

JERSEY / JUDGMENT

AG -v- Lee [2011] JRC 092 (27 April 2011)

[2011] JRC 092

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. You are before the Court for maliciously setting fire to a car, breaking and entering and larceny and three motoring offences. The arson and the breaking and entering are obviously the most serious offences. After an argument with your family you went to Green Island; there you consumed some eight or nine cans of lager, and whilst you were intoxicated, you broke and entered the Green Island Kiosk and stole a few items and then, for reasons which are not clear, you set fire to a Jeep. You then left the scene whereupon the fire spread to two adjacent cars. It was only due to the prompt action of two witnesses, whom we would like to commend, that more damage was not done, because they called the Emergency Services, who attended and managed to put out the fire. But there is still total damage of £8,700 or so. 2. Arson is always a serious offence because it can so easily get out of control and that is just what happened here. It was very fortunate that no petrol tank exploded. If the witnesses had not responded promptly, as they did, and called the Emergency Services, who knows whether that would not have happened. It is clear that drink is your problem; if you drink you tend to offend. 3. Miss Fogarty has spoken strongly in mitigation; she has referred to your guilty plea, although you were not co-operative to start with, but you did then plead guilty. She has emphasised in particular that, although you have got previous convictions for dishonesty and indeed, two for driving without insurance, you do seem to have turned your life around for the last five years or so in that you have not offended during that time, and this has coincided with your being abstinent from alcohol. She has referred to your remorse and your determination to try and avoid relapsing into offending and drinking and that is borne out by the reports; she has also referred to the support of your partner with whom you are now living, and we have read carefully the letters which have been produced to us. She has also referred to the various reports; background report, drug and alcohol report and the psychiatric report, all of which recommend that we proceed by way of a Treatment Order. 4. But the difficulty is that an offence of arson is simply too serious. The potential consequences mean that arson is regarded very seriously by the courts and will almost invariably therefore attract a substantial prison sentence. 5. We have to say that the Crown's conclusions are absolutely correct but we do want to reflect the progress you have made over the last five years, because we are impressed with the efforts you have made and we hope very much that, when you come out of prison, you will continue the good efforts you have made and will not re-appear before us again. We are going to reduce the conclusions a little in order to give credit for what you have achieved in the last five years, but we regret we cannot avoid a prison sentence.

6. We are going to make all the sentences concurrent, although normally an offence for driving without insurance will always be consecutive. We think that in order to come to the right total sentence, we are going to make them concurrent. So the sentence is as follows: on Count 1; no separate penalty, on Count 2; 2 years' imprisonment, on Count 3; 12 months' imprisonment, on Count 4; 3 months' imprisonment and 2 years' disqualification, on Count 5; 3 months' imprisonment, but all of those to be concurrent, so that makes a total of 2 years' imprisonment with disqualification from driving for 2 years. 7. Just before we conclude this case we would like to pay tribute to Mr Molyneaux and to Miss Le Noa who were the witnesses, and who saw what had happened and took the very responsible action of telephoning the Emergency Services, and they thereby saved possibly much worse damage. Thank you very much. Authorities Road Traffic (Jersey) Law 1956. Criminal Justice (Standard Scale of Fines)(Jersey) Law 1993. Fire Service (Jersey) Law 1959. Motor Traffic (Third Party Insurance)(Jersey) Law 1948. AG-v-Fortun 2002/205. AG-v-Coutanche

[1989] JLR N 11b. AG-v-Dewhurst

[2007] JRC 098 . AG-v-Gaffney 1995/101. AG-v-Bailey

[2009] JLR N 19. AG-v-Bailey

[2009] JRC 077 . Page Last Updated: 18 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2011/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-lee-2011-jrc-092-27-april-2011>

Prepared on 23 October 2026 · Esheria