

JERSEY / JUDGMENT

AG -v- B [2018] JRC 016 (19 January 2018)

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JUDGMENT

THE BAILIFF: 1. The Indictment lays against you one charge of dangerous driving causing serious injury to others which we have to deal with today. This is a relatively new offence which has been created by the legislature and full reasons for the decision which we are about to give are reserved and will be handed down later. Your counsel will get that judgment and I hope very much that you will read it carefully. 2. Your driving on this occasion was extremely dangerous and has caused serious injury to three of your passengers. You are very lucky that you did not cause them more serious injury. You are extremely lucky that you did not have any serious injury yourself. Your driving was completely irresponsible. 3. It is clear on their personal statements that the effect of what you did has been to damage them considerably during the last 12 months, in a very important year of their lives as it is an important year in your life. You were driving at an excessive speed in a residential area, at night in conditions which were not good. 4. We think the right sentence to impose and it is the sentence we do impose on that count on the Indictment is 200 hours' community service and the alternative is 14 months youth detention. You will serve that period of community service and if you do not, if there is any difficulty with it, you are liable to be brought back to this Court and sentenced again. 5. You will also be disqualified from driving for 4 years. There is power under Article 15(3) of the Road Traffic (Jersey) Law 1956 for this Court to return the driving licence to you sooner than the 4 year disqualification, but you ought to know that we would not be disposed at present to look well upon an application until at least 3 years have gone by. What you will need to demonstrate, if you do come back to court and ask for the disqualification to be lifted, is some maturity and responsibility, which so far you have not demonstrated in your driving. 6. A motor vehicle is capable of causing death to others. It is in that context a potentially lethal instrument. You should have known that at the age of 17, hopefully you do know it now. You will serve 200 hours' community service and be disqualified for four years. You will also have to take a test at the end of the 4 year period. Authorities Road Traffic (Jersey) Law 1956. Road Traffic Offenders Act 1988. Magistrate's Court Sentencing Guidelines for Motoring Offences (Dangerous driving and Dangerous driving causing serious injury). Sentencing Council Guidelines on Dangerous driving. Sentencing Council Definitive Guideline on Causing Death by driving. R-v-Ellis [2014] 2 Cr. App. R.(S) 50, CA R-v-Dewdney

[2015] 1 CrAppR (S) 5 , CA Archbold, 2018 edition, 32-30 R-v-Aziz [2017] 1 Cr. App. R.(S) 28, CA DDP-v-Smith [1961] A. C. 290, HL. R-v-Cunningham

[1982] AC 566 , HL R-v-Brown (A)

[1994] 1 AC 212 , HL. R-v-Brown and Stratton [1998] Crim. L. R. 485, CA. Archbold, 2018 edition, 19-258. R-v-Passon [2016] EWCA Crim 1992. R-v-Jenkins

[2015] EWCA Crim 105 . R-v-Rimmer [2015] EWCA Crim 490. R-v-Dicken [2017] EWCA Crim 530.
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