

JERSEY / JUDGMENT

AG -v- Pacheco [2016] JRC 220A (25 November 2016)

[2016] JRC 220A

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JUDGMENT

THE DEPUTY BAILIFF: 1. You are to be sentenced for dangerous driving, an infraction under the Construction and Use legislation (Motor Vehicles (Construction and Use)(Jersey) Order 1998 because of a faulty speedometer, possession of a personal amount of cannabis resin, and an attempt to pervert the course of public justice. We do not need to go into the detail of the dangerous driving, it is very clear from the Crown's statement of facts and the video footage that we have had the opportunity of reviewing. You drove at grossly excessive speeds and were a danger to yourself, your passenger and members of the public. The attempt to pervert the course of justice relates to your attempt to delete videos from YouTube of your dangerous driving where you had posted it. It seems clear to us that from this act alone, you were showing off and revelling in the power of the vehicle you were driving and your disregard of the law and the safety of yourself and others. We accept the Crown's characterisation of the aggravating elements of your offending. You do not have a clean record but your record is a relatively minor one. You were not cooperative initially giving a false address and, indeed, attempting to delete the video footage. 2. We note the mitigation available to you, your early guilty plea and we have looked at the letters that you have provided. We accept your remorse as genuine and the other letters speak well of you as a person with a good work ethic and otherwise a valuable member of society. 3. There is no doubt in our mind that the custody threshold is passed in a case like this but we propose to deal with you not by a custodial sentence but by a non-custodial sentence. 4. We order that you carry out 180 hours of community service. This is the equivalent of a 10 month prison sentence under Count 1 and a 2 month prison sentence, consecutively, under Count 3. Ad of course also a 1 month prison sentence, concurrent, under Count 4 and we make no separate penalty in connection with Count 2. You are disqualified from driving for a period of 3 years and you will be required to retake a driving test. The Court is very much of the hope that this period of disqualification which we know will be difficult for you, will give you the opportunity to re-evaluate your relationship with a motor vehicle and your attitude to driving in Jersey. 5. We also order the forfeiture and destruction of the drugs. 6. In terms of the confiscation of your vehicle we have given very careful thought to this and we do not think in principle it is incorrect to confiscate a vehicle used in these circumstances but we believe that the value of the vehicle is such that it would be disproportionate for us to order confiscation of it at this time and we do not

do so. 7. We think that it is appropriate you make a contribution to the Crowns' costs which we so order in the sum of £500 and this to be within 1 month. Authorities Road Traffic (Jersey) Law 1956 (extract). R v Cooksley

[2003] EWCA Crim 996 . AG v Luis

[2007] JLR Note 63];

[2007] JRC 233 . Magistrate's Court Sentencing Guidelines (extract). AG v Hall

[2013] JRC 248 . AG v Cardoso, Santos and Silva

[2014] JRC 206 . Peacock v AG

[2010] JRC 043 . AG v Bisson

[2015] JRC 246A . Costs in Criminal Cases (Jersey) Law 1961. Criminal Justice (Forfeiture Orders) (Jersey) Law 2001. Police Force (Disposal of Property) (Jersey) Regulations 1975. Page Last Updated: 16 Dec 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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