sum of £20, or in default of payment you will serve one week's imprisonment concurrently.

On Count 5 you will serve two months' imprisonment concurrently, making a total of nine months' imprisonment and £20 or one week's imprisonment concurrently.

Also on Counts 4 and 5 there will be a disqualification for holding or obtaining a licence to drive for twelve months concurrently.

Authorities

AG -v- Flynn (2nd February, 1990) Jersey Unreported.

Hire Cars (Jersey) Law, 1964.

Road Traffic (Jersey) Law, 1956: Article 3.

Thomas: Current Sentencing Practice:9024/1: R -v- Stevens.

9026: R -v- McGowan.

1013: R -v- Byrne.

1014: R -v- Smith.

Thomas: Principles of Sentencing (2nd Ed.):Effect of gap in offender's  
record: pp 200-3.

Totality principle: pp 56-57.