

ROYAL COURT
(Samedi Division)

99.

24th May, 1996

**Before: The Bailiff, and
Jurats Blampied and Jones.**

The Attorney General

- v -

David William McDonough

1 count of possession of a controlled drug (Methadone), contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

Plea: Guilty.

Age: 33.

Details of Offence:

Following a search of the Defendant's home police found a bottle containing 105 ml. of Methadone - street value £25. Defendant claimed he had the Methadone in order to 'wean himself off' heroin.

Details of Mitigation:

Plea of guilty - personal amount of drug - enough for five days. At time of sentencing not taking any drugs at all. Had work available commencing immediately. Girlfriend and young son. Possession was in order to cure and not to indulge addiction.

Previous Convictions:

Long record including previous conviction for supply of Class A drug.

Conclusions: 8 months' imprisonment.

Sentence and Observations of the Court: 1 year's Probation.

Crown's conclusions proper and in accordance with A.G. -v- Young (1980) JJ 281. Only Superior Number could decide whether policy laid down in Young should be reviewed. Court took account of fact that Defendant is doing his best to rid himself of his addiction, that purpose of possession was to cure addiction and that he had employment available. Special case where Court could avoid custodial sentence.

D.E. Le Cornu, Esq., Crown Advocate.
Advocate S.J. Willing for the accused.

NO RECORDED JUDGMENT.

Authorities

A.G. -v- Burke (24th January, 1996) Jersey Unreported.

A.G. -v- Perchard, McConnachie (22nd November, 1995) Jersey
Unreported.

A.G. -v- de la Haye, Kearney (15th December, 1995) Jersey
Unreported.

A.G. -v- Young (1980) JJ 281.