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ROYAL COURT
(Samedi Division)

31st January, 1992

Before: The Bailiff, and
Jurats Blampied and Le Ruez

The Attorney General

- v -

Mark Douglas

Count 1.

Supplying controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978, (Count 1);

Count 2.

Possession of prohibited weapon in a public place, contrary to Article 19(1)(b) of the Firearms (Jersey) Law, 1956, (Count 2); and

Count 3.

Possession of controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978, (Count 3).

PLEA:

Guilty.

DETAILS OF OFFENCE:

He arrived at 2 Mon Caprice whilst a drugs raid was in progress on the 22nd May, 1991. His vehicle was searched and the electric stun gun found. After arrest for the

firearms offence, his home was searched at which time his telephone answering machine was played back to reveal a message requesting him to supply a quantity of cannabis. At the later recorded interview he virtually indicted himself by admitting the purchase and later supply of two amounts of 17 oz. of cannabis. On each occasion he paid £2,380.00 and sold each amount for £340.00 profit. The total sum involved in the trafficking of the 34 oz. therefore was £5,440.00. Also admitted to purchase of half a gram of cocaine and said he had purchased the stun gun for personal protection.

Confiscation Order limited to £5,000 of his assets made by consent in exercise of the Attorney General's discretion vested by the provisions of Article 5 of the Drug Trafficking Offences (Jersey) Law, 1988.

DETAILS OF MITIGATION:

(1) Treated as first offender; (2) youth; (3) good character; (4) family support; (5) remorse; (6) co-operation - wrote his indictment for the drug offences; (7) out of work; (8) virtually stripped of assets and left in debt to his bankers. The effect of a "Draconian" law but so intended by legislature.

PREVIOUS CONVICTIONS:

Two very minor motoring offences.

CONCLUSIONS:

(1) 12 months;
(2) 9 months concurrent;
(3) 6 months concurrent;
Total: 12 months' imprisonment and forfeiture of gun.
n.b.: No drugs seized to confiscate.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions varied: Count 1: 9 months; Count 2: 6 months;
Count 3: 9 months.

The Solicitor General.

Advocate Miss D.C. Sowden for the accused.

JUDGMENT

THE BAILIFF: The Court has on many occasions now laid down the principles upon which it acts when people are convicted of possessing Class 'A' drugs and dealing in Class 'B' drugs, and that principle has been, and we see no reason to depart from it, that unless there are exceptional circumstances, the person who pleads guilty or is found guilty of those charges must expect a prison sentence.

Having looked very carefully at this case and considered all the matters mentioned by the Solicitor General and repeated by you, Miss Sowden, in respect of your client, we cannot find that there are those special circumstances which would entitle us to depart from that principle.

However, after looking at the totality of the offences - in relation to the drugs that is, the stun gun is a separate offence - and having had regard to two important matters: first, that Douglas more or less indicted himself (to use the words of the Solicitor General) and secondly, the matter which was mentioned in Chambers which I will not repeat here, we think the appropriate sentence for Count 1 is one of nine months' imprisonment, and you are sentenced accordingly. Count 2, six months concurrent; Count 3, nine months concurrent, making a total of nine months' imprisonment; and the gun is forfeited.

No authorities.