

JERSEY / JUDGMENT

AG v Arnold [2023] JRC 064 (28 April 2023)

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JUDGMENT

THE DEPUTY BAILIFF: 1. James Arnold you are 25 years old and fall to be sentenced for an extremely serious motoring offence. At ten past seven on the evening of 19 February 2023, you drove your car down La Colomberie when the pavements were busy with pedestrians, where of course they were entitled to feel safe. You were drunk and you were not in control of the car that you were driving. In fact over an hour after the incident your breath reading was 70 micrograms, double the limit for drink driving. 2. You had been driving the streets of St Helier since half past six and CCTV footage shows your car swerving about three quarters of an hour before the collision. You drove through a no entry sign in Broad Street. Your car was seen swerving in Burrard Street. Just before the incident you drove your car down Grenville Street and then in La Colomberie you mounted the pavement striking three pedestrians with your car. 3. Pedestrian 1, who was aged 71 at the time was thrown into the air before landing on the pavement. Pedestrian 3 who is aged 35 was thrown into the air, struck a building before landing on your car where his body cracked the windscreen and then he fell onto the pavement. Pedestrian 2 aged 28 was thrown against a wall and then fell to the ground. 4. The footage of your driving, which we have seen again today, can only be described as shocking. Pedestrian 1's husband thought his wife was going to die and a witness present at the time thought she had been killed as she was not moving and remained motionless for a period. 5. The police and paramedics arrived and the three people you injured were taken to hospital. When you were arrested on suspicion of dangerous driving and driving over the prescribed limit you became aggressive and difficult. You elbowed a police officer in the stomach causing his glasses, which were held there, to snap in half. You needed to be restrained on the floor and handcuffs applied. You refused to be seen by a paramedic and had to be carried to the police van. 6. As to the members of the public who were injured, Pedestrian 1 spent nine days in hospital and suffered a broken ankle and a broken right foot. She remains unable to walk far and wears a cast on her left foot and a support boot on her right foot. She suffers from dizziness; loss of concentration and blurred vision and we have read her victim personal statement today in which she says the collision has had a massive impact upon her. Her recovery has been "incredibly traumatic" The recovery process has left her trapped in her own home as she cannot go out, she cannot drive, she cannot collect her great nephews from school and although it is said on your behalf that the injuries suffered by the victims of this offence were not life changing, frankly that is an assessment that is too early to make - certainly in her case. 7. Pedestrian 3 spent four days in hospital and suffered a broken left fibula and a broken right foot.

He struggles to walk and spent two months on crutches before he could put weight on this left leg and still uses a crutch to walk. We have also had the opportunity of reading his statement today and the collision shocked him, he still cannot sit in one position, he has been unable to return to work and had to cancel a holiday. It has caused problems in relationship; he is embarrassed asking his girlfriend for money and he is struggling financially not working and does not know how long his sick pay will last for. He is still receiving treatment and next seeing a physiotherapist on 2 May. 8. Pedestrian 2 did not suffer any broken bones but did suffer a haematoma on the right side of his pelvis and bruising all over his body. He was on crutches for a month. He is still unable to work and does not know when he will be fit to return to work. He is receiving financial help from his work and Social Security but again does not know how long that will last. His haematoma causes him excruciating pain. 9. In interview you made no comment but you pleaded guilty before the Magistrate's Court at the first opportunity and you will receive full credit for that plea. The maximum sentence for this offence is 4 years' imprisonment, with a mandatory minimum disqualification period from driving of 2 years. We agree with the Crown that it is difficult to think of a much more serious case of this nature, contrary to Article 26B of the Road Traffic (Jersey) Law 1956 . This is the first time that such an offence has come before the Royal Court. It is fortunate that you did not injure even more seriously or kill the pedestrians you struck with your car. Your decision to resist arrest in the way that you did was in the circumstances appalling and a consecutive sentence is plainly warranted. These offences have had a huge impact on the three victims, as indicated by the statements to which we have just referred. 10. We have taken into account all that has been said on your behalf including your genuine remorse, your previous good character and all that is set out in the Pre-Sentence Report. This is plainly an offence that is so serious that only a custodial sentence is warranted. We have taken a starting point for the offence at Count 1 of 3 years and 9 months' imprisonment and the least sentences that we think it appropriate to impose are on Count 1, 2 years and 5 months' imprisonment, Count 2, 1 month imprisonment consecutive making a total of 2½ years' imprisonment. 11. We would have ordered the forfeiture of your car had it been roadworthy, but it is a 'write off' and accordingly we do not make not such order. 12. You are disqualified from driving for 3 years and there will be a retest when that period of disqualification comes to an end. Authorities Road Traffic (Jersey) Law 1956. AG v B

[2018] JRC 016 AG v De La Haye

[2017] JRC 128 AG v Sharman

[2017] JRC 103 AG v O'Shea

[2010] JRC 040 AG v Brown

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