

JERSEY / JUDGMENT

AG -v- Wakeling [2010]

JRC 094 (21 May 2010)

[2010] JRC 094

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JUDGMENT

THE DEPUTY BAILIFF: 1. Mr Wakeling, you fall to be sentenced today on 1 Count of driving whilst disqualified, 1 Count of driving without insurance, and 1 Count of failing to provide information to a Centenier and, because of the commission of those offences, you are in breach of a Probation Order imposed in December 2008 and you fall to be sentenced on the theft of some champagne bottles. 2. The Court has looked at your record which is truly appalling. The Court is very mindful of the fact that these offences, particularly the driving without insurance, is one that the Court has always treated very seriously indeed and it does call for, in normal circumstances, a custodial sentence as indeed was the case when you were last before this Court and given a sentence of 15 months' imprisonment for that particular offence. Frankly there is very little that one can say to criticise the amended conclusions as put forward by the Crown today. The reality is that you face sentencing for offences which the Court has always treated as being serious offences. 3. Nonetheless, there comes a time in peoples' lives when maybe there is a chance, a glimmer of hope. The Court may be entirely wrong in thinking that glimmer of hope is here for you at the moment. We hope we are not wrong, but we are prepared to give you the benefit of that hope and that chance and that is the reason for the sentences which we are about to impose which, I should make it absolutely plain, are being imposed on a personal basis in the sense that we have taken into account all the matters which are set out in the social enquiry report and the opportunities which are highlighted there, to persuade you that your truly appalling record should be something of the past. If you do not take this chance you are a foolish man and your life will go downhill. You are very fortunate to be in the position you are in today for a number of reasons as I am sure you appreciate. But we have taken into account all that is in the social enquiry report and the guilty plea which you have entered. I have to say we have not taken into account any suggestion that there is some unfairness in the way in which the case has been dealt with; the fact that the magistrate might have been prepared to deal with this case himself is not something we take into account because in the light of your record, this is a case which should have been committed to this Court in any event. 4. What we are going to do therefore is on Count 1 you are sentenced to 6 months' probation. On Count 2 you are sentenced to 6 months' probation and 120 hours' Community Service Order and the community service is imposed as an alternative to a custodial sentence of 6 months' imprisonment which would

otherwise have been imposed. On Count 3 there will be no separate penalty, and on the breach of probation you are sentenced to 70 hours' Community Service Order, the alternative would have been 2 months in custody and that community service is to be treated concurrently, so it will make a total of 120 hours' Community Service Order. In addition to those matters you will be disqualified from driving. We are going to follow through the logic of the glimmer of hope and we are only going to disqualify you from driving for 12 months. That is a short period but you must take a driving test once the period is up and the purpose of disqualification for that period only is to mark the offence but also to ensure if possible that you make a real effort to take your test, get your insurance and then you will stop getting into this cycle of committing these offences again. 5. These are exceptional sentences that are being imposed today and the exceptional part of it especially takes into account the 8 months or so that you have served in custody on remand on a different Indictment where you were actually acquitted of the offences with which you were charged. The Court does not expect, for the avoidance of doubt, these circumstances to arise in any other case in the future because the sentence which we are imposing is, as I say, truly exceptional. Do take advantage of it. Authorities AG-v-Bailey

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