

ROYAL COURT  
(Samedi Division)

30th May 1997

100.

Before: Sir Philip Bailhache, Bailiff, and Jurats  
Le Ruez and Jones

The Attorney General

-v-

Trevor Lowray Snaith

2 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law 1978.  
Count 1 : M.D.M.A.  
Count 2 : cannabis resin

1 count of being drunk and disorderly (count 3)

Plea: Guilty

Age: 26

Details of Offence:

Defendant extremely drunk after Christmas lunch. Walked to MacDonalds for hamburger when disturbance occurred involving large group 14-17 year old youths. Police called. Found Defendant lying in road: youths fled. When searched, 8½ Ecstasy tablets found in breast pocket of shirt. Search warrant revealed traces of herbal cannabis and cannabis resin at home.

Details of Mitigation:

So drunk had no idea of how tablets came to be in his possession. Admitted cannabis user. Had considered not guilty plea to possession Ecstasy; advised to go guilty. Girlfriend pregnant with Down Syndrome child. Wanted to return to Ireland for birth. Defendant wanted to go with her. Probation therefore unsuitable. Excellent references. Prepared to accept binding over order and will pay own flight.

Previous Convictions:

One - drunk and disorderly.

Conclusions:

Count 1: 3 years binding over order on condition of leaving island for 3 years.  
Count 2: 3 years binding over order on condition of leaving island for 3 years.  
Count 3: £50 fine.

Sentence and Observations  
of the Court:

Count 1: £50 fine or 1 week's imprisonment in default of payment;  
Count 2: £50 fine or 1 week's imprisonment in default of payment;

Count 3: £50 fine or 1 week's imprisonment in default of payment.  
Default sentences to follow consecutively if necessary.

Mrs. S. Sharpe, Crown Advocate.  
Advocate Mrs. S. Pearmain for the accused.

JUDGMENT

5 THE BAILIFF: The Court has found this an unusual case in the sense that the accused has suggested, plausibly in the particular circumstances of this case, that he does not know how he came into possession of the small number of Ecstasy tablets found in his pocket. That factor justifies us taking a rather more lenient view of the offence than would generally be the case. We think, however, that it should nevertheless attract some punishment.

10 Snaith, we have taken into account the excellent references which have been passed up to us and everything that your counsel has persuasively said to us in relation to your personal difficulties. We think that you are a young man of good character and we see no reason to bind you over to leave the island. The Court is going to accordingly vary the conclusions  
15 and is going to impose a small fine on each count on the indictment. On count 1 you will be fined the sum of £50, or 1 week's imprisonment in default; count 2 £50, or 1 week's imprisonment consecutive in default; count 3 £50, or 1 week's imprisonment consecutive in default, making a total fine of £150  
20 or in default of payment 3 weeks' imprisonment. We order the forfeiture and destruction of the drugs.

Authorities

A.G. -v- Buesnel (21st August, 1996) Jersey Unreported.

A.G. -v- Williams (9th September, 1996) Jersey Unreported.