

**Judgment 1/2008**

**Grant Ernest Le Prevost – Royal Court (Criminal  
Appeal No 20 of 2007) – 8 January 2008**

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**Criminal appeal from the Magistrate’s Court – exceeding speed limit – appeal  
against sentence of £150 fine and 2 months’ suspension of driving licence –  
suspension held not to be manifestly excessive – appeal dismissed**

**IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY**

The 8<sup>th</sup> day of January, 2008 before Richard John Collas, Esquire; present: David Charles Lowe, OBE, Derek Martin Le Page, Stephen Edward Francis Le Poidevin and Alan Cecil Bisson, Esquires, Reverend Peter Gerald Lane, Michael Henry De La Mare and Michael John Tanguy, Esquires, Susan Mowbray Barbara Jean Bartie, David Osmond Le Conte and John Ferguson, Esquires, Jurats.

No.20 of 2007

In the action of THE LAW OFFICERS  
OF THE CROWN against GRANT ERNEST LE PREVOST (“the Appellant”) to  
pursue the appeal of which the said Le Prevost gave notice against the sentence  
imposed upon him by the Magistrate’s Court on the 11<sup>th</sup> day of December, 2007 in the  
terms attached hereto;

THE COURT, having heard the  
Appellant in person and Advocate G.D. McKerrell for the Crown DISMISSED the  
Appeal.

S M SIMMONDS  
Her Majesty’s Deputy Greffier

**In the Royal Court of Guernsey**

**On Appeal from the Magistrate's Court**

**Law Officers of the Crown**

**-v-**

**Grant Ernest Le Prevost**

**Before Richard John Collas, Deputy Bailiff**

**Jurats: D C Lowe, D M Le Page, S E F Le Poidevin, A C Bisson, P G Lane,  
M H De La Mare, M J Tanguy, E I J S M Mowbray, B J Bartie, D O Le Conte,  
J Ferguson**

**Appeal Against Sentence Heard 8<sup>th</sup> January 2008**

Advocate for the Appellant: Unrepresented

Advocate for the Respondent: Crown Advocate G D McKerrell

1. Grant Ernest Le Prevost, in the Magistrate's Court on the 11<sup>th</sup> December 2007, you pleaded guilty to driving on a public highway at a speed exceeding 25 mph, contrary to Section 2(a) of the Road Traffic (Speed Limits and Trials) Ordinance, 1987.
2. A Police Officer had observed you at Le Vauquiedor, St Peter Port on 17<sup>th</sup> October at 8.07 pm driving at 47 mph.
3. You told the Assistant-Magistrate that you thought it was a 35 mph zone and that you thought that you were doing close to 35 mph. You also told the Magistrate that you had no previous convictions, nor cautions for speeding in 23 years of driving and asked for that to be taken into consideration. The Assistant-Magistrate did take that into account when sentencing you and said:  
  
*"you get credit for your guilty plea and I do take into account that it is your first offence, Mr Le Prevost, and Le Vauquiedor does catch some people out, but the signs are there to be seen and you should realise that it's a 25 mph zone. I am afraid that this is very nearly double the speed limit there, the speed at which you were going".*
4. The Assistant-Magistrate then imposed a fine of £150 and disqualified you from driving for 2 months.
5. You appealed against that sentence and cited as your grounds of Appeal:

*"That I have never been cautioned or taken to Court for any speeding offences in 23 years of driving in Guernsey, and that the 2 months suspension is too severe".*

6. The function of this Court is not to hear the matter afresh, but to decide whether the sentence imposed was either wrong in principle or manifestly excessive.
7. You have mentioned two other cases. One dates from 2005 and was a ‘not guilty’ plea where the defendant through his Advocate challenged the accuracy of the reading of the laser gun. The Magistrate appears to have accepted the defendant’s argument and sentenced on the basis that the speed was significantly less than 47 mph.
8. The second case was reported on 21<sup>st</sup> December 2007 where it is said someone speeding at 46 mph at Les Baissieres received a one-month suspension.
9. The Court is very sympathetic to your argument that there appears a disparity between that case and yours. However, we do not know the full facts of that case, nor do we know whether the report is comprehensive and complete. There may well have been additional mitigation which is not reported. Appeal Courts have on many occasions cautioned on making comparisons between individual cases.
10. In your case it was not wrong in principle to suspend your licence, we have to consider whether a 2 month suspension is manifestly excessive. We are satisfied that your sentence is consistent with sentences generally imposed for similar speeds in a 25 mph zone. We can not say that it is manifestly excessive.
11. The Appeal is therefore dismissed.