

JERSEY / JUDGMENT

AG -v- Aubin [2007] JRC 241 (14 December 2007)

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JUDGMENT

THE BAILIFF: 1. This defendant has pleaded guilty to a series of motoring offences involving a car chase through the country side in the early hours of the morning. The driving lasted over ten miles and was erratic and highly dangerous. He drove at speeds of over 60 mph and at the time was intoxicated, his alcohol level being more than twice the legal limit. It is only by the greatest good luck that no one was seriously injured or killed. He was also disqualified from driving at the time. 2. The offending is aggravated by the fact that only two months before Aubin had pleaded guilty to driving whilst intoxicated and other offences and had been placed on probation by this Court. He is therefore in breach of that probation order and falls to be sentenced again for those offences. 3. In mitigation he was immediately co-operative with the police and admitted his offending. He has pleaded guilty. He is aged 18 and the provisions of the Criminal Justice (Young Offenders) (Jersey) Law 1994 apply, which prevent the Court from imposing a custodial sentence unless it considers that no other method of dealing with him is appropriate. 4. We have given careful consideration to the recommendations of the Probation Service and the Drug and Alcohol Service, but we think that the totality of the offending is so serious, having regard to all the circumstances including his conviction only two months before, that a non-custodial sentence cannot be justified. 5. The law requires me to explain to you why we are going to impose a custodial sentence and it must be fairly obvious from what I have already said why we are going to do that. Not very long ago in this Court, a young man not much older than you was sentenced to 5 years' imprisonment for driving that was not as bad as yours, but which resulted in the deaths of two of his friends. You are very fortunate that you are not facing a much more serious charge than the one which brings you before the Court at the moment. 6. We have read your letter and we think it was a good letter and you have told us that you understand that you have to be punished and you are quite right that that is so. We have read your sister's letter which is also a very good letter, so you do have some things going for you in your life. Your sister is supporting you, your mother is in Court to support you and you are doing things in the prison which we hope will lay the foundations for a better life when you come out. We are going to take all that very much into account. We are going to reduce quite substantially the conclusions of the Crown Advocate because we want you to know that we think that when you come out of custody you will be able to make something of your life. We want you to do that. 7. We are going to grant all the

conclusions but we are going to make the sentences on this indictment and the earlier indictment concurrent so that you will serve a total of 15 months' youth detention. When you have served that sentence and you come out of custody, you will be liable to supervision by a probation officer and again they will be able to help you and give you any further advice that you need. 8. I am sure you do realise that your real problem is alcohol and if you can keep away from alcohol or make sure that you do not drink alcohol to excess then you will not get into trouble again. 9. We formally sentence you to 12 months' youth detention on the indictment which is before us today as moved for by the Crown Advocate. We sentence you to 15 months' youth detention on the earlier indictment, all those sentences will be concurrent, making a total of 15 months' youth detention and we disqualify you from holding a driving licence for any offence which carries disqualification for a period of three years. The law also provides that you are able, if you behave yourself, and you have the support of the probation service, to apply to the Court for that disqualification to be reduced. Authorities Criminal Justice (Young Offenders) (Jersey) Law 1994. Page Last Updated: 03 Mar 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 29 October 2026 · Esheria