

JERSEY / JUDGMENT

AG v Corcoran and Sutcliffe

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ROYAL

COURT

(Samedi Division)

22nd April, 1998

Before: F.C. Hamon, Esq., Deputy Bailiff, and

Jurats Le Ruez and Quérée

The Attorney General

- v -

Pascal Peter Corcoran

and

Dominic Sutcliffe

Pascal

Peter CORCORAN

1

count of taking and

driving away a motor vehicle without the owner's consent or other lawful

authority, contrary to Article 28(1) of the Road Traffic (Jersey) Law, 1956

(count 1);

1

count of driving a motor

vehicle without a licence, contrary to Article 3(1) of the Road Traffic

(Jersey) Law, 1956 (count 3);

1

count of driving without

due care and attention, contrary to Article 15 of the Road Traffic (Jersey)

Law, 1956 (count 5);

1

count of failing to stop and

report an accident, contrary to Article 27 of the Road Traffic (Jersey) Law,

1956 (count 6); and

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 7).

Plea:	Guilty to counts 1, 3 and 7; not guilty to counts 5 & 6. Pleas entered on 17th April, 1998, and accepted by the Crown. Age: 18. Details
of Offence:	Corcoran with co-accused Sutcliffe took and drove away a motor vehicle. Neither had a driving licence or insurance. Shortly before indictment they changed their version of who was driving at the time of the crash and the indictment was amended to include count 5(a) and 5(b). The car was a write-off. Details
of Mitigation:	Since being granted bail he has been in employment and has a good reference. Had spent the equivalent of two months and twenty-two days on remand. Previous
Convictions:	Three minor offences. In breach of a 18 hour attendance centre order.
Conclusions:	Count 1: 3 months' Youth Detention, with 12 months' disqualification from driving. Count 3: £50 fine or 1 week's Youth Detention in default of payment, concurrent. Count 7: 3 months' Youth Detention, concurrent; 12 months; disqualification from driving, concurrent. Attendance Order to be completed. Sentence

and Observations of the Court:

Count 1: 3 months' probation, with 40 hours' community service; 12 months' disqualification from driving.
Count 3: Conclusions granted; 2 weeks to pay
Count 7: 3 months' probation; 40 hours Community Service; 12 months' disqualification from driving (concurrent).
[The Crown further moved that an 18 hour attendance order imposed by the Royal Court on 10th October, 1997 (see Jersey Unreported Judgment of that date) should continue to run. The Court discharged this Order.]
Dominic SUTCLIFFE
1
count of driving a motor vehicle knowing that it has been taken without the consent of the owner or other lawful authority, contrary to Article 28(1) of the Road Traffic (Jersey) Law, 1956 (count 2);
1
count of driving a motor vehicle without a licence, contrary to Article 3(1) of the Road Traffic (Jersey) Law, 1956 (count 4);
1
count of driving without due care and attention, contrary to Article 15 of the Road Traffic (Jersey) Law, 1956 (count 5a);
1
count of failing to stop and report an accident, contrary to Article 27 of the Road Traffic (Jersey) Law, 1956 (count 6a);
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 8).
Plea: Guilty (plea entered on 17th April, 1998).
Age: 20.

Details of Offence:

Sutcliffe with co-accused Corcoran took and drove away a motor vehicle. Neither had a driving licence or insurance. Shortly before indictment they changed their version of who was driving at the time of the crash and the indictment was amended to include count 5(a) and 5(c). The car was a write-off.

Details of Mitigation:

Had spent the equivalent of seven months twenty-nine days on remand (Sutcliffe also facing indictment regarding breaking, entering and larceny).

Previous Convictions:	Two - in breach of a probation order with 240 hours community service for 6 counts of breaking, entering and larceny.
Conclusions:	Count 2: 3 months' Youth Detention, with 12 months' disqualification from driving. Count 4: £50 fine or 1 week's Youth Detention, concurrent, in default of payment. Count 5a: £100 fine or 1 week's Youth Detention, consecutive, in default of payment. Count 6a: £50 fine or 1 week's Youth Detention, concurrent, in default of payment. Count 8: 3 months' Youth Detention; 12 months' disqualification from driving. Sentence and Observations of
the Court:	Conclusions granted. Mrs. S. Sharpe, Crown Advocate. Advocate A.P. Roscouet for P.P. Corcoran. Advocate C.M. Fogarty for D. Sutcliffe.

JUDGMENT

THE DEPUTY BAILIFF: I want to say this to both of you. Opportunist crimes such as this can be deadly dangerous. Fortunately you only damaged a wall and did not injure any member of the public. However, I want you both to imagine what might have happened if you had caused an accident and somebody had suffered, say, permanent brain damage, because I want you think who on earth would have paid for their care for the rest of their lives without any possibility of an insurance claim because neither of you was insured and neither of you was authorised to drive that vehicle. That is why driving a vehicle which does not belong to you, and which may seem - under the influence of alcohol - to be a fun thing to do, is so deadly dangerous. I think the owner of the car, which was written-off, would no doubt have a few words of his own to say to you this afternoon. I will deal with you first, Sutcliffe. You were on bail and under curfew when you were arrested and I think you are fortunate because we do not have sufficient documentation to deal with the breach of probation and we must ignore that. You have served your time on remand and so the sentence which we are going to impose is not really of moment to you but I have to say, under the law, that these offences were quite serious enough to warrant the Youth Detention for

which the Crown Advocate has asked. We formally sentence you now to three months' Youth Detention and 12 months' disqualification from driving on count 2. A £50 fine or 1 week's imprisonment, concurrent, in default of payment on count 4; £100 fine or 1 week's imprisonment, consecutive, in default of payment on count 5a; £50 fine or 1 week's imprisonment, concurrent, in default of payment on count 6a; 3 months' Youth Detention, concurrent and 12 months' disqualification from driving, concurrent, on count 8. What that means is that you may leave the Court now and I have already spoken to you regarding the other offence. The Court realises that those fines mean that you have another £200 to find and you are already going to pay compensation under the previous matter for which you were sentenced. What I say to you is this: we are going to give you 12 months to pay that fine. If, at the end of the 12 months, you cannot pay the fine you must go back to the Viscount and tell him. You may leave the Court. Corcoran, we are not going to send you back to prison for the short time to make up for the sentence which, as we have said to Suffcliffe, was amply justified in your case because, although Sutcliffe eventually admitted he was driving the car, you drove it most of the way to Gorey. We think that you should put something back into the community for what you have done and the Court must take into account that Sutcliffe has spent much longer on remand in prison than you have. As I say, these offences are quite serious enough to warrant Youth Detention. What we are going to do is to vary the conclusions in order, we think, to fit the justice of the case. Therefore, on count 1, we are going to sentence you to three months' probation and during that three months' probation you are to carry out 40 hours of community service. We have made a recommendation to Mr. Trott for the Probation Officer to note that we would like you to carry that out on a Sunday, simply because your job may necessitate you working on a Saturday. The five hours should take you over two months and you have got to try to fulfil the community service during that time. We think that it is better for you to carry out community service - because you are doing something useful - rather than going to the Attendance Centre. Although you still have some time left to run at the Attendance Centre we are going to cancel that Order; and that will be discharged. Also, on count 1, you are disqualified from driving for 12 months. On count 3, you are fined the sum of £50, or 1 week's imprisonment in default of payment, and we give you two weeks in which to pay the fine. On count 7, you are placed on 3 months' Probation with 40 hours community service, together with 12 months' disqualification from driving, concurrent. Authorities Criminal Justice (Young Offenders) (Jersey) Law, 1994: Article 4. AG -v- Adams (28th January, 1998) Jersey Unreported. AG -v- Dubois, Leitch (30th May, 1997) Jersey Unreported.

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