

JERSEY / JUDGMENT

# AG -v- Picot [2011] JRC 106 (03 June 2011)

**[2011] JRC 106**

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## JUDGMENT

THE DEPUTY BAILIFF: 1. You are here to be sentenced on three different Indictments. You have been in this Court and in other courts many times before. You face a number of difficulties and you have had, in your lifetime so far, many things which have not gone well for you. That is true of a lot of people and they still manage to live decent lives in the community. 2. The offence of driving whilst disqualified is an important and serious offence because you are flouting the orders of the Court by doing so; when the Court says you are disqualified from holding a licence that is an order which you must obey and when you do not do it then you are going to get a serious penalty because you are disregarding the Court's orders. Driving whilst disqualified from holding a licence, particularly if you have never had one, also makes you a risk to members of the public, as you were on this occasion, and it is made worse when you do not have insurance. These things are all linked together. 3. The offence of attempting to pervert the course of justice is a very serious offence. There is no limit in theory to the imprisonment term that can be imposed for that offence. This particular offence that you committed is not the worst form of attempting to pervert the course of justice but, if you do not think about yourself for a moment but think about Mr Taylor, it was directly down to you that he was taken into custody and held overnight and not released until midday the following day - a time when he will not have known what was going to happen to him; will not have understood why his liberty was being taken away from him, and that is very serious. And had he not had the alibis that he did have, then you might have succeeded in passing on the blame to him for the offences which you committed. That is mean and unacceptable. If you did not understand it before I hope you do understand it now; it is completely unacceptable. 4. The Court has taken into account the mitigation which is available to you; your guilty plea; all the personal circumstances which are set out in the background reports before the Court, and we have particularly looked at the letters of remorse which you have written to us. Those letters seem to make it our responsibility for you to change your life. But it is not our responsibility; it is your responsibility and nobody else's. We are going to impose a prison sentence and when you are serving that sentence you must think about how you can make things better. Because if you do not you will be back in Court and throughout your life you will get more prison sentences imposed. It is not inevitable. You can do it, you can improve your life and you will get help in prison to do so, and we really urge you to take advantage of that help. 5. You have to be sentenced for what you have done and we are going to follow, with one exception, the conclusions of the Crown. Accordingly on the First Indictment on Count 1 you are sentenced to 1

week's imprisonment. On Count 1 of the Second Indictment; 1 month's imprisonment, on Count 2 on that Indictment, 3 months' imprisonment, concurrent, on Count 3 we do not think 6 months is sufficient and we are increasing that to 12 months' imprisonment, and it will be consecutive to Count 2; as I have said, perverting the course of justice is an extremely serious offence. On the Third Indictment, driving whilst disqualified, you are sentenced to 12 months' imprisonment, on Count 2; 3 months' imprisonment, consecutive, on Count 3; 3 months' imprisonment, concurrent, on Count 4; 3 months' imprisonment, concurrent, and the total of imprisonment is therefore 2 years and 6 months' imprisonment. 6. The Court's orders will be obeyed and you will learn that, otherwise things will just get worse. Now when I said a moment ago it is up to you to make a difference, we do note that many of the offences are driving offences, and for that reason we are going to give you one chance. We are not going to impose disqualification for the period the Crown has asked for; you will be disqualified from driving for 18 months' and that means that when you come out of prison you will be able to get a provisional licence and take a test and begin to put your driving experiences within the law. You must do that and if you do that, that gives you a chance of not coming back to this Court again. I particularly want you to understand the Court's orders will be obeyed. Authorities Licensing (Jersey) Law 1974. Road Traffic (Jersey) Law 1956. Motor Traffic (Third Party Insurance)(Jersey) Law 1948. Sweet and Maxwell Current Sentencing Practice. AG-v-Lenton and Fannon

[1992] JLR N10a. AG-v-Tucker

[2003] JRC 119 . AG-v-Kilgour

[2006] JRC 028 . AG-v-RP and Others

[2009] JRC 241 . AG-v-Pagett 1984 JJ 57. AG-v-Bailey

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

[2009] JRC 077 . Power-v-AG

[2000] JLR 53 . AG-v-Picot

[2008] JRC 158. R-v-Tunney

[2006] EWCA Crim 2066 . R-v-Beeton

[2008] EWCA Crim 1421 . R-v-Beeton

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