

Dangerous driving, failure to stop for a Police Officer, failure to provide a breath specimen, driving whilst disqualified and driving with no insurance.

[2021]GRC004

**ROYAL COURT
FULL COURT**

22 January 2021

Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and:

**Stephen Murray Jones OBE, Jonathan Grenfell Hooley,
Alan Stevenson Boyle, Peter Francis Gill, David John Robilliard, Marilyn Jasmine King,
Tina Jane Le Poidevin, Paul Martin Burnard, Felicity Jane Quevâtre-Malcic, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Jake Michael Thomas PERRY

**Crown Advocate C G Dunford appeared for the Crown
Advocate P F Cobb appeared for the Defendant**

LIEUTENANT BAILIFF:

Background

You appear here today for sentence on an Indictment containing five Counts:

1. Dangerous driving – maximum 2 years’ imprisonment;
2. Failing to stop for a Police Officer – fine level 3;
3. Failing to provide a breath specimen – maximum 6 months’ imprisonment;
4. Driving whilst disqualified – maximum 3 years’ imprisonment;
5. No insurance – maximum 3 months’ imprisonment.

You are a 29 year old local man. There are two relevant previous convictions, both for excess alcohol offences: 14 June 2010 - and 19 November 2015, when you received 4 weeks’ imprisonment and a 5 year disqualification. It was that Order you have offended against.

You have remained in custody since being charged on 10 October 2020. The learned judge in the Magistrate’s Court correctly refused jurisdiction – the statutory penalties available there being inadequate. You indicated timely guilty pleas.

We have seen the CCTV. You did not stop for the Police and a pursuit took place. During that you reached excessive speeds and went through a red light onto St Clare Hill. The roadside test showed 95 micrograms when the limit is 35. You were drunk and had had a great amount of drink - on your admission, 12 cans of lager. You then, despite the Police being patient and you, of course, knowing the procedure, failed to provide a specimen at the Police Station.

Sentencing Considerations

You have a bad record for drink-driving and last time, very properly, received a custodial sentence. Today you also fall foul of the Hatwell guidelines. That Court's order of disqualification was defied by you. You put innocent road-users at risk, and caused a Police pursuit and, this was a dangerous event. Of course, you were uninsured, so pity anyone minding their own business who might well have been injured by you. You do not learn from your mistakes. Our duty is to protect the Guernsey public and avoid pursuits like this on our roads.

We have decided to start with the driving whilst disqualified, which has the highest maximum sentence and aggregate the offences so that they are concurrent, but represent the totality of your offending, i.e., everything you did. The end result would have been same if we had sentenced consecutively, but we are keeping it as simple as possible.

As stated, people were put at risk during this dangerous episode. We start at a combined total for all these matters of 2 years' imprisonment.

Mitigation

We have listened to your able Advocate and read the letters and Probation report. Non-custodial measures fail to reflect all that you did. Exceptional leniency is not called-for. The only things realistically in your favour are the pleas and your work record. But the pleas were in the face of very strong and compelling evidence.

Taking everything fairly into account, and erring on the side of leniency, we give you a discount, as we are encouraged to do, even when the evidence is strong, in the region of one-quarter.

Sentence

Experience demonstrates that leniency in your case would be wasted on you. Our duty, as stated, is to protect the public from dangerous drivers like yourself. You must learn the consequences of this law-breaking. Other peoples' lives count.

- On Count 4 the sentence is 18 months' imprisonment;
- On Count 1 the sentence is 12 months' imprisonment;
- On Count 2 there is no separate penalty;
- On Count 3 the sentence is 4 months' concurrent;
- On Count 5 the sentence is 3 months' concurrent.
- **Total sentence**, as they are concurrent sentences, is **18 months imprisonment**.
- There are compulsory disqualifications as a matter of law on Counts 3 and 5.
- We order a disqualification of 7 years from today in all categories on Counts 1, 3, 4 and 5 concurrent. That is 7 years from today.

So the sentence, Mr Perry, is therefore **18 months' imprisonment from 10.10.2020** and a **7 year disqualification in all categories**, which must we repeat, start from today by law, 7 years from now.

J R Finch, OBE
Lieutenant Bailiff

22 January 2021