

ROYAL COURT
(Poursuites Criminelles)

108B.

15th December. 1989

Before: The Bailiff, and
Jurats Lucas and Hamon

Her Majesty's Attorney General

- v -

David Francis Whiteford

Infractions under Articles 6(1), 6(2) & 6(8)
of the Misuse of Drugs (Jersey) Law, 1978

Advocate S.C. Nicolle for the Crown
Advocate M. St. J. O'Connell for the Defendant.

JUDGMENT

THE BAILIFF: Mr. O'Connell, the Court has given serious consideration to your submissions but it cannot accede to them. The fact is that the accused entered into what was clearly a business transaction in selling controlled drugs. He thereby became part of the arrangements to spread drugs around the Island. He did it solely as a commercial venture. We understand the difficulties he was in, but it occurs to us there would have been other ways in which he could have found work. This Island is crying out for skilled people and with the present restrictions we think it quite probable that he could have found other employment; he chose not to, he chose to assist these evil people in distributing drugs and he must pay the penalty. However, we

are satisfied nevertheless that the allowance which Miss Nicolle has asked for is right; although we had some hesitation we felt that she was very generous to make the allowance she did but nevertheless we are going to grant the conclusions as asked for and want to make it clear that people who come and deal in drugs in this way will get a prison sentence unless there are exceptional circumstances which in our opinion do not apply here. In any case Miss Nicolle has made an ample allowance for it. Therefore, Whiteford, you are sentenced to six months' imprisonment on Count 1; nine months' imprisonment on Count 2; nine months' imprisonment on Count 3 concurrent; making a total of nine months' imprisonment in all and a forfeiture order. Although, Mr. O'Connell you said it did not require difficult policing, we think the police were alert and we should like to commend them for their vigilance.

Authorities cited:

A.G. -v- McConnachie (7th January, 1987) Jersey Unreported C of A. Thomas' Principles of Sentencing pp. 186 & 187.

A.G. -v- Clohessy and Roberts (25th January, 1989) Jersey Unreported.