

Offence of taking a motor vehicle without consent contrary to s.12(1) of the Theft (Bailiwick of Guernsey) Law, 1983 as amended; possessing an article with a blade or point in a public place contrary to s.5(1) of the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006; driving a motor vehicle without third-party insurance contrary to Article 2(1) of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936 as amended; driving a motor vehicle without a driving licence or permit, contrary to s.5(1) of the Motor Taxation and Licensing (Guernsey) Law, 1987 as amended and failing to stop after a traffic accident contrary to s.8(a) of the Road Traffic Guernsey Ordinance, 2019 as amended.

[2021]GRC032

**ROYAL COURT
FULL COURT**

6th May 2021

**Before: Catherine Maureen Fooks, Judge of the Royal Court and Jurats:
Stephen Murray Jones OBE, Claire Helen Le Pelley, Terry John Ferbrache,
Joanne Marie Wyatt, Peter Francis Gill, David John Robilliard, Marilyn Jasmine King,
Paul Martin Burnard, Heather Reed.**

THE LAW OFFICERS OF THE CROWN

- v -

Steven Kevin BEAUSIRE

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

JUDGE OF THE ROYAL COURT:

Background

Mr Beausire you have pleaded guilty to 5 counts on a single indictment.

The First Count is of taking a motor vehicle without consent contrary to Section 12(1) of the Theft (Bailiwick of Guernsey) Law, 1983 as amended and carries a maximum penalty of 3 years' imprisonment and an unlimited disqualification under Section 30 of the Theft Law.

The Second Count is of possessing an article with a blade or point in a public place contrary to Section 5(1) of the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006 and carries a maximum penalty of 2 years' imprisonment.

The Third Count is of driving a motor vehicle without third-party insurance contrary to Article 2(1) of the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Law, 1936 as amended. The maximum penalty for this offence is 3 months' imprisonment, plus a minimum disqualification of 12 months and no maximum disqualification.

The Fourth Count is of driving a motor vehicle without a driving licence or permit, contrary to Section 5(1) of the Motor Taxation and Licensing (Guernsey) Law, 1987 as amended and carries a maximum

penalty of 3 years' imprisonment. It also carries an unlimited disqualification under Section 8 of that Law.

The Fifth Count is of failing to stop after a traffic accident contrary to Section 8(a) of the Road Traffic Guernsey Ordinance, 2019 as amended, which carries a maximum penalty of 3 months' imprisonment and an unlimited disqualification under Section 8 of the 1987 Law.

The facts in relation to Counts 1 and 3 to 5 are as follows: CCTV at Geomarine showed that at approximately 2:10 am you were seen attempting to open the doors of two vans belonging to Geomarine before successfully opening the door of a white Fiat Ducato Geomarine branded van registration 54233 which you then took without consent and proceeded to drive.

At 2:40 am on the 17th of December 2020, police officers were at a car park at La Vrangue, St Peter Port. They saw the van driven by you enter the car park, reverse slowly and collide with a parked Ford Fiesta. Despite the efforts of one of the officers to speak with you and indicate for you to stop, you continued manoeuvring and reversed on two further occasions into the Fiesta causing damage. The officers noted that you appeared very dazed and spaced out with a sweaty complexion and it was suspected that you were under the influence of alcohol and/or a controlled substance. You appeared unaware of your actions or surroundings.

The second officer then approached, and the officers were standing on either side of the van. You then manoeuvred forward and collided with the rear of a quad bike with sufficient force to jolt the quad bike, lift it from the ground and move it around by approximately 1 ft.

Despite the presence of the officers in full Hi-Viz uniform and an officer's shout of "STOP", you continued to move the van backwards and forwards, attempting to exit the car park. You then looked directly at the female officer, who placed her hand on the driver's door handle, at which time you revved the engine loudly, the van jolted forward and you drove away. The officer removed her hand from the door handle as she was concerned that, had she not let go, she may have been dragged along with the van.

There are photographs of the damage caused to the Fiesta which is significant and also of some potential damage to the quad bike and some damage to the van itself. Following a search, the van was located afterwards, abandoned, and the keys were left inside.

One of the officers had identified you as someone she knew previously in the course of her duties and you were subsequently found at 4:30 am walking along La Vrangue and you were arrested. You were fully compliant at that time, but you presented as 'vacant' with glazed eyes, slurred speech and a smell of intoxicants.

This then leads to the facts in connection with the Second Count. In custody, you were found to be in possession of vodka and the silver locking knife with brown handle (the subject of Count 1). Enquiries revealed that you were not in possession of a valid driving licence, nor did you have third-party insurance at the time of the driving offences. Indeed, you have only ever held a provisional licence which expired in 2015.

You were interviewed the following day and answered "no comment" to all questions as is your legal right.

You are a local man of 33 years of age. You are described by the Probation officer as an intelligent and articulate man and as a man who enjoys working but who has been unable to sustain employment, partly through your offending behaviour but for other reasons contained in the report.

You have numerous previous convictions to which we will return later.

You have been in custody since 17th December 2020.

Sentencing Considerations

The maximum sentences are as set out above. The Court has looked at the offences as being two separate incidents, the taking and driving away and the driving offences as one incident and the possessing a bladed article as the other. The Court has considered the starting point of the sentence for the taking and driving away offence and the Court is entitled to take account of the driving offences as aggravating factors. The sentences for the driving offences will be concurrent.

The Court has then considered the starting point for the bladed article (and I will call it a knife from now onwards) offence. The Court is entitled to increase that also on account of the aggravating factors. The sentence in respect of the knife will be consecutive to that relating to the taking and driving away and driving offences.

There are certain aggravating factors arising from the facts in this matter.

In relation to the driving, the standard of your driving in the car park, particularly that the officer had to step away in order to avoid being dragged and the fact that you appeared unaware of your actions, posed a real risk to the public. Whilst your driving suggests that you were under the influence of something and driving whilst under the influence would be an aggravating factor if proven, it has not been, and we do not therefore factor it into the sentencing process at all. You knew full well that you had no driving licence.

In relation to the knife, the fact that you were intoxicated while carrying the knife is an aggravating factor. Whilst the knife was concealed in your pack, the police officers were cautious in approaching you in view of your history.

The greatest aggravating factor is your offending history which is extensive and includes 2 previous convictions for possessing offensive weapons (your last conviction, only last year, was possessing a bladed article - an axe), a taking and driving away offence in 2015 and other dishonesty offences, no insurance and various licence offences, including having no licence and no third-party insurance.

Your driving in the car park was, at best, bizarre but could have resulted in injury to the officer or others and did result in damage to at least 2 vehicles.

Carrying knives encourages violence and can lead to serious injury or death and the Court is concerned to protect the public from such offending. You knew that you should not have been carrying a knife in view of your previous convictions.

The Court is satisfied that the custody threshold in respect of your offending has been passed. The starting points which reflect the aggravating factors:

- On the taking and driving away (Count 1) – 30 months
- No third-party insurance (Count 3) – 3 months
- No licence (Count 4) – 24 months
- Failing to stop (Count 5) – 3 months
- In relation to the knife offence (Count 2) – 12 months

In addition, you will be disqualified from obtaining a driving licence in all categories for a long time to reflect your repeated driving offences. There is a statutory minimum disqualification of 12 months in respect of Count 3 - no third-party insurance.

Mitigation

The Court must first consider the impact of your guilty pleas on sentence. We accept that you entered those pleas at the earliest opportunity.

The Court has considered carefully the helpful, if realistically rather pessimistic, Probation Report prepared in respect of you. It is quite shocking that it is the 7th Social Enquiry Report since 2012. The writer correctly describes these offences as an entrenched pattern of offending linked to alcohol and drug abuse. He records your reported motivation to change and commends your behaviour on remand but he has no confidence in your ability or genuine willingness to sustain any change. He cannot wholeheartedly recommend any alternative to immediate custody. You are assessed as having a high risk of re-offending which is of obvious concern to the Court.

In terms of mitigation, we have also listened very carefully to the well-crafted submissions made on your behalf by your experienced advocate who made every available point and well for you. We recognise your long struggle with alcohol and illicit substances and your long-standing mental health difficulties, but your repeated offending behaviour in this case, particularly so soon after release, leads inevitably to the conclusion that you are unable or unwilling to make the necessary changes. We note and take into account the time served.

Sentence

Mr Beausire, you knew that your appearance today would result in an immediate custodial sentence and can have no complaint. We note that you have said that you want to stop drinking alcohol, so we urge you to access the Prison Substance Misuse Worker and make sure that, when you are released, you are able to make good your plans for a home, work and renewed family relationships.

Taking into account all the above, with the maximum discount available to you, the sentences will be as follows:

- Count 1 – 20 months' imprisonment with effect from 18 December 2020
- Count 2 – 8 months consecutive to Count 1
- Count 3 – 2 months concurrent with Count 1
- Count 4 – 16 months concurrent with Count 1
- Count 5 – 2 months concurrent with Count 1

Driving Disqualifications

In terms of driving disqualification, the driving disqualifications in respect of Counts 1, 3, 4 and 5 must run concurrently and from today. In respect of each Count, you will be disqualified from obtaining a driving licence of any category for a period of 6 years and those all run concurrently and from today. We must warn you that the penalties for driving whilst disqualified are most severe (as you know) and you would be likely to receive an immediate custodial sentence.

Summary of sentences

- **Total term of imprisonment 28 months from 18 December 2020**
- **Disqualification of 6 years.**

Forfeiture s3 PPACE

In addition, the Crown's application pursuant to Section 3 of the Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006 in respect of the locking knife is also granted. The Court notes that this has not been resisted. The Court is satisfied that this item was lawfully seized and was used for the

purpose of committing the offence, as evidenced by your plea. The Court has, as required by subsection (5), had regard to the value of the property and the likely financial and other effects on you of making the order before deciding to grant the Crown's application.

Supervision

In accordance with Section 1 of the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law, 2004, upon release (or completion of any parole period if applicable), you will be subject to supervision by the Probation Service for a period equal to one-quarter of the total sentence or the period you would have served had you not received remission, whichever is less. If you fail to comply with the conditions of the supervision, you will be liable to further imprisonment, a fine, or both.

Compensation

Finally, the Court did consider whether it is appropriate to make an order for compensation in favour of the owners of the vehicles in relation to the damage, but, in the circumstances, we have decided that it will be up to those owners, following your conviction and sentence, to decide whether to bring proceedings to cover the losses so there will be no compensation order today. It is also less appropriate to make a compensation order when you are going into custody.

Catherine Maureen Fooks
Judge of the Royal Court

6th May 2021