

Taking a motor vehicle without consent, driving whilst disqualified and without insurance.

**[2022]GRC049**

**ROYAL COURT  
FULL COURT**

**22 April 2022**

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

**Stephen Murray Jones OBE, Terry John Ferbrache, Jonathan Grenfell Hooley,  
David John Robilliard, Paul Martin Burnard, Felicity Jane Quevâtre-Malcic,  
Heather Reed, Simon Ernest Bodkin, James Robert Toynton.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**JACK ROBERT THOMSON**

**Advocate J D McVeigh appeared for the Crown  
Advocate L C Roffey appeared for the Defendant**

**LIEUTENANT BAILIFF:**

**Background**

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

- taking without consent: maximum penalty 3 years' imprisonment;
- driving whilst disqualified: maximum penalty 3 years' imprisonment and/or a level 5 fine;
- no insurance: maximum penalty of 3 months' imprisonment plus a compulsory disqualification for at least 12 months.

You are a 28 year old local man, who has been on conditional bail. You have a number of convictions – all were disqualified for 3 years on 29<sup>th</sup> March 2018, when you were sentenced for a number of offences, including drugs and possession of an offensive weapon. On 19<sup>th</sup> September 2019, you were sentenced for driving whilst disqualified and no insurance and received 6 months' imprisonment plus a further 3 year disqualification.

The Magistrate's Court correctly sent the present case up to the Royal Court to be dealt with. You first appeared there on 15<sup>th</sup> November, 2021 having, as was explained, breached a condition of your Police bail. Guilty pleas were indicated at the 17<sup>th</sup> February 2022, PDH hearing.

The facts can be set-out quite simply, but are no less serious because of that. You took your partner's car without consent and uninsured and whilst disqualified on 18<sup>th</sup> October 2021. You collided with another vehicle at 18:10 causing damage to that vehicle and injury to the driver and passenger.

The other vehicle was driving correctly, you skidded and hit it. You made off, despite the public-spirited assistance of a witness who had helped get you out of the car and noted you were covered in blood. When apprehended you had to be taken to hospital with a suspected head injury. Photographs were taken, which we have seen. The passenger in the car you hit was taken to the PEH by a St John's

vehicle; she had a bruised wrist, bleeding nose and severe headache. We also have pictures of her, plus the serious damage to the vehicles at the scene.

You were interviewed twice, without much emerging until you said at the end of the second interview you were sorry and responsible and, quite correctly it was “a very stupidly life changing decision to make”. You had also owned-up when apprehended.

### **Sentencing Considerations**

This is not a one-off. As stated, you have done it before, namely driving whilst disqualified and uninsured, in 2019, as well as 2016 and 2018.

In this case, serious damage was caused to an innocent person’s vehicle owing to the presence of your taken vehicle being unlawfully on the road – with no insurance and whilst disqualified. You do not learn from your mistakes and ignored the orders of the Courts, which are designed for the protection of other road-users.

The repeat offences are a considerable aggravating factor. There is also a need to continue to try to protect members of the public and deter this type of offending. We will combine the offences together to achieve a total starting-point which represents the overall criminality in this incident. We start at a period which reflects all these points, at 27 months. We would come to the same conclusion if we aggregated sentences consecutively.

### **Mitigation**

We have noted the submissions of your capable Advocate and read the letters as well as a detailed Probation Report. There is an ongoing drug problem, you are no longer in a relationship with the car owner. You are assessed as being in a population that statistically poses a high risk of general re-offending. We are encouraged to give credit for guilty pleas and we do so here, the evidence was, on Counts 2 and 3 as heard, very strong and compelling. You did admit full responsibility. We mark this by a discount of one-third, erring if at all on the side of generosity. That seems to be the operative and significant mitigating factor. We do, however, also accept you regret your illegal actions and note as well your compliance with bail conditions over a period.

### **Sentence**

You are a repeat offender. Court orders are of little use if people persist in breaking them. We are also bound to take on board the consequences to victims and the inevitable mental trauma nasty accidents like this are likely to cause. We pause to indicate we sentence on guilty considerations.

The time has come to demonstrate that the Court will do its best to protect other innocent road-users from those who persist in offending in this way. As stated, an element of deterrence is also called-for. Community-based penalties are wholly inappropriate on the facts.

We sentence as follows:

- Count 1: taking a vehicle without consent – 18 months’ imprisonment;
- Count 2: driving whilst disqualified – 18 months’ imprisonment, concurrent;
- Count 3: no insurance – 3 months’ imprisonment, concurrent.
- Total**: **18 months’ imprisonment from today** and: on each offence – **5 years’ disqualification** from today, which has to be concurrent.
- Total**: **5 years**, from today.
- Compensation** is appropriate and we order it in the sums claimed, total £301.00.
- Compulsory Supervision** after release for one-quarter of the total sentence.

**J R Finch, O.B.E.**  
**Lieutenant Bailiff**  
**22 April 2022**