

Two counts of driving with alcohol concentration above the prescribed limit; contrary to section 2 (2) (a) of The Road Traffic (Drink Driving) Law, 1989, as amended.

[2022]GRC099

**ROYAL COURT  
FULL COURT**

**9<sup>th</sup> November, 2022**

**Before: John Russell Finch, Esq., O.B.E., Lieutenant Bailiff and Jurats:  
Claire Helen Le Pelley, Terry John Ferbrache, David James Mortimer, David John Robilliard,  
Tina Jane Le Poidevin, Heather Reed, Simon Ernest Bodkin, James Robert Toynton.**

**THE LAW OFFICERS OF THE CROWN**

**- v -**

**LEE NATHAN JEHAN**

**Advocate C G Dunford appeared for the Crown**

**Advocate P Lockwood appeared for the Defendant**

**LIEUTENANT BAILIFF:**

These are the sentencing remarks in the case of the Law Officers of the Crown against Lee Nathan Jehan.

**Background**

You appear here today for sentence on Indictments containing two counts, both of driving with excess alcohol. The first was on the 22<sup>nd</sup> April, the second on the 16<sup>th</sup> July, both this year when you breached your bail by driving but also with excess alcohol. You have been remanded in custody since that date.

Very properly the lower court had declined jurisdiction of the first offence, due to three excess alcohol convictions. We again make the point that the three month maximum for this in the Magistrate's Court is inadequate and in sore need of an increase, as was the offence of driving whilst disqualified. The maximum here is 12 months on each offence.

The three similar convictions were:

- (i) 28<sup>th</sup> April 1999 £550 3 years' disqualification.
- (ii) 6<sup>th</sup> January 2005 £650 2 months' suspended for 2 years, 4 year disqualification.
- (iii) 14<sup>th</sup> May 2015, in charge over the limit £800, 3 year disqualification, 3 months' imprisonment suspended for 2 years and 6 months' supervision.

You have other noteworthy convictions, including a substantial sentence from this Court in 2019 for drug supplying, 30 months here for unlawful wounding in 2017, various traffic offences, criminal damage and dangerous driving.

- On the first offence you blew 99. The limit is 35.
- On the second offence you drove off, but later blew 72.

### **Sentencing Considerations**

You have a really bad record for similar and other significant offences. You are no stranger to custodial sentences.

You posed a danger to other road users in the past and you do again with these offences, one flagrantly breaching your bail condition.

We are satisfied you pose a risk to others with your penchant for committing these offences, now totalling five. A horrifying figure.

Our primary concern is to do what we should to protect the public. Until you properly deal with your alcohol consumption, you, as said, present a risk. We must try and deal with it.

We start at a **total of 21 months' imprisonment** for both matters.

### **Mitigation**

We have listened to your capable Advocate and read the Probation report, and all the letters submitted, including yours. Your pleas of guilty were inevitable. We repeat you drove away on the second offence and were apprehended at home. We accept you did in your favour, provide samples on each occasion. The readings, especially on the first matter were high. We recognise the problems you set out in your letter, but that does not excuse the offending.

We find mitigation here to be very limited. We seek to reflect the totality principle. Your aged now 43 and these actions are of a younger, immature person.

### **Sentence**

- Count 1 - the sentence, noting the reading is 8 months' imprisonment.
- Count 2 - with its obvious aggravating factors, 10 months' imprisonment, consecutive.

**Total: 18 months' with effect from the 16<sup>th</sup> July, 2022**

Substantial disqualifications, which in law must start from now and cannot be consecutive are needed, to keep you off the roads. We combine the totals, taking special account of your bad record here to 8 years' in all categories, in each, which has to begin from today's date. From today's date the law does not allow any other date for a total of 8 years'.

Compulsory supervision for one-quarter of the total sentence on release.

The sentence, as I say starts from the 16<sup>th</sup> July, 2022, the bans take effect 8 years' from now.

Would you please go off with the officer.

**J R Finch, O.B.E.**

**Lieutenant Bailiff**

**9<sup>th</sup> November 2022**