

JERSEY / JUDGMENT

AG v McCabe [2005] JRC 013 (04 February 2005)

[2005] JRC 013

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JUDGMENT

THE BAILIFF: 1. McCabe, you behaved on that evening in a totally irresponsible and reckless way. The fact that you did not kill or maim someone is due entirely to good luck rather than to any judgment on your part. You were so intoxicated that you could not stand and yet you decided to drive a motor car. 2. We must punish you for that, to show to you and to others that this conduct is simply unacceptable. We take into account all the mitigation available to you, but we think the conclusions of the Crown so far as the indictment is concerned are absolutely right. You are sentenced on Count 1: to 2 months' imprisonment; Count 2: to 3 months' imprisonment; on Count 3: to a fine of £300 or 2 weeks' imprisonment; on Count 4 to 1 month's imprisonment; all of those sentences of imprisonment to be concurrent, making a total of 3 months' imprisonment and we order that you be disqualified for 25 months from driving a motor car on Count 2 and 12 months on Count 4. 3. So far as the breach of the Community Service Order is concerned we note that you have complied with the order in the sense of carrying out some of the community service which you were ordered to do on 26 th November. We have also taken account of the letters that you and your partner have written to the Court and, most importantly, of the efforts which you have made off your own bat to attend the Alcohol and Drugs Service and to get help to overcome your drinking habits which are leading you into such trouble. 4. You have a lot of responsibilities and we think that the appropriate way to help you make a new start when you come out of prison is to allow the Community Service Order to stand and to attach to it as a condition an order that you attend the Alcohol and Drugs Service for 12 months and that you comply with any treatment that you may be directed to have. 5. The end result of all this is, that you will go to prison for 3 months for the offences on the indictment and that you will, when you come out, complete your Community Service and you will be obliged to go to the Alcohol and Drugs Service to help you get over the problems that you have. Authorities A. G. -v- Berry & Ors [2004]JRC207. A. G. -v- Young (aka Corrigan) (17 th October 2002) Jersey Unreported; [2002/196A] A. G. -v- Appleby (5 th December 2002) Jersey Unreported; [2002/229]. A. G. -v- Harrison [2003]JRC161. Page Last Updated: 14 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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