

Judgment 29/2005

**Nicholas Matthew Trebert – Royal Court
– 19 May 2005**

**Criminal appeal from Magistrate’s Court – driving in a manner dangerous to the public –
appeal against sentence – driving disqualification reduced from 5 years to 3 years**

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of May, 2005 before Geoffrey Robert Rowland, Esquire, Deputy Bailiff; present:- David Charles Lowe, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, O.B.E., Esquires, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Michael John Tanguy, Esquires, and Susan Mowbray, Jurats.

In the action of THE LAW OFFICERS OF THE CROWN
against NICHOLAS MATTHEW TREBERT (“the Appellant”) to pursue the Appeal of which the
said Trebert gave notice against the sentence imposed upon him by the Magistrate’s Court on the 17th
day of March, 2005;

THE COURT, having heard Advocate A.J. Ayres for the
Appellant and Advocate P. Robey for the Crown ALLOWED the appeal as respects the period of
disqualification from holding or obtaining a driving licence in all categories imposed on the Second
Charge set out in the cause, and substituted therefor a period of disqualification of three years’
duration.

S M SIMMONDS
Her Majesty’s Deputy Greffier.

Appeal Against Sentence

Nicholas Matthew Trebert

19th May 2005

1. Most careful consideration has been given to the submissions of Counsel in this Appeal against Sentence.
2. It is imperative that you should note that this Court views both the case of driving at a speed dangerous to the public and that of driving in a manner dangerous to the public two days later as most unfortunate. You pleaded guilty to both.
3. In the first instance you drove at 79 mph in the second you imperilled not only your own life but also that of your passenger. You are most fortunate that neither of you suffered death or serious injury in the second incident. You are most fortunate that nobody was in the other car. Death or injury could so easily have resulted to anyone who might have been in the other car.
4. No appeal has been brought in respect of the sentence on the first charge.
5. You have appealed against the sentence of three months Youth Detention and a driving disqualification for a period of five years imposed on the second charge. You did not appeal against the fine of £1500 which was also imposed on that second charge.
6. The Court has taken into account the facts in the Social Enquiry Report, which includes information on the Appellant's good character and personal circumstances, and the many character references and the able submissions of your Counsel.
7. The Court has given careful consideration to the provisions of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990. This Court has considered the facts of the second charge in isolation and has concluded that a custodial sentence was in this case necessary because the offence was so serious. It has considered both charges and concluded that a custodial sentence was necessary for the protection of the public.
8. The Court has concluded that the sentence of imprisonment was correct for such flagrant dangerous driving so soon after the speeding offence had been committed. The Court has also concluded that it was appropriate that that sentence of imprisonment should be suspended and for a period of two years.
9. With regard to the licence disqualification period the Court has noted that in the case of Mr K G Bishop on 10th February 2005 this Court imposed a driving disqualification of five years for an offence of causing death by dangerous driving. This was in addition to a 12 month period of imprisonment.
10. This Court taking into account the facts of the Bishop case and the period of disqualification in that case has concluded that the period of disqualification on the second charge should be reduced from five years to 3 years.
11. To that extent only the appeal is allowed.