

JERSEY / JUDGMENT

AG v Tucker [2003] JRC 119 (11 July 2003)

[2003] JRC 119

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JUDGMENT

THE COMMISSIONER: 1. This is a most serious offence; it strikes at the very route of the system of justice. You know you were identified by three doormen driving a vehicle while under the influence of drink. The first of those witnesses, Mr Sheehan, was apparently approached by you and offered first money and then threatened. He later withdrew his witness statement. Even after that the witness was approached. This was, on the face of it, a continuing and protracted approach with threats involved over a period of some 11 weeks. Then, of course, the witness made a fresh statement. 2. We have looked at your record. It is not a serious one it contains substantially only minor motoring offences. Although we have to say that you were charged with failing to provide a specimen and for that you have been punished. We know that you sufferer from agoraphobia; and we have heard that you have a severe drinking problem. We are told - and this stretches belief

- that you consume up to 100 pints a week, and that is no doubt compounded by your agoraphobia. On the face of it that would be that, had not Mr Cadin addressed us in mitigation on your behalf. 3. We have to record that there was no violence to the doorman, and even more surprisingly he clearly was not frightened. That is clear from the cross-examination that Mr Cadin carried out on your behalf. The other two witnesses were apparently not approached. We have looked at the case of AG -v- Weston

(1980) JJ43 CofA and this case clearly does not fall within the parameters of that case. 4. We have to say that, because you have already been sentenced inter alia to 45 hours of Community Service, for failing to provide a specimen, normally the two offences would have been taken together and concurrent or consecutive sentences would have been imposed. So we are taking that into account. I have to tell you that because of the seriousness of the offence with which you are charged we would normally have had no hesitation in sentencing you to 1 year's imprisonment. 5. But we regard this case as exceptional because of the problems that you face and because of the fact that there appears to have been no real threat, in that sense of the word, to the doorman, who was not in any way concerned when the remarks were made to him. 6. We are going to give you a chance. We are going to give you a Community Service Order. You will serve 180 hours; we are going to couple that with a 1 year probation order, so that you can attend such Alcohol and Drug Services as your probation officer shall direct. I have to tell you this, if you fail the community service

order or the probation order for any reason, you will come back to Court and you stand a very good chance of going to prison for one year. Authorities A. G. -v- Weston (1980) JJ 43 CofA. Archbold (2003 Ed'n): pp.2344

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