

ROYAL COURT
(Superior Number)

63,

17th May, 1993

The Bailiff: and Jurats
Vint, Myles, Bonn, Orchard, Hamon,
Gruchy, Herbert.

The Attorney General

- v -

Rodney Julian Bevis

Sentencing, following guilty plea before the Inferior Number on 2nd April, 1993, to:

1 Count of supplying a controlled drug (L.S.D.), contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978. (Count 1 of the Indictment).

4 Counts of possession of a controlled drug, contrary to Article 6(1) of the said Law. (Counts 2 (L.S.D.), 3 (amphetamine sulphate), 4 (cannabis), 5 (cannabis resin)).

AGE: 24 years.

PLEA: Guilty.

DETAILS OF OFFENCE:

Supply of L.S.D. over 8 month period at 10 tabs a fortnight. Possession 30 tabs L.S.D., 203 milligrams amphetamine sulphate, 233 milligrams herbal cannabis, 3 milligrams cannabis resin.

DETAILS OF MITIGATION:

Financial instability; sold drugs not for profit but to obtain money for living expenses. Guilty plea. Element of youth. Remorse at the effect on his family and girlfriend. Difficulty in coming to terms with his loss of liberty on remand.

PREVIOUS CONVICTIONS:

Several minor dishonesty and public order offences. None for drugs.

CONCLUSIONS:

4 years on supply of L.S.D.; 18 months concurrent on possession of L.S.D.; 1 month concurrent on remaining possession charges.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. Starting point of six years in A.G. -v- Pockett reaffirmed, and two years allowance for the mitigation thought to be right.

W.J. Bailhache, Esq., Crown Advocate.
Advocate S.J. Crane for the accused.

JUDGMENT

THE BAILIFF: The Court has taken into account everything that your counsel has said on your behalf, Bevis, but it is unable to find that the conclusions asked for by the Crown are excessive or wrong in principle. We take as the bench mark a figure of 6 years' imprisonment, which is the figure mentioned in Clarkin -v- A.G.; Pockett -v- A.G., (3rd July, 1991) Jersey Unreported C.of.A., as the minimum figure, and we see no reason to reduce that starting point any further. We had therefore to decide by how much it would be right to decrease that figure, thereby allowing for the particular circumstances of your case.

Notwithstanding your relative youth, your guilty plea, and eventual co-operation with the police, the fact remains that you traded in these drugs and although your counsel said that you had only supplied them for some two to three months, you pleaded guilty to the indictment which in fact recited that you had been doing this over 8 months.

Under all the circumstances we think that a decrease of 2 years from the starting point is right and proper and accordingly you are sentenced, as asked for, to a total of 4 years' imprisonment, as follows: 4 years' imprisonment on Count 1; 18 months' imprisonment on Count 2; 1 month's imprisonment on Count 3; 1 month's imprisonment on Count 4; 1 month's imprisonment on Count 5, all concurrent. There will be an order for the forfeiture and destruction of the drugs.

Authorities

A.G. -v- Russell-Biggie & Gooch (15th March, 1993) Jersey
Unreported.

A.G. -v- Holmes (10th March, 1993) Jersey Unreported.

A.G. -v- Unthank (6th August, 1992) Jersey Unreported.

A.G. -v- Johnson (26th October, 1992) Jersey Unreported.

Clarkin -v- A.G.; Pockett -v- A.G. (3rd July, 1991) Jersey
Unreported C.of.A.