

ROYAL COURT
(Samedi Division) | 44,
24th July 1995.

Before: The Deputy Bailiff and Jurats
Myles and Gruchy

Police Court Appeal
(The Assistant Magistrate)

Paul Christopher Kavanagh

-v-

Attorney General

Appeal against a total sentence of 18 weeks imprisonment with 3 years disqualification from driving passed in the Magistrates' Court on 21st June, 1995, following guilty plea to:

- 1 count of driving whilst disqualified, contrary to Article 9(4), as amended, of the Road Traffic (Jersey) Law, 1956 (Count 1, on which a sentence of 4 weeks imprisonment with 2 years' disqualification from driving was imposed);
- 1 count of driving uninsured, contrary to Article 2 of the Road Traffic (Third Party Insurance) (Jersey) Law, 1948 (count 2, on which a sentence of 6 weeks imprisonment, consecutive, with 3 years' disqualification from driving; concurrent, was imposed);
- 1 count of aiding, assisting, or participating in theft from an unattended motor vehicle (count 4, on which count a sentence of 4 weeks' imprisonment, consecutive was imposed); and
- 1 count of aiding, assisting or participating in attempting to cause malicious damage to a motor vehicle (count 10, on which count a sentence of 4 weeks' imprisonment, consecutive, was imposed).

No evidence was offered on counts 3,5,6,7,8, and 9, which were dismissed.

Appeal dismissed.

J. G. P. Wheeler, Esq., Crown Advocate
Advocate S. E. Fitz for the Appellant

JUDGMENT

5 **THE DEPUTY BAILIFF:** Kavanagh was charged with four offences and received in total a period of 18 weeks' imprisonment. Miss Fitz concentrates only on the first two counts; the first count is driving a motor vehicle whilst disqualified; and the second count deals with driving the same motor vehicle in the same circumstances whilst uninsured.

10 On the first count Kavanagh received 4 weeks' imprisonment; and on the second count, 6 weeks' imprisonment, but they were consecutive. Miss Fitz says that because they arise from the same matter they should in fact be made concurrent.

15 Regretfully we can see nothing in what the learned Magistrate decided which was wrong in principle or manifestly excessive, particularly in the light of Kavanagh's record and therefore the appeal is dismissed.

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No Authorities