

ROYAL COURT
(Samedi Division)

210

21st November, 1997

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

A.G.

-v-

Mark André Such

2 Counts of possession of a controlled drug contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law 1978.
count 1: cannabis resin.
count 2: cannabis resin.

Breach of Probation Order imposed on 20th December, 1996 [See Jersey Unreported Judgment of that date], following guilty plea to 2 motoring offences counts 1 and 2 and 1 count of possession of a controlled drug (cannabis resin). (count 3).

Age: 22

Plea: Guilty; Breach of Probation admitted.

Details of Offence:

The offence for which he was placed on probation involved the taking and driving away of a motor vehicle for which he was uninsured. The vehicle was recovered. He was found in possession of 178 grammes of cannabis resin [street value £1,003] with intent to supply. Each of the 2 more recent counts related to possession of small quantities of cannabis resin at his home which placed him in breach of the Probation Order. The second offence was committed whilst on bail having appeared before the Magistrate's Court on the first offence.

Details of Mitigation:

A troubled young man with a history of drug abuse. He had made real efforts whilst under Probation and had completed the SMART COURSE. Prison would be disastrous for his future progress. It was suggested that the Probation Order should continue. He had a job which he could start immediately.

Previous Convictions:

Several previous for both possession and supply of drugs.

Conclusions:

Count 1: 1 months imprisonment.

2: 2 months imprisonment, consecutive, and consecutive to sentence imposed on original offences.

Original offences: count 1: 3 months imprisonment.

2: 3 months imprisonment, concurrent.

3: 9 months imprisonment, consecutive.

TOTAL: 15 months imprisonment.

Sentence and Observations
of the Court:

Count 1: 1 months imprisonment,
2: 2 months imprisonment, consecutive, but concurrent with sentences imposed on original offences.
Original offences: count 1: 3 months imprisonment.
2: 3 months imprisonment, concurrent.
3: 9 months imprisonment, consecutive.
TOTAL: 12 months' imprisonment.
Court expressed sympathy, but accused had failed to take advantage of opportunity given to him.

The Attorney General
Advocate M.H.D. Taylor for the accused

JUDGMENT

THE BAILIFF: When you appeared before this Court on 20th December last year, the Lieutenant Bailiff who was presiding explained to you why it was that the Court was going to place you on Probation and urged you to take advantage of the opportunities which were being given to you. The Court has taken into account the progress that you have made and taken into account the good points which are made on your behalf in the background report and we understand the difficulties which you have in adapting your behaviour in the way in which you must adapt it. At the end of the day, however, what you must understand is that when the Court gives you a chance and imposes a sentence which is conditional upon your behaviour then if your behaviour does not change there is really very little that the Court can do about it. The Court is going to sentence you to a custodial term but I want to say to you that the help which is available to you outside the prison will remain available to you when you get out of prison and there are, no doubt, people in the prison who will be able to give you help as well.

The Court is going to reduce slightly the conclusions to take account of the totality factor but on the original indictment for which you appeared before the Court last year you will be sentenced, as asked by the Attorney General, to 3 month's imprisonment on count 1; to 3 month's imprisonment on count 2; 9 months' consecutive on count 3, making a total of 12 months imprisonment. On the current indictment you will be sentenced to 1 month's imprisonment on count 1, and 2 month's imprisonment consecutive on count 2, but those sentences will be concurrent with the other sentences making a total of 12 months' imprisonment. We discharge the Probation Order and we make a forfeiture and destruction order for the drugs.

No Authorities.