

ROYAL COURT
(Samedi Division)

25th March, 1994

66

Before: The Bailiff, and
Jurats Orchard and Rumfitt

The Attorney General

- v -

David Yates

1 count of supplying a controlled drug (cannabis resin) contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978.

1 count of possessing utensils for purposes of committing an offence, contrary to Article 8 of the said Law.

AGE: 44.

PLEA: Guilty.

DETAILS OF OFFENCE:

On search warrant at Yates' premises scales found which, on analysis, showed traces of cannabis. Admitted selling 16 ozs. of cannabis over a 6 week period for total of £2,560.

DETAILS OF MITIGATION:

Charge of supply only possible because of his admission concerning a bit of paper which was a dealing list found in his possession.

PREVIOUS CONVICTIONS:

A number of previous convictions for supply and possession of drugs but none since 1986 when he was sentenced to 15 months' imprisonment for possession with intent to supply.

CONCLUSIONS:

Count 1: 2 years' imprisonment.
Count 2: 3 months' imprisonment (concurrent).

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. It was clear that the cases cited by the Crown were not intended to effect any change in the sentencing policy of the Court.

**The Attorney General.
Advocate P.C. Harris for the Accused.**

JUDGMENT

THE BAILIFF: Yates, the Court has listened carefully to what your counsel has said, but we cannot find that the conclusions asked for by the Crown are in any way excessive or wrong. It is by no means your first offence of this nature and although there was a gap, you returned to what your counsel rightly called "the bad old days" and you were in fact dealing as a retailer.

Looking at the principles enunciated in the cases of Lynch, Ryan, Santos Costa -v- A.G. (11th January, 1994) Jersey Unreported C.of.A., and A.G. -v- Watkins (19th October, 1993) Jersey Unreported, we cannot find that two years' imprisonment is the wrong sentence. Therefore you are sentenced to two years' imprisonment on count 1, and to three months' imprisonment concurrent on count 2, making a total of two years' imprisonment. There will be an Order for the forfeiture and destruction of the scales.

Authorities

A.G. -v- Duffy, Lynch, McCaig, Ryan, Santos Costa (9th August, 1993) Jersey Unreported.

Duffy -v- A.G. (14th February, 1994) Jersey Unreported C.of.A.

Lynch, Ryan, Santos Costa -v- A.G. (11th January, 1994) Jersey Unreported C.of.A.

A.G. -v- Watkins (19th October, 1993) Jersey Unreported.