

JERSEY / JUDGMENT

AG v Harben [2007] JRC 075 (23 March 2007)

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JUDGMENT

THE COMMISSIONER: 1. Scott Robert Harben is to be sentenced today on 5 counts concerning his driving in St Peter on 12 th July 2006. 2. The defects, apparently caused the car to swerve about the road, the bodywork was severely corroded, the engine stop control didn't work, so that the engine was running when the ignition was turned off, and the offside rear light was not working. The traffic officer who later examined the vehicle had no doubt it should not have been on the road. Even more seriously the consequences could have been fatal. Harben was uninsured and was unfit to drive. He is also, because of his arrest, in breach of a Community Service Order and that order was imposed when he was disorderly on licensed premises and caused a breach of the peace by fighting. 3. It must be said that he is not of good character and we have heard that in 2001 he was sentenced to 2 years imprisonment for a grave and criminal assault. Crown Advocate Binnington has outlined in great detail Harben's previous offences and, indeed, the offences for which he is to be dealt with today. 4. On the face of it the outlook appears bleak, but we have a very detailed and an encouraging Probation Report. It was certainly surprising to us to learn that Harben is one of the top surfers in the Channel Islands. It is clear from the reports that Harben is a gifted sportsman who is, apparently, at low risk of re-offending. He is genuinely remorseful today and clearly wishes to turn his life around. 5. The Crown has, of course, taken into account Harben expressing his remorse, his consistent employment history and his being assessed by the experts as being at a low risk of re-offending. He had fulfilled 73 hours of his 110 hours of Community Service "without fault" (those are the words of the Social Enquiry Report). We also have a report from the Leonis amateur boxing club which is very supportive. 6. Although Advocate Landick has no argument with the Crown's initial conclusions, he wishes us to reduce the hours of Community Service slightly, basically because of the delay in progressing this case and the anxiety which that has caused his client. 7. We regard, however, these offences as serious offences and in fact if the Police had not been there in St Peter the results might have been infinitely more serious than they were. We do have sympathy with the delay and we are prepared, for that reason, to allow a longer period of payment of the fines. Those fines will now be paid at the rate of £50 per week. However we are going to follow the conclusions of the learned Attorney General. 8. On Count 1 you will serve 70 hours community service and a 24 month disqualification to run concurrently with Count 2 which again is 70 hours community service and

18 months disqualification. On Count 3 there will be a £250 fine payable, as we have said, at £50 per week, and that is the equivalent of 2 weeks imprisonment. Count 4; £250 fine, or 2 weeks imprisonment alternative. Count 5; £150 fine, or 1 week imprisonment alternative. We are going to deal with the breach of the Royal Court Community Service Order by increasing it from 37 hours remaining, to 70 hours and that runs consecutively to Counts 1 and 2. So in total there is 140 hours community service, 24 months disqualification from driving and £650 fine payable as we have said at £50 per week. No Authorities Page Last Updated: 26 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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