

JERSEY / JUDGMENT

AG -v- Geddes [2012] JRC 109 (25 May 2012)

[2012] JRC 109

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced for driving whilst under the influence of drink or drugs on 17 th January, 2012. On that occasion your driving was very poor indeed. It was noted that you were swerving across the road at 11:20pm and that at one point you crossed the road completely into the incorrect lane into the path on oncoming traffic, you struck the central reservation on Victoria Avenue. 2. As a result of that you were in breach of the Court's order in May of last year when you were sentenced for an offence of grave and criminal assault. On that occasion you had chased the victim, with one of your friends, from one street to another, set on him and kicked him and punched him while he was on the ground, and I told you then it was a very serious offence. It was a nasty and a cowardly offence because there were two of you ganging up on one person who tried to get away. When you were here in May last year I gave a warning, "if you breach the order which we are about to impose you will be brought back to the Court and it is the very strong recommendation of this Court that the alternative sentence in custody should then be imposed." You were put on probation for a period of 18 months and sentenced to 240 hours' community service. As a result of the drinking and driving conviction in January you are in breach of that order and you fall to be sentenced again for that offence of grave and criminal assault. 3. You are also in breach of the sentence in the Magistrate's Court for the drugs offence in November. 4. We have been told that you have rethought your life. Our experience in this Court is that this is often said to us and sometimes it is true. But the onus is on you actually to show it and we are going to give you a chance despite what was said last May. We are doing so because we think that you have held down a job for 12 months and you have a very fine reference from your employer. You have also a wide variety of references and we are very much influenced by the fact that you have a support network from your mother and your step-father and your girlfriend. 5. The breach of the community service order, at the time that you committed the offence, and the breach of probation is a serious matter and you should not underestimate how lucky you are that the Court on this occasion is not going to follow through with what it said to you last May, because normally that would be the case. 6. On the offence of driving under the influence of alcohol or drugs you are sentenced to a fine of £600, or 6 weeks' imprisonment in default of payment, and we are going to give you 4 months to pay. You will be disqualified from driving for a period of 2 years. On the offence of grave and criminal assault, which comes back before us for the reasons which I have given, you are put on probation for a further period of 18 months and there will be all the standard terms attached to the probation

order, but in particular that you abstain from all illegal and non-prescribed opiates, which will be confirmed by random and routine drugs tests, that you attend the Alcohol and Drugs Service for 12 months, that you comply with treatment goals agreed with the Alcohol and Drugs Service and that you attend any such other courses and programmes as the Probation Service may determine. We are also going to impose a penalty of 120 hours' community service, this marks the breach of probation and the breach of the community service order because you committed the offence whilst on community service. We are not going to impose any separate penalty on the breach of the Magistrate's Court order last November. 7. If you fail to observe any of these conditions you are liable to be brought back before this Court and sentenced again. I do want to emphasise you are being given a chance because your chance to turn your life around is there here and now. It beckons for you, but you must take it. Authorities Criminal Justice (Community Service Orders) (Jersey) Law 2001. AG v Geddes

[2011] JRC 097 . Louis-v-AG

[2010] JLR N45. Page Last Updated: 13 Sep 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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