

JERSEY / JUDGMENT

AG v Wilkinson [2023]

JRC 042 (10 March 2023)

[2023] JRC 042

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JUDGMENT

THE BAILIFF: 1. You are to be sentenced today for two offences. The first is that on 6 July 2022, you drove a vehicle dangerously and thereby caused serious injury to one of your passengers. The second is that you drove the vehicle on the same occasion, with an alcohol concentration above the prescribed limit. 2. We do not need to go into the full details because they have been referred to fully by the Crown in the Summary of Facts that has been read out before us. In brief, you drove your work vehicle, whilst over the drink-drive limit and whilst carrying 5 passengers, 4 of whom were in the back of the van without either seats or seatbelts. On taking a bend in the road along La Grande Route des Sablons, you lost control of the vehicle causing the van to spin and collide with two parked cars and damaging a third car and a wall. That collision resulted in injuries and one of your passengers suffered a break to the radius and to the ulna. You were mercifully uninjured. 3. The collision had taken place after you had all been drinking at Green Island and took place at around 11:45 at night. 4. Understandably, when the police attended on the scene, your passengers were distressed and when asked who was driving, you readily identified yourself and that is to your credit. You failed a roadside breath test. 5. Whilst at the police station, you underwent a further test, the lowest reading of which was 46 units per 100 millilitres of breath; the legal limit being 35 units. 6. One of your passengers required an operation on her arm and a metal plate was applied to her to fix the fractures. She was in a plaster cast for some 4 weeks following surgery and unable to work for 11 weeks. 7. Two of your other passengers had injuries although they were less extensive, and you and two others of your passengers suffered no injury. 8. The forensic examination of the crash scene suggested that your vehicle was travelling at a critical speed which was calculated as between 54 and 66 miles per hour. The speed limit on the road being 30 miles per hour. 9. In our view the passenger load of the vehicle and its condition were, of themselves, dangerous. To that, we add the nature of your driving and it is clear that you have risked the safety of passengers in your vehicle. 10. We are satisfied in view of all of the circumstances that the custodial threshold in this case has been passed, in other words without further consideration we would be entitled to impose a sentence of youth detention. Do you understand that? 11. In the light of your age, you fall to be dealt with under the Criminal Justice (Young Offenders) (Jersey) Law 2014 . We do not need to set out that Law in detail, it is well known, but it has been referred to of course by the Crown in the

Conclusions before us. 12. You do not have any previous convictions nor do you have a history of failure to respond to non-custodial penalties and we think that, accordingly, in this case as we have already indicated a non-custodial sentence can be justified. 13. We note the effect of the injuries on your passengers but we also note the mitigation available to you. You have the benefit of ready admissions and an early guilty plea, you appear to have been entirely co-operative, you have no material previous convictions and of course you have the benefit of youth. All of these count substantially in your favour. 14. We note with some concern you are assessed at being of moderate risk of re-conviction in the next 12 months with binge-drinking and sporadic use of cannabis as being a factor, but in terms of other mitigation we note and accept that your remorse is entirely genuine, we think that you have seen the folly of your actions and we are prepared to treat this as a youthful mistake. The references that you have received are extremely good and you should be grateful to those who have provided them because they speak to your character in a way that the simple facts before us would not and we have taken them into account. We do not think that you are a person who is prone to reoffending. We are confident that you have learnt the error of your ways and that you will not be back before this Court or any other court again for similar offending. 15. In the light of what we have just said, the sentences we impose are as follows: (i) Count 1, causing serious injury by dangerous driving, 220 hours' Community Service which is the equivalent of 16 months' youth detention all under the aegis of a 12 month Probation Order. You are disqualified from driving for 3 years with a requirement to re-take the driving test. (ii) Count 2, driving with excess alcohol, we impose 40 hours' Community Service again under the aegis of a Probation Order of 12 months. We also order a 12 month disqualification from driving with the requirement that you retake a driving test. In total, as we are dealing with the matter concurrently, that means that you have to serve 220 hours Community Service which is the equivalent of 16 months' youth detention. You are disqualified from driving for 3 years and are required to take a test again before you can drive again at the expiration of that period and that disqualification will run from 19 January 2023 when the interim disqualification was imposed. 16. We turn to the question of costs. In our view it is entirely appropriate that you make a contribution to the costs of the Prosecution in this case but we propose as an act of leniency to make that a payment of £500 as opposed to the £1,000 requested. You have one month to pay that and the default sentence, which I have to specify, is 2 weeks' youth detention if you do not. Authorities Criminal Justice (Young Offenders) (Jersey) Law 2014. Road Traffic (Jersey) Law 1956 Criminal Justice (Compensation Orders) (Jersey) Law 1994 Magistrate's Sentencing Guidelines AG v B

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Prepared on 23 October 2026 · Esheria