

Sentencing remarks - The defendant, Sergio Louro, was sentenced to nine months' imprisonment and disqualified from driving for six years for dangerous driving and driving with excess alcohol. The Court declined to recommend deportation, considering the seriousness of the offences and the defendant's family ties.

[2025]GRC088

ROYAL COURT

FULL COURT

24 October 2025

Before: Catherine Maureen Fooks, Judge of the Royal Court

and Jurats:

**Claire Helen Le Pelley, David James Mortimer, Stuart Michael Crisp, Tina Jane Le Poidevin,
Simon Ernest Bodkin, Ian Michael Brown and Susan Elizabeth Gallienne.**

THE LAW OFFICERS OF THE CROWN

- v -

SERGIO LOURO

Advocate P F Cobb appeared for the Crown

Advocate S J Maindonald appeared for the Defendant

Interpreter Ms de Menezes was in attendance

JUDGE OF THE ROYAL COURT:

Background

Mr Louro, you appear here today to be sentenced on an Indictment containing two Counts:

1. driving a motor vehicle, having consumed excess alcohol, contrary to section 22(a) of the Road Traffic (Drink Driving) (Guernsey) Law 1989, as amended, which carries a maximum sentence of 12 months' imprisonment, or a fine or both and a minimum disqualification of 12 months;
2. driving in a manner dangerous to the public, contrary to section 10(1) of the Road Traffic (Guernsey) Ordinance 2019, which carries a maximum sentence of 2 years' imprisonment or a fine or both, and a discretionary disqualification.

The facts have been set out in detail by the Prosecuting Advocate, but in summary: on the early evening of Thursday 26 June 2025, you were driving your work van to your home, which is near the airport, while over the legal limit for alcohol in breath. We consider that the total distance driven by you under the influence is not clear but, various witnesses saw you between Rue Cauchez, St Martins and your home, so we sentence on that basis. Those witnesses described the following features of your driving:

1. in the Rue Cauchez, hitting an earth bank causing your van to bounce onto the road. About 1 metre of the earth bank collapsed, your driving was noted to be slow and thoughtful with you slowing to a stop. The wheel arch fell off your van;
2. you then carried on into Route des Caches, passing through a red traffic light;
3. between Rue Cauchez and La Villette, you were seen repeatedly swerving in between hedge rows and the middle of the road, before mounting and driving along a pavement on which pedestrians were walking;
4. you then continued driving in the middle of the road and you hit a car travelling in the opposite direction, which had stopped to avoid a collision, and this collision caused damage to both wing mirrors (your wing mirror and that vehicle's wing mirror);
5. you turned into Rue Sans Nom by the derelict Forest Park Hotel, narrowly missing a dog walker and travelled through the narrow lanes, hitting the hedge rows and clipping the hedge; and
6. finally, you continued driving erratically from Le Chene to your home, mounting pavements and swerving into the road.

Numerous concerned persons had called the Police who arrived and arrested you while you were still in your vehicle on the driveway. The lower reading on the intoxilyzer was 170 microgrammes in 100 ml of breath which is almost 5 times the legal limit. At interview you repeatedly denied drinking before driving. You claimed that you had drink a whole bottle of vodka after your return home. You said that worrying health news had caused you to drink. You accepted that your drinking is a problem. You could recall the clash of mirrors and hitting the earth bank, but not driving through a red light. You said that you had not stopped because you did not believe that it was that serious.

Your Advocate has emphasised and we accept, that, whilst this account was not truthful, you had not had the benefit of legal advice and you subsequently quickly took responsibility for your offending.

You are a 34 year old, non-local man. You have lived in Guernsey since 2011. You are married with a young child. You have been running your own business for a year or so. You have one previous conviction from March 2017 for driving with excess alcohol, for which you were sentenced to 100 hours Community Service and disqualified from driving for 3 years, so you were back on the road in March 2020. The reading on that occasion was over 3 times the legal limit.

You have been on conditional bail, including a condition not to drive since 7 July 2025.

Sentencing Considerations

The dangerous driving and driving with excess alcohol arise out of the same facts. We are going to treat the driving with excess alcohol offence as aggravating the dangerous driving but we consider the two matters separately initially.

There is no question in our minds that the dangerous driving passes the custody threshold. We take a starting point for it of 12 months. There are aggravating factors:

- the witness accounts of your driving make for alarming reading;
- you drove a considerable distance whilst drunk;
- we note that there is no indication of excessive speed but you did go through a red light;
- you failed to stop after a collision;
- you did cause damage to at least one earth bank and another vehicle's wing mirror;
- somehow, you did not hurt anyone, even though there were pedestrians on the pavement on which you were driving and you narrowly missed a dog-walker; and

- the risk of harm was accepted by your Advocate.

The Court views this prolonged episode of dangerous driving as very serious and we aggravate the starting point to 18 months, but we stress that in doing so we take no account of the alcohol, as that is a separate matter.

The Court has set guidelines for driving with excessive alcohol in the case of the Law Officers of the Crown v Roger Charles Hatwell and Michael Peter Ogier (Guernsey Judgment 2022 of 2004) and there is a further judgment: Law Officers of the Crown v Carol Thoumine 2017 (unreported) to take account of the availability of Community Service Orders. The guidance is clear, those with readings over 110 can expect to go to Prison. For those like yourself, offending for a second time, whose first conviction is not so long ago that it should be regarded as spent, custody should be considered if the second offence reading is over 70. Your reading is 170, nearly 5 times the limit.

Community Service can only be considered on a second offence if the reading is below 70 and Suspended Sentences should be exceptional. Your Advocate has sensibly conceded that you are likely to receive an immediate custodial sentence today. We take a starting point for the driving with excess alcohol offence of 8 months, which we aggravate to 10 months to take account of the previous conviction and we stress that, in doing so, we do not take account of the driving because that is a separate matter. Now taking the two matters together, we set the revised starting point for the dangerous driving, taking into account the driving with excess alcohol with an eye on totality at 24 months, before consideration of pleas and personal mitigation.

Mitigation

Pleas

We afford you full credit for your guilty pleas.

Personal Mitigation

The Court has considered carefully the helpful Social Enquiry Report prepared in respect of you. We have listened to the succinct and realistic submissions of your Advocate. She has made all the available points on your behalf. We have carefully considered all the materials which have been provided for you in terms of your letter and letters from others. We do wish to record that there were too many letters. Some very important points are made in your letters but they only need to be made once. We also record that some of the letters are quite out of date and it is important that letters are up to date, particularly letters such as the one from your GP. We also received the letters late in terms of considering them fully, but we have taken the time to make sure that we have gone through all of the letters carefully and picked up all of the relevant points.

Sadly, there are many people who come before this Court with adverse childhood experiences but the descriptions by you and others of what you have endured are shocking and horrific, even by those standards. You started using alcohol as a coping mechanism from your mid-teens and that has escalated into an addiction. Over the last year or so, you have struggled with the responsibilities of running a business, renovating your home and being an active parent.

You had sought help earlier this year but unfortunately relapsed and committed the offences. You appear to be re-engaging with help. As is said by you and others, none of your past or your alcohol issues excuse your actions, but they do set them into context. The letter from your GP gives important information as to the diagnosis and treatment of your alcoholism and other issues as well as the impact of alcohol on your health. It is to your credit that you appear to be willing to engage with the help to overcome your issues.

Despite all of your issues, you are a very hard worker and a dedicated husband and father, working hard to provide for your family which is to your credit. Your business contributes to the community with the provision of services and employment. You have put aside sufficient money to cover the mortgage

for some months and family expenses, demonstrating your responsible attitude towards your family and you have made what arrangements you can in relation to your business.

The references presented, whilst too many in number, are impressive, describing as they do, a capable worker and a generally good person. The person described is not at all the sort of person who would get behind the wheel of a car after drinking. What is striking is that the writers do not shy away from condemning what you have done. They acknowledge your alcohol issues and this will be important as they support you from now on. You clearly have an extensive support network and this is a positive. The letter from your wife is particularly powerful. She condemns your offending but she is standing by you – the man she describes as “*caring, selfless and so much more*”.

Once you accepted your guilt, you have shown insight into the consequences of your choice to drive that evening and considerable remorse and shame, which we take into account.

You are not assessed as needing any compulsory intervention as you are said to be seeking the help that you need. You are assessed as having a low likelihood of general reoffending. The report writer does not assess you as holding attitudes supportive of offending. In her opinion, your compliance with the bail condition not to drive shows that you pose no continued risk of harm to others. Of course, the risk of future harm is entirely dependent on your not drinking and driving again.

In accordance with the case of Bourgaize v the Law Officers of the Crown (2014 Judgment 49), the Court is required specifically to consider the Article 8 rights of your minor child and your wife who would be affected by your being imprisoned, as well as your own rights. There are three questions to be considered:

1. Is there an interference with family life?
2. Is it in accordance with Law and in pursuit of a legitimate aim within Article 8.2?
3. Is the interference proportionate, given the balance between the various factors.

A sentence of imprisonment, by definition interferes with family life. The imposition of a sentence of imprisonment for a serious criminal offence is in accordance with Law and in pursuit of a legitimate aim within Article 8.2. Parents who commit serious offences face prison like everyone else. The issue for this Court is always whether the imposition of an immediate custodial sentence would be a proportionate interference with family life, given the balance between the various factors. We have been given some information about the impact on your family of a prison sentence. Your wife works shifts, three night shifts per week and you usually care for your child whilst she works. If you are imprisoned, your aunt can take over that care and she has already been helping you while you were unable to drive. In terms of finances, you started your own business last year. You have a mortgage to pay and works are being done on your house. It is obvious that finances will be a struggle on one income only. You have taken steps to reduce the impact of your being imprisoned.

Sentence

In sentencing you, we must consider all the sentencing principles: punishment, deterrents, protection of the public and your rehabilitation. Heavy drinkers must not drive and if they do, they can expect to go to prison, particularly if the alcohol readings are high. Repeat offenders can also expect to go to prison. Your driving on that evening was appalling and in itself, deserving of a prison sentence.

The Court has balanced the impact on your family and the Article 8 rights engaged against the legitimate aims of sentencing in a serious case such as this. This is not a case which stands on the cusp of custody. In a case like this, where a custodial sentence is clearly called for, the Court can consider reducing the length of the sentence to take account of the impact on family and we have done so. An immediate custodial sentence is not disproportionate in the circumstances of your case, but we have kept the sentences to the absolute minimum, commensurate with the offending and taking into account the guidelines, totality and the other sentencing principles mentioned.

Mr Louro, you know that you could easily have killed someone that evening. You know that the sentence you are about to receive is going to affect your family and that is down to you. In your letter,

you recognise how much you have with your wife, child, business and home. You say that you are ready to change which you know will be a challenge, but that you are ready to fight and accept all the help that you can. We cannot stress enough the importance of you getting that help to beat your alcohol addiction. The future of your family is in your hands.

Taking into account everything that has been said, the sentences will be as follows:

- In relation to Count 2, the dangerous driving, an immediate custodial sentence of 9 months from today;
- In relation to Count 1, the driving with excess alcohol, the sentence is an immediate custodial sentence of 6 months from today, but concurrent.
- That means that the total sentence is one of **9 months from today**.

We do not impose a fine as we consider that that would unfairly impact on your family.

I turn now to the issue of the disqualification from driving. We note the appalling driving and that it is not your first such offence, that there is a risk of harm should you offend again, and we have considered how long the disqualification should be to deter you from offending again. We have balanced that with your rehabilitation and the impact on your business and your family. We will increase the disqualification for the dangerous driving to take account of the driving with excess alcohol. The two disqualifications will be concurrent and, as a matter of law, they must both run from today.

- For the dangerous driving the disqualification is 6 years from today; and
- for the driving with excess alcohol the disqualification is 4 years from today, which is concurrent.
- So the total disqualification is **6 years from today**.

When you are released, do not think about driving as the penalties are most severe and you would be likely to receive another immediate custodial sentence.

Deportation

You are not a British Citizen so your commission of the offences makes you potentially liable to deportation. We have the power, but are not particularly invited, to consider the question of whether or not to recommend that you be deported. The Court's powers, under the Immigration Act 1971 as extended to the Bailiwick of Guernsey, are confined to making a recommendation to His Excellency the Lieutenant Governor. Before making any recommendation for deportation, the Court must conduct a balancing exercise. The principles that the Court must follow were established by the Court of Appeal in the case of O'Dette in 2007. One of the questions to consider is whether the offence is serious enough to merit deportation. We are not satisfied that the offending, whilst serious, is serious enough to merit deportation. In any event, we consider that your clear and obvious family ties and Article 8 rights would make any recommendation for deportation disproportionate. We decline to make the recommendation and we leave the matter to His Excellency.

Finally, we wish to commend the members of the public for reporting the bad driving and for being willing to give evidence for use in the Prosecution case.

The total sentence is as follows:

- Imprisonment from today totalling **9 months**;
- Disqualification from holding or obtaining a licence in all categories for **6 years from today**.

Catherine Maureen Fooks

Judge of the Royal Court

24 October 2025