

POLICE

v

JACOB GEORGE

Counsel: L William for the Crown
N George for the Defendant

Sentence: 3 June 2021

**SENTENCING NOTES
OF THE HONOURABLE JUSTICE DAME JUDITH POTTER**

[9:22:34]

[1] Jacob George faced two charges. One of driving with excess breath alcohol and another of dangerous driving. This morning, the Crown sought leave to amend the second charge to one of careless driving. Leave was granted.

[2] Mr Jacob George then, through his counsel, Mr Norman George, entered guilty pleas to both charges.

[3] Counsel are agreed that sentencing may proceed forthwith.

[4] The defendant has accepted the summary of facts for the purposes of his guilty pleas and sentencing. At about 1821hrs on Saturday, 20th November 2019, the motorcycle he was driving was involved in a crash which occurred on the main road in front of the airport maintenance office at Nikao. The defendant had been consuming alcohol at the Trio's nightclub prior to the incident. Whilst approaching the western exit at the airport, he overtook

a vehicle in front of him travelling in the same direction. There was a motorcycle travelling in front of the car he overtook. The end result was a collision involving both vehicles. As the result of the collision, the driver of the other motorcycle sustained a dislocated left shoulder.

[5] The defendant openly admitted the facts relating to this incident. At the Police station he was tested and his alcohol level was found to be 430mgs per litre, which is 30mgs over the legal limit.

[6] The maximum penalties for the offences for which the defendant is now to be sentenced are, in respect of the careless driving offence, a maximum term of imprisonment of five years or a fine of \$5,000. In respect of the excess breath alcohol offending, a maximum term of imprisonment of 12 months and a maximum fine of \$1,000.

[7] Counsel have confirmed that in respect of the latter, there is a mandatory disqualification from driving period of 12 months. However, the Court has a discretion to impose a longer period of disqualification of up to three years.

[8] This is Mr Jacob George's first offence. I am advised that he is a security officer at the Edgewater Hotel. He is remorseful and regrets greatly the injury suffered by the driver of the other motorcycle. He is willing to pay reparation and other costs the Court orders.

[9] In those circumstances, the sentence I impose upon you Mr George, concurrently on both charges, is a fine of \$250. You are ordered to you pay reparation of \$130. This is in respect of repair costs to the other vehicle. Medical costs of \$20 and Court costs of \$50 are also ordered.

[10] The Crown does not seek a longer period of disqualification than 12 months. You are disqualified from driving for 12 months.



Judith Potter, J