

Judgment 38/2007

**Andrew Stephen Carre – Royal Court (Criminal
Appeal No 16 of 2007) – 1 October 2007**

Criminal appeal from the Magistrates Court – driving in excess of the speed limit – appeal against disqualification from driving for four months – appellant had forgotten to show the Assistant Magistrate a letter from his employer – held that this letter would not have altered the Court’s decision – decision not manifestly excessive or wrong in principle – appeal dismissed.

**Approved Text
02.10.07**

In the Royal Court of Guernsey

On Appeal from the Magistrate’s Court

Law Officers of the Crown

-v-

Andrew Stephen CARRÉ

Before Richard John Collas, Deputy Bailiff

**Jurats: Lowe, Le Page, Le Poidevin, Bichard, Lane, De La Mare, Mowbray,
Le Conte, Ferguson**

Appeal Against Sentence Heard 1st October 2007

Appellant: In person
Advocate for the Respondent: C G Dunford

1. Andrew Stephen Carré, you appeared before the Assistant-Magistrate on 25th September this year, charged that on 8th August 2007 you drove a motor vehicle at the South Side St Sampson’s in excess of the 25 miles per hour speed limit. The Police Sergeant who prosecuted the offence informed the Court that your speed was recorded at 46, 47 and 48 miles per hour. You were 19 years of age and yet you already had two previous convictions for speeding and one for driving whilst disqualified. The Magistrate fined you £200 and suspended your licence for 4 months.
2. The grounds of appeal on which you rely are that you forgot to show the Assistant-Magistrate a letter from your employer which you say might have lessened the sentence as your job relies upon your driving.
3. The letter stated that you had been employed for around a month and that you showed promise. You worked within the drain reactive section as part of the out of hour’s emergency team and your employers said that “*as an employer*

we would greatly appreciate him being given a larger fine and not being taken off the roads, however we do understand that he was caught fair and square!”.

4. The Magistrates constantly remind people who need a driving licence for their work that they must observe the speed limits. We are satisfied that if the Magistrate had seen your letter, it would not have altered his decision. What we have to decide is whether the sentence was either wrong in principle or manifestly excessive and having considered the facts of this case we consider it is neither manifestly excessive nor wrong in principle and we therefore dismiss the Appeal.