

JERSEY / JUDGMENT

AG -v- Mahe [2009] JRC 094 (19 May 2009)

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JUDGMENT

THE commissioner: 1. Terry Mahé is charged with 2 serious offences, driving while disqualified and using a motor vehicle uninsured against third party risks. He is also in breach of a 2 year probation and community service order imposed on him by the Superior Number of the Royal Court on 27 th September, 2007. At that time, when he was sentenced, he was also in breach of an earlier 3 year probation and community service order imposed on him by the Royal Court on the 14 th October, 2005. 2. At the time of the Superior Number sentencing the Deputy Bailiff said this:- "Now Mr Mahé you have been extraordinarily fortunate for a second time. The Court urges, in particular, that you really must not have any interest in a car and you must not drive. You are disqualified from driving and if you cannot resist temptation again then you know the consequences. Indeed you must realise, given how fortunate you have been, that this is your last chance. If you come up before us again then there really will be no alternative but to send you to prison, regardless of the amount of progress that you have made. You were given a chance last time, we are giving you a further chance. We are impressed with the progress you have made and that is what has saved you today, but it will not save you on a future occasion if you cannot stop re-offending. So this is your chance, but it is your last chance". These words were not offered other than as a final decision. 3. What he told the Police in interview is not what we were told in Court. He told the Police in interview that the purpose of his journey was to collect his brother's jacket. We were told by counsel that his purpose in driving was because his brother's motorcycle was unfit for use and he was taking a test. He was driven to a garage where he would be able to borrow a motorcycle for these purposes. He moved the car from the car park to avoid a fine and although he lives in Gloucester Street he had driven the car to the White Horse Inn at the Dyke to be collected by someone else. 4. His record is quite appalling with 205 previous convictions going back to 1994. He has received custodial and non-custodial sentences principally for driving whilst disqualified and driving while not insured. He has shown no remorse. 5. The learned Crown Advocate has shown us the case of AG-v-Whiteford [1991] JLR N 12 where the Court, Deputy Bailiff Tomes and Jurats Coutanche and Vibert held that since disqualification from driving can be counter-productive if the person disqualified cannot see the "light at the end of the tunnel", long periods of disqualification should be avoided. But we have to have close regard to what the Superior Number said in 2007. We have held over our decision from Friday last until today because Mahé has applied to enter the Army. Sadly now having spoken to the Armed Forces Careers Office and we had a letter from Sergeant Van-Son to say that he was not medically cleared

and we order that his GP should write immediately to the Careers Office. We were also told that his previous convictions were still outstanding and we ordered that a printout be sent immediately. We did say to counsel that by Tuesday we would need to know that all requirements of the Army to allow him to commence his six week course had been met. 6. We have of course read the very numerous letters sent on Mahé's behalf, many of which refer to his intention to join the army. We have heard this morning unequivocally that the army will not now accept him. 7. We have no alternative but to order that you will have a 3 year disqualification from driving and on Count 1; 9 months' imprisonment, on Count 2; 15 months' imprisonment, concurrent which reflects the breach of probation. That is a total of 15 months' imprisonment. 8. The 2007 probation order is discharged. Authorities AG-v-Whiteford

[1991] JLR N. 12. AG-v-Mahé and others

[2005] JRC 144A. AG-v-Mahé

[2007] JRC 183 . Page Last Updated: 28 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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