

ROYAL COURT  
(Samedi Division)

17.

24th January, 1996

Before: The Bailiff and Jurats Coutanche, Blampied,  
Myles, Bonn, Orchard, Gruchy, Vibert, Herbert, Potter  
and de Veulle

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The Attorney General

-v-

Steven Anthony Burke

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Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 5th January, 1996, following a guilty plea to:

- 2 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978 (count 1: MDEA; count 2: cocaine hydrochloride).
- 1 counts of possession of a controlled drug (MDEA) which intent to supply it to another, contrary to Article 6(2) of the said Law, (count 3); and
- 4 counts of possession of a controlled drug, contrary to Article 6(1) of the said Law (count 4: cocaine hydrochloride; count 5: diamorphine; count 6: MDEA; and count 7: cannabis)

PLEA: Guilty

AGE: 26 years

DETAILS OF OFFENCE:

Defendant admitted dealing in Ecstasy over a period of 18 months involving a total value of £24,216 (between 1170 and 1560 tablets). Defendant also admitted possession of M.D.E.A., cocaine hydrochloride, diamorphine and cannabis essentially for personal use.

DETAILS OF MITIGATION:

Plea of Guilty. Co-operation to exceptional degree. Unlikely that counts one and two could have been preferred had it not been for Defendant's co-operation. Previous good character.

PREVIOUS CONVICTIONS:

Some but not relevant and none for drugs.

CONCLUSIONS:

count 1: 6½ years' imprisonment.  
count 2: 2 years' imprisonment.  
count 3: 4 years' imprisonment.  
count 4: 6 months' imprisonment.  
count 5,6,7: 3 months' imprisonment on each count.

All the sentences to run concurrently.

Confiscation order in sum of £2,420.

SENTENCE & OBSERVATIONS OF THE COURT:

Conclusions granted.

STARTING POINT - 12 years - Court takes account of GUILTY PLEA, Defendant's admissions, his good work record.

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D.E. Le Cornu, Esq., Crown Advocate  
Advocate P.C. Harris for the accused

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JUDGMENT

5 THE BAILIFF: Despite the guidance given by the Court of Appeal in  
Attorney General -v- Campbell, Molloy & MacKenzie (4th April,  
1995) Jersey Unreported CofA, sentencing in drugs cases is not an  
exact science. The Court is enjoined by the Campbell case to  
assess the degree to which the Defendant has been engaged in drug  
trafficking. The value of the drugs involved is one important  
factor but the Court is entitled to apply its own experience and  
judgment to the facts laid before it in assessing the rung on the  
10 ladder upon which it is right to place a particular Defendant.

15 Applying that experience and judgment to the facts of this  
case we consider that the starting point should be one of 12 years  
imprisonment. As the Crown Advocate has rightly stated, this  
case involved dealing in Class A drugs on a serious scale, the  
making of a financial profit from that dealing, and playing a not  
insignificant part in spreading the drug habit among the young  
people of this island.

20 We do however take into account the fact, as urged upon us by  
Defence Counsel, that Burke made admissions that the many pieces  
of paper found by the police in his possession were dealing lists  
and this assisted the prosecution to lay counts 1 and 2 on the  
indictment. We also take into account the Defendant's guilty  
25 pleas, his previous good character and his good work record; he is  
entitled to credit for all those factors. Making due allowance  
for the mitigating factors we think that the Crown Advocate has

arrived at the correct conclusion and we accordingly grant the conclusions of the Crown.

5           Burke, you are sentenced on count 1, to 6<sup>1</sup>/<sub>2</sub> years' imprisonment; count 2, 2 years' imprisonment; count 3, 4 years' imprisonment, count 4, 6 months' imprisonment; count 5, 3 months' imprisonment; count 6, 3 months' imprisonment; count 7, 3 months' imprisonment. All those sentences will be concurrent, making a  
10 sentence of 6<sup>1</sup>/<sub>2</sub> years' imprisonment and we order the forfeiture and destruction of the drugs found in your possession.

Authorities

A.G. -v- Melville (20th September, 1995) Jersey Unreported.

Wood -v- A.G. (15th February, 1994) Jersey Unreported CofA.

Campbell, Molloy & Mackenzie -v- A.G. (4th April, 1995) Jersey  
Unreported CofA.

Fogg -v- A.G. (1991) J.L.R. 31 CofA.