

JERSEY / JUDGMENT

AG -v- Wheadon [2008]

JRC 042 (13 March 2008)

[2008] JRC 042

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JUDGMENT

THE commissioner: 1. The defendant has a history of heavy drinking, illicit drug use and mental health problems with associated offending. These offences were committed during what he has described as a three month binge of alcohol and various drugs obtained over the internet. 2. He is deemed to be at high risk of re-offending and the Probation Office Service advise that they cannot offer any more care than he is currently receiving in custody, and indeed they say that probation would in many ways be counter productive. 3. He has been on remand since October 2007 where he has at times experienced difficulties. But he is in a secure environment and is receiving treatment that does appear to be benefiting him. We have no reports beyond those before us to support any recommendation to the contrary. 4. In terms of mitigation he has pleaded guilty and is entitled to the usual benefit in this regard. We have considered carefully the reports that are before us and the letters that we have received and we note and are encouraged by the support of his mother and step-father, who we see are in Court and we hope that support will continue as it will clearly be needed in the future. 5. However, these are serious offences in which the public were put at serious risk of injury or potential death. Whilst we understand the difficulties faced and experienced by the defendant in his youth and in recent times we have an overriding duty to protect the public and agree therefore with the conclusions of the Crown. 6. We have a particular duty to protect the police who in this case were subjected to a very unpleasant form of assault which brought with it the risk of infection and we therefore endorse the approach of the Crown in seeking a consecutive sentence in that regard. As is made clear in the case of AG v Brown 2000/35, the public must know that if they assault the police in any manner in the course of an arrest they may expect to receive additional punishment. 7. You are sentenced as follows. On Count 1, driving whilst over the prescribed limit; 1 month's imprisonment and you are disqualified from driving for 5 years. Count 2, resisting arrest; 1 month's imprisonment, concurrent. Count 3, dangerous driving; 9 months' imprisonment, consecutive, and you are disqualified from driving for 5 years, concurrent. Count 4, failing to provide a specimen; 3 months' imprisonment, concurrent and you are disqualified from driving for 5 years, concurrent. On Count 5, malicious damage; 2 weeks' imprisonment, concurrent. On Count 6, the first assault; 2 months' imprisonment, consecutive. On Count 7, the second assault; 2 months' imprisonment, concurrent. That makes a total sentence of imprisonment of 12 months and a total

disqualification of 5 years. 8. In relation to the breach of the binding over order we make no penalty. Authorities AG v Brown 2000/35. Page Last Updated: 22 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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