ROYAL COURT

(Samedi Division) 164

18th September, 1992

Before: F.C. Hamon, Esq., Commissioner and Jurats Hamon and Herbert

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Her Majesty's Attorney General

-v-

Anthony Joseph Crossan

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| 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 1 of Indictment); |
| 1 Count of | driving a motor vehicle on a road with an alcohol concentration above the prescribed limit, contrary to Article 16 (A) of the Road Traffic (Jersey) Law, 1956. (Count 2); |
| 1 Count of | driving a motor vehicle whilst disqualified contrary to Article 9(4) of the Road Traffic (Jersey) Law, 1956. (Count 3); |
| 1 Count of | using a motor vehicle uninsured against third party risks, contrary to Article 2 (1) of the Motor Traffic (Third Party) (Jersey) Law, 1948. (Count 4); and |
| 1 Count of | resisting Police Officers in the execution of their duty. (Count 5) |

Indictment laid against the accused 8th May, 1992

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| 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 1 of Indictment); |
| 1 Count of | driving a motor vehicle on a road recklessly, contrary to Article 14 of the Road Traffic (Jersey) Law, 1956. (count 2); |
| 1 Count of | driving a motor vehicle on a road with an alcohol concentration above the prescribed limit, contrary to Article 16 (A) of the Road Traffic (Jersey) law, 1956. (Count 3); |
| 1 Count of | failing to stop and report an accident, contrary to Article 27 of the Road Traffic (Jersey) Law, 1956. (Count 4); |
| 1 Count of | driving without a licence, contrary to Article 3 (1) of the Road Traffic (Jersey) Law, 1956. (Count 5); |

1 Count of using a motor vehicle uninsured against third party risks, contrary to Article 2 (1) of the Motor Traffic (Third Party) (Jersey) Law, 1948. (Count 6); and

1 Count of resisting a Police Officer in the execution of his duty (Count 7)

[see (8th May, 1992) Jersey Unreported]

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**The Attorney General for the Crown**

**Advocate S.J. Crane for the accused**

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**JUDGMENT**

**THE COMMISSIONER:** This is, unfortunately, a case of the most blatant disregard of what was no more nor less than a rejection of an opportunity given by this Court, only a few months ago, to benefit from the counselling of the probation service and indeed the Alcohol Study Group.

We must say this: the consequences of an uninsured driver, under the influence of alcohol, injuring either his two innocent passengers, to whom he had given a lift, or indeed an innocent pedestrian, does not bear contemplation. It may well be, as Mr. Crane has said, the tradition in the Falls Road area of Belfast to behave in this way, but we feel certain that many law-abiding citizens of that area - and there must be many under enormous strain - would take grave exception to some of the remarks made in this Court.

We have no doubt that you have a problem. Anyone who drinks the equivalent of sixty pints of lager a week is, by any standards, going to suffer the most serious consequences. You may have other problems. Despite all that, and despite everything that has been said by Mr. Crane and the authorities that he has cited to us, we have no hesitation in following the conclusions of the learned Attorney.

You are sentenced, therefore, on today's indictment, on the first count to three months' imprisonment; on the second count to a fine of £200 or, in default, to one month's imprisonment concurrent; on the third count to three months' imprisonment consecutive; on the fourth count to three months' imprisonment concurrent; and on the fifth count, to one month's imprisonment concurrent, making six months in total, with a £200 fine or one month's imprisonment concurrent in default.

With regard to the indictment of 8th May, on the first count, you are sentenced to three months' imprisonment; on the second, to three months' imprisonment consecutive; on the third count to three months' imprisonment concurrent; on the fourth count, to a fine of £50 or, in default, to one week's imprisonment concurrent; on the fifth count a £50 fine or one week's imprisonment concurrent; on the sixth count, to three months' imprisonment concurrent; on the seventh count a £50 fine or, in default, one week's imprisonment concurrent. That is, in total, six months, with a total fine of £150 or three weeks imprisonment concurrent. You will be disqualified from driving for three years from the date of this hearing and the probation order is discharged.

The terms of imprisonment imposed in respect of the indictment of 8th May, 1992, are to follow consecutively those imposed in respect of today's indictment.

## Authorities

Thomas: "Principles of Sentencing" (2nd Ed'n): Mitigation: Age and History of Offender: pp. 195-6; "Jump Effect": p

A.G. -v- Whiteford (20th September, 1991) Jersey Unreported.

A.G. -v- Whiteford (25th October, 1991) Jersey Unreported.