

Driving at speed dangerous to the public contrary to section 10(1) of the Road Traffic (Guernsey) Ordinance, 2019.

[2020]GRC063

**ROYAL COURT
FULL COURT**

22 October 2020

Before: Jessica E Roland, Deputy Bailiff and:

**Stephen Murray Jones OBE, Claire Helen Le Pelley,
Steven John Morris, Joanne Marie Wyatt, Alan Stevenson Boyle, Peter Francis Gill,
David John Robilliard, Marilyn Jasmine King, Tina Jane Le Poidevin, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Jack Christopher Richard LE COUVEY

Crown Advocate F M Russell appeared for the Crown

Advocate D E J Thompson appeared for the Defendant

DEPUTY BAILIFF:

Background

Jack Le Couvey, you have pleaded guilty to an indictment of driving at a speed dangerous to the public contrary to section 10 (1) of the Road Traffic (Guernsey) Ordinance 2019. The maximum sentence is 2 years' imprisonment or a fine not exceeding level 3 on the uniform scale or both. You were 18 when you committed the offence but you are 19 now and you have been on bail since you committed the offence.

Sentencing Considerations

You were speeding in excess of 70 mph where there are houses and there were other road users. Only luck meant that pedestrians, who have to walk on the road as there is no pavement, were not there at the time. The top speed which was recorded was 76 mph which is over twice the speed limit.

Driving at the speeds you were is inherently dangerous. You have been driving for only little over a year and yet you thought it was acceptable to drive at a speed which greatly increases the risk of causing a crash that could result in serious injury or death.

Furthermore, you did this within 3 months of being in this Court being sentenced on an indictment containing two Counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug imposed by section 2(1)(a) of the Misuse of Drugs (Bailiwick of Guernsey) Law, 1974. I won't go back in detail through the facts of that case, after all it should be 'ringing in your ears' as it was only 3 months before you committed this next offence.

The second Count in May, related to a postal packet that was intercepted in transit to your grandmother's address and it was found to contain 204 grams of cannabis resin, which had a street

value of between £4,080 and £6,120. The first Count related to what appeared to be a similar importation earlier in the month, although the amount involved was not known, the offence having been discovered following an analysis of what was on your mobile telephone.

When you were sentenced in May the Bailiff said this:

“We believe you when you say that this has been a massive wake-up call for you and we give you credit for how you have responded. The Court does not think that you will be as foolish as you have been again and recognises that you have the makings of a decent member of our community. Accordingly, whilst what you have done is, in our view, so serious that a non-custodial sentence cannot be justified, meaning that, in accordance with the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990, a sentence of youth detention is capable of being imposed this morning; this will not result in immediate custody in your case.”

Given your actions in your car 3 months later, it would appear that too much benefit was given to you in your assertions that this experience was “a massive wake up call for you”.

Mitigation

Nevertheless, we give you credit for your guilty plea which was given at an early stage, although it would have been difficult for you to do otherwise.

We also note you are still a young man and only just 19, with good prospects and although you are fully employed you are still actively looking for an engineering apprenticeship having finished college.

We have also taken into account all that has been said on your behalf by your advocate, what is contained in the two social enquiry reports dealing with this offending and the offending in May, plus the report of Sarah Craske.

Sentence

You will have taken note of the length of time it has taken the Court to decide what to do in this case: what is the appropriate sentence for the driving offence but also whether your case falls into the bracket of whether to activate the 24 month youth detention sentence that was suspended for three years only 3 months before you committed this serious driving offence, or to vary the order, or to make no order.

On balance, but only just, we have decided it would be unjust in view of all the circumstances of your case and that which has arisen since the suspended sentence was passed, including the facts of the subsequent offence to make an order. Thus we will make no order in respect of the suspended sentence. This means it is still in place. You were told last time: “You will not have to serve the suspended sentence of youth detention unless in the next 3 years you are convicted of an offence punishable with imprisonment. If you are convicted of such an offence you are liable to serve all or part of those sentences.” This is still the case now. Let me be clear with you, Mr Le Couvey, if you offend again during the balance of the suspension of your sentence, it is very unlikely that these sentences will not be activated.

In relation to the driving offence, the seriousness of this cannot be minimised. Also, despite the reports that you are pro-social, you have committed another serious offence that could have had a serious impact on others in this community and you did so within 3 months of being before this Court. As a consequence, we do consider that in line with the social enquiry report, a community service order is appropriate – may be, if you undertake some hours serving your community in this way, you

will finally start maturing and realise the consequence of your actions does not only impact on yourself but on others in our Island community.

In all the circumstances, the Court is prepared to make a Community Service Order of 120 hours as a direct alternative to 6 months' imprisonment. This Order is made because with a combination of the offences for which you have been convicted and the previous convictions recorded against you, that this is the appropriate sentence. I note that you have signed a form stating that you understand the nature and effect of the Community Service Order, the power of the court to review the Order and the consequences that may follow if you fail to comply with any of the requirements of the Order, or if you are convicted of a further offence while the Order is in force.

As I say, this Order is imposed as a direct alternative to a sentence of youth detention of 6 months. The Court is satisfied that the provision can be made for you to perform work and that you are a suitable person to perform the work. This means you must do every single minute of your 120 hours unless you have a medical certificate, or else you will be brought back here and you will get the 6 months' imprisonment. It also means, like a suspended sentence, that if you re-offend during that period, this Order is revoked and you will get your 6 months' on top of any other sentence.

You are also disqualified from holding or obtaining a driving licence for a period two years from today. You must not drive any motor vehicle on the roads of Guernsey for the next 2 years. To do so would be to commit an imprisonable offence.

**Jessica E Roland,
Deputy Bailiff**

22 October 2020