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ROYAL COURT
(Samedi Division)

4th July, 1997 126

Before: Sir Philip Bailhache, Bailiff, and
Jurats Potter and Quérée

The Attorney General

- v -

H

1 count of	supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978: Count 1 : M.D.M.A.
2 counts of	possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978: Count 2 : M.D.M.A. Count 3 : amphetamine sulphate.
1 count of	altering a driving licence, with intent to deceive, contrary to Article 11(1) of the Road Traffic (Jersey) Law, 1956 (count 4).
1 count of	receiving, hiding or withholding stolen property (count 5).

Plea: Guilty.

Age: 17.

Details of Offence:

Caught outside 'The Venue' nightclub with two ecstasy tablets. Co-operated - wrote his own indictment. Named his supplier and acknowledged this in Court.

Details of Mitigation:

Full mitigation. Youth; good character; co-operation; plea of guilty; named his supplier and acknowledged this openly in Court.

Previous Convictions: None.

Conclusions:

1 year's probation on each count, with 240 hours community service. Forfeiture and destruction of the drugs.

Sentence and Observations of the Court: Conclusions granted.

Trafficking almost inevitably attracts a sentence of imprisonment. Trade relies on retailers such as this.

J.A. Clyde-Smith, Esq., Crown Advocate.
Advocate R.J.F. Pirie for the accused.

JUDGMENT

THE BAILIFF: As the Court has said on numerous occasions trafficking in Class A drugs almost inevitably attracts custodial sentences. The Crown Advocate rightly submitted that without retail sellers, of relatively small amounts of drugs on the streets, the spread of drug taking amongst the young people of the island would be much more difficult.

H is a very young man; he is 17 years old; he was co-operative with the police and admitted supplying drugs, which probably enabled those charges to be laid against him. He has one trivial conviction for which he was granted an absolute discharge; he is a good sportsman and undoubtedly has other talents which make him a young man with much to look forward to in life.

The mitigating factors would not, by themselves, have necessarily led us to grant the conclusions for which the Crown Advocate has moved. The significant factor in our judgment is that H has publicly dissociated himself from his drug taking past and has had the courage to acknowledge, in Court, that he has named his supplier. He has also given every possible assistance to the police. The public acknowledgement of the co-operation of a defendant in identifying his supplier is regarded by the Court as a highly significant mitigating factor which it wishes to encourage by every possible means.

We have considered the submissions regarding the length of community service, but we think that the conclusions of the Crown Advocate are correct. H , the Court is going to grant the conclusions. It hopes that you will have the strength of character to live up to what you have resolved to do, and to what you have instructed your counsel to say on your behalf today, and that the Court will never see you again in this context. The Court is going to sentence you on each of the counts on the indictment to probation for a period of one year, subject to the usual conditions that you will be of good behaviour during that time and that you will live and work as directed by the probation officer. You will also perform 240 hours' community service to the satisfaction of the community service organiser. We further order the forfeiture and destruction of the drugs.

Authorities

Whelan: Aspects of Sentencing in the Superior Courts of Jersey: p.35.

Campbell, Molloy, MacKenzie -v- A.G. (1995) JLR 136 CofA.

A.G. -v- Chadwick (10th October, 1995) Jersey Unreported.

A.G. -v- Walker (16th June, 1997) Jersey Unreported.