

JERSEY / JUDGMENT

# AG v Monge [2003] JRC 172A (06 October 2003)

[2003] JRC 172A

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## JUDGMENT

THE BAILIFF: 1. The Court is satisfied that the Magistrate made an error in thinking that the level of intoxication of this appellant was much greater than in fact it was. Indeed, the Magistrate himself has made it clear by letter to this Court that he acknowledges that an error was made. The reality of the situation was that the appellant was indeed over the legal limit but not to a very great extent. 2. We have had regard to the Magistrate's guidelines and also to the fact that this error was made and that the appellant has had to come to this Court in order to obtain justice in his case. 3. We therefore allow the appeal and quash the sentences imposed in the Magistrate's Court on charges 1 and 2. We substitute for the penalties imposed in the Magistrate's Court a fine of two hundred pounds or, in default of payment, two weeks imprisonment, on charge 1 and we disqualify the appellant for a period of twelve months. On charge 2 we impose a fine of three hundred pounds or, in default of payment, three weeks imprisonment consecutive, and we impose a 6 months disqualification concurrent with the disqualification imposed on charge 1. Like the Magistrate, we impose no separate penalty on charges 3 and 4. The total penalty therefore is fines of five hundred pounds and a disqualification for holding a driving licence for a period of twelve months. The fines must be paid within three months. We order the prosecution to pay the costs of the appeal. No Authorities Page Last Updated: 27 Mar 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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