

(Criminal Jurisdiction)

PUBLIC PROSECUTOR

VS.

PETER SELEY

Mr Justice Oliver A. Saksak
Mrs Anita Vinabit – Clerk

~~Mr Alain Frederic Obed for the Public Prosecutor~~
Mr Peter Bartels for the Defendant

Thursday 17th August 2006

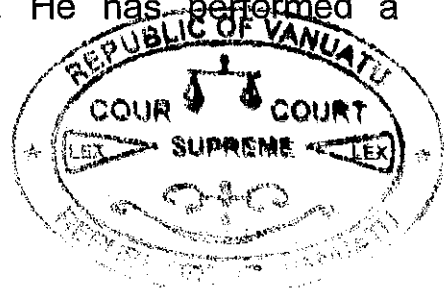
SENTENCE

The defendant is charged with 1 count of Driving Under the Influence of Alcoholic Liquor contrary to section 16 and with 1 count of Causing Death by Reckless Driving contrary to section 12 of the Road Traffic (Control) Act CAP 29.

He pleads guilty to both counts today.

In determining sentence I have considered the following aggravating factors (a) that he drove under the influence of liquor and accept that as such rather than it being a separate charge, and (b) that his vehicle had no valid insurance at the time of the accident.

The accident took place on 25th July 2003. I am told that the defendant had not driven since that date. The deceased was related to the defendant as uncle and nephew. He has performed a



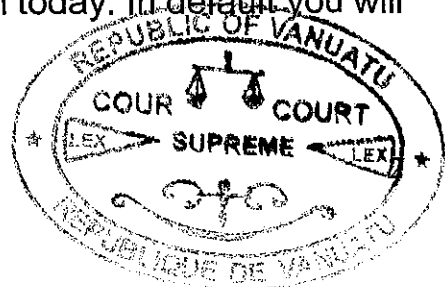
customary settlement on 29th July 2003 in which he has spent the sum of VT112.900. He has no previous record. He cooperated with the police by admitting his fault. He pleads guilty today. He has shown signs of deep remorse and contrition. I accept those factors in mitigation of his sentence.

It is submitted by Mr Bartels that a suspended sentence would be appropriate in the circumstances of the case. However the Court thinks otherwise and rejects that submission.

I note the case of Public Prosecutor v. Kenny Alang Criminal Case No. 30 of 1997 where the defendant pleaded guilty to reckless driving causing deaths of two persons. He was fined VT250.000 and ordered to pay prosecution costs of VT8.000. I am guided by that case in determining the defendant's sentence.

I accept the submission of the prosecutor as regards fine and prosecution costs. I accept Mr Bartel's submission that there should be some degree of deterrence shown by the Court in its sentencing. To that effect the Court considers issuing a disqualification order under the provisions of section 55 of the Road Traffic (Control) Act CAP. 29.

In the light of the above reasons, I now sentence you Peter Seley to a fine of VT20.000 and further order you to pay VT5.000 as prosecution costs. You must pay these sums by 4.30 p.m today. In default you will go to prison for a period of 2 months.



Further I hereby disqualify you from driving for a further period of 1 year (12 months) from today. You are ordered to surrender your driving licence for endorsement by the Court. This order is made pursuant to section 55 of the Road Traffic (Control) Act.

DATED at Lakatoro this 17th day of August 2006.

BY THE COURT



OLIVER A. SAKSAK

Judge

