

ROYAL COURT
(Samedi)

99.

30th May, 1997

Before: Sir Philip Bailhache, Bailiff, and Jurats
Le Ruez and Jones

The Attorney General

-v-

William Charles Dubois
Gary Andrew Leitch

On 7th March, 1997, the accused were indicted as follows:

WILLIAM CHARLES DUBOIS.

- 1 count of allowing himself to be carried in a motor vehicle, without the consent of the owner or other legal authority, contrary to Article 28(1) of the Road Traffic (Jersey) Law 1956 (count 1A);
- 1 count of driving when under the influence of drink or drugs, contrary to Article 16(1) of the Road Traffic (Jersey) Law 1956 (count 2);
- 1 count 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 (count 3);
- 1 count of driving without due care or attention, contrary Article 15 of the Road Traffic (Jersey) Law 1956 (count 4);
- 1 count of failing to stop and report an accident, contrary to Article 27 of the Road Traffic (Jersey) Law 1956 (count 5);
- 1 count of failing to comply with the conditions subject to which a provisional licence is granted, contrary to Article 6(2) of the Road Traffic (J) Law 1956 (count 6) and
- 1 count of breach of the peace (count 7).

The accused pleaded not guilty to counts 2-6 and guilty to counts 1A and 7, and was remanded in custody with a bail option to be tried by the Inferior number *en police correctionnelle* on counts 2-6, and thereafter to receive sentence on counts 1A and 7.

On 22nd April, 1997, was acquitted on counts 2-6.

Sentencing on counts 1A and 7.

Age: 25

Previous Convictions:

24 previous, many of which multiple counts, 13 of which taking and driving away. In breach of probation order.

Conclusions:

Count 1A: 4 months' imprisonment; 12 months' disqualification from driving.

Count 7: 1 month's imprisonment.
Binding Over and Probation Order imposed by the Magistrate's Court on 4 construction & use offences on 2nd September, 1996 to be discharged.

Sentence and Observations
of the Court:

Conclusions granted but 12 months' disqualification from driving reduced to 6 months.

GARY ANDREW LEITCH.

- 1 count of taking and driving away a motor vehicle without the consent of the owner or other legal authority, contrary to Article 28(1) of the Road Traffic (Jersey) Law 1956 (count 1);
- 1 count of illegal entry and larceny (count 8);
- 1 count of driving under the influence of drink or drugs, contrary to Article 16(1) of the Road Traffic (Jersey) Law 1956 (count 9);
- 1 count of driving whilst disqualified, contrary to Article 9(4)(b) of the Road Traffic (Jersey) Law 1956 (count 10);
- 1 count 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 (count 11);

The accused pleaded guilty to all counts and was remanded in custody with a bail option for sentencing.

Age: 25

Previous Convictions:

5 previous: present counts second offences of taking and driving away, drunk in charge and illegal entry and larceny.

Conclusions:

- Count 1: 4 months' imprisonment, 12 months' disqualification from driving;
- Count 8: 1 month's imprisonment, concurrent.
- Count 9: 1 month's imprisonment, 30 months disqualification from driving, concurrent.
- Count 10: 6 months' imprisonment, 12 disqualification from driving, concurrent.
- Count 11: 6 months' imprisonment, 2 years' disqualification from driving, concurrent.

Sentence and Observations
of the Court:

Conclusions granted, save as follows:

- Count 9: 30 months' disqualification from driving reduced to 18 months.
- Count 11: 2 years' disqualification from driving reduced to 18 months.

Details of Offence (both Accused):

In early hours of 29.10.96, Leitch took a Renault Clio motor vehicle from St. Brelade's Language College without the owner's consent and Dubois allowed himself to be carried in it. Leitch was heavily intoxicated. He was disqualified from driving and there was no third party insurance. Car was driven into a bank, overturned and badly damaged. Prosecution could not prove who was driving at the material time. Vehicle then abandoned, Leitch and Dubois left scene and walked to Roosters. Leitch was employed at Roosters, but he did not have authority to be on the premises at that time. He illegally entered in the company of Dubois. Both consumed an unknown quantity of alcohol. They then went to Quennevais Park where Leitch collapsed and Dubois began to kick and bang on the front door of a property, shouting at the top of his voice whereupon he was arrested.

Details of Mitigation (both Accused):

Dubois had a very disruptive, unhappy upbringing. Behavioural problems at early age. Alcohol central to his offending. Had row with mother on night in question and "just wanted to get away". Since then girlfriend has given birth to his child which he said has changed his life. References given by prison chaplain and Probation officer noted a change in his attitude.

Leitch had bad history or alcohol abuse. Remorseful. Had stayed out of trouble for 6 years.

Mrs. S. Sharpe, Crown Advocate
Advocate J.D. Melia for W.C. Dubois
Advocate J.C. Gollop for G.A. Leitch

JUDGMENT

5 THE BAILIFF: Now, Dubois and Leitch come and stand at the bar, please. The Court does not need to say very much to you this morning. As I am sure you both appreciate you behaved very badly on the night in question but the Court has taken into account the period of time which you have both spent in custody on remand and is going to grant the conclusions of the Crown Advocate which will mean that you will leave the Court this morning having served the penalty for your offences.

10 Leitch, the Court has noted that you have stayed out of serious trouble for nearly six years and the Court thinks you are capable of better things. The Court hopes that it will not see you again for offences of this kind, nor indeed for offences of any kind. The Court wishes to encourage you in that respect and is going to reduce, slightly, the conclusions so far as the disqualification move for is concerned. The sentence of the Court is that on count 1 you will be sentenced 4 months' imprisonment, and disqualified from driving for 12 months; on count 15 8 you will be sentenced to 1 month's imprisonment concurrent; on count 20 9 to 1 month's imprisonment, concurrent and disqualified from driving for 18 months, concurrent; on count 10 to 6 months' imprisonment and also to disqualification from driving for 12 months', concurrent; on count 25 11 to 6 months' imprisonment, concurrent and to 18 months' disqualification from driving, concurrent. The total sentence therefore is that you will be sentenced to 6 months' imprisonment and 18 months' disqualification from driving.

30 Now, Dubois, we have read the reports both of the Probation Service and of the Prison Chaplain and are glad to note that you seem to be turning over a new leaf and that your new responsibilities are helping you in that respect. We want to encourage you and we are going to reduce slightly the period of disqualification as requested by your counsel. We think that you 35 ought to be able overcome the transport problems to your place of work during the time of the shorter disqualification which we are

going to impose. On count 1A you will be sentenced to 4 months' imprisonment and disqualified from driving for a period of 6 months; on count 7 you will sentenced to 1 month's imprisonment, concurrent, making a total of 4 months' imprisonment and 6 months' disqualification from driving. The probation order is discharged in the case of Dubois.

No Authorities