

ROYAL COURT

24th July, 1989

Before: The Bailiff and  
Jurats Vint and Orchard

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Police Court Appeal: Philip Charles Le Gresley

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Appeal against conviction on one charge of driving a motor vehicle whilst unfit through drink or drugs (contrary to Article 1b of the Road Traffic (Jersey) Law, 1956, as amended) and the sentence of two months' imprisonment and disqualification from holding or obtaining a licence for a period of four years (together with orders for costs) passed on him thereon.

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Advocate S.C. Nicolle for the Crown  
Advocate P.C. Sinel for the appellant.

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**JUDGMENT**

THE BAILIFF: In his finding the learned Magistrate says: "Even accepting that Mr. Le Gresley had consumed two whiskies at" .... (I think that must be) .... "his father's house and two glasses of wine at his own home, the Court is satisfied" ..... and so on. The Court then goes on, of course, to consider the Analyst's report and the evidence of Mr. Martin and Mr. Lever. In our opinion, the learned Magistrate was entitled to have regard to the manner of

driving. The evidence was given by these two totally independent witnesses and he was entitled to ask himself what was causing that erratic driving. The evidence of the appellant himself shows that he had two pints to drink at a pub and shortly after that he was seen driving in an erratic manner.

The figures which Mr. Sinel has produced to us and also produced to the Analyst were based, so far as the whisky was concerned, on three glasses of whisky, but the Magistrate discounted three, as Miss Nicolle has rightly pointed out to us. If you look at the Analyst's evidence and the final page of his report you will see that the calculation shows, even allowing for all the calculations Mr. Sinel has given, a figure of 110 in the blood unaccounted for. Therefore the Magistrate was quite entitled in our opinion to find that that figure is accountable as being the figure which was in Mr. Le Gresley's blood at the time he was driving. And coupling that with the evidence of the erratic driving, he was in our opinion quite entitled, on the evidence he had before him, to convict Mr. Le Gresley. Therefore the appeal against conviction is dismissed. Now, you wish to address us on sentence, Mr. Sinel?

(Mr. Sinel makes his submission to the Court re. sentence)

Even allowing for the gap between the time of his earlier offences and the next one and this one, which in fact was last November, we cannot say that the Magistrate was not entitled to impose a prison sentence. It was two weeks more than the previous sentence and we do not find that either the sentence of imprisonment, or the length of time of the disqualification were in any way manifestly excessive or wrong in principle and the appeal against sentence is likewise dismissed.

We think justice will be done if he is ordered to pay half the taxed costs.

Authorities referred to:

R. -v- Durrant (1969) 3 A.E.R. 1357.