

**ROYAL COURT
FULL COURT**

29 May 2020

**Before: Gary Perry, Esq., Lieutenant Bailiff and:
Stephen Murray Jones OBE,
Terry John Ferbrache, Joanne Marie Wyatt, Alan Stevenson Boyle,
David John Robilliard, Stuart Michael Crisp, Paul Martin Burnard, Jurats**

THE LAW OFFICERS OF THE CROWN

- v -

Helene Nicole LE VALLEE

**Advocate J D McVeigh appeared for the Crown
Advocate S Maindonald appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You have pleaded guilty to an Indictment containing a single offence of drink driving contrary to section 2(2)(a) of the Road Traffic Drink Driving Guernsey Law 1989. This offence carries a maximum sentence of 12 months' imprisonment in this Court. We note you are a 46 year old local woman who was 45 at the time of the offence. You are employed as a care worker and your 17 year old daughter lives with you. You have been on bail throughout these proceedings with a condition that you do not drive any motor vehicle.

The brief circumstances of the offence are that on the afternoon of the 22 December 2019 you were driving your motor vehicle with your daughter and her friend as a passenger. During the initial journey you were involved in a minor collision, driving into the back of a stationary car. Due to concerns about your state after you drove off, a member of the public called the police. It is fair to say that you did stop and gave your details at the scene of the accident. Later, officers followed you over a not inconsiderable distance and you were observed to be swerving in the road and mounting the pavement on one occasion, narrowly missing pedestrians. When later placed on the intoximeter you gave a reading of 176 micrograms per 100 millilitres in breath, a reading of 5 times the legal limit.

Sentencing Considerations

Given the level of your reading, it is our view that this case clearly crosses the custody threshold and the decision of the Judge of the Magistrate's Court to decline jurisdiction was correct. 176 micrograms in breath is the highest reading by far that this Court has had to deal with in some time, if our joint recollections are correct. This level we find, quite frankly, astonishing. We note the decision of this Court in the case of Hatwell and Ogier. We are of course not bound by that decision, but it confirms our decision that the custody threshold is passed by some margin in this case. We

approach your sentencing by selecting what we consider to be the appropriate starting point, reflecting all of the circumstances of the case, before then looking at any applicable mitigating factors.

Mitigation

We have given careful consideration to the mitigation put forward by your advocate and the contents of the helpful pre-sentence report. We have also considered the contents of your heartfelt letter to us and the letters written by friends and family including your daughter and partner and the reference from your employer. We also note the progress you have made in addressing your alcohol problems since this offence occurred. We give you full credit for your early guilty plea although in our view you had little choice but to plead guilty. We also take full account of the fact that you are of previous good character, but I regret to say that that is not an uncommon feature in cases of this nature.

Sentence

Of its type, this case is one of the most serious this Court has had to deal with, bearing in mind the level of intoxication, the standard of driving including a collision and the fact you had children with you in the car. On the timings we have, you were on the road for over 30 minutes and indeed it would now appear you went home after the collision and then went out again on the roads to pick up your children. We are astounded that you even considered driving your own children in the state you were in. You presented a real danger to your daughter, her friend and other road users and pedestrians on your route. You should be thoroughly ashamed of yourself. It is disturbing that during your interviews with the Probation officer, you were still at that time clearly unable to accept, not only the full extent of your drinking, but also the risk you presented to pedestrians. At that time you continued to minimise the impact of alcohol on your driving that afternoon and that concerns us greatly.

Taking into account all of the factors we have outlined, we have arrived at a starting point of 10 months' imprisonment. We generously give you a 40% discount for the mitigation in this case, but the sentence of the Court for the offence to which you have pleaded guilty is one of 6 months' immediate custody.

I have to also cover the issue of disqualification. In addition, you are disqualified from holding or obtaining a driving licence for a period of 5 years. This means you must not drive any motor vehicle on the roads of Guernsey for that period; to do so would be a very serious offence, punishable with imprisonment.

Gary Perry
Lieutenant Bailiff

29 May 2020