

119

ROYAL COURT
(Superior Number)

16th April, 1991 53B.

Before: The Bailiff, and
the Full Court

The Attorney General

- v -

Duane Anthony Pockett

Sentencing, following
guilty plea to one count
of possession of a
controlled drug with
intent to supply to
another, contrary to
Article 6(2) of the Misuse
of Drugs (Jersey) Law,
1978. (73 units of
L.S.D.).

DETAILS OF OFFENCE: 73 units. Stopped in the street by officers involved in the Cambridge Bar raid. Initially denied being in possession, but within moments became entirely co-operative. Had a big habit himself - financed it by re-sale of spare units. Admitted selling L.S.D. around the town for the previous five or six weeks.

DETAILS OF MITIGATION: Some residual mitigation for youth; guilty plea throughout; not a major supplier; lower end of scale.

PREVIOUS CONVICTIONS: Record of dishonesty/violence and one previous for possessing a "personal" amount of cannabis.

CONCLUSIONS: Three and a half years (but Crown expressed misgivings. Conclusions set at this level to preserve proper distinction with Fogg, but at this level we fall behind UK yet have declared ourselves to be stricter).

SENTENCE AND OBSERVATIONS OF THE COURT: Four and a half years. Came close to saying that the Superior Number as a senior (and sometimes Appellate) Court was not completely fettered by the Court of Appeal.

C.E. Whelan, Esq., Crown Advocate.
Advocate R.J. Renouf, for the accused.

JUDGMENT

BAILIFF: Whilst the Superior Number pays the closest attention to the decisions of the Court of Appeal, it is itself a Superior Court, and although we are sitting today as the Court of the first instance, the Superior Number does sit on occasions as a Court of Appeal. Therefore, whilst having the closest regard to what that Court has said, we nevertheless think we are entitled to qualify that by the view that it is important for it to go out, yet again, from this Court -and this is the unanimous opinion of the Jurats- that, for offences of this nature, insofar as we are able, we wish to impose more substantial sentences, than those imposed in the United Kingdom, certainly not less.

Pockett, - if I may use this expression - you have 'swanned around' this Island for a long time distributing L.S.D., which is a very dangerous drug. Goodness knows how many young people you have corrupted by doing this, merely for gain and for your gambling debts and other debts.

We have taken into account the mitigation advanced by your counsel, which was also fairly put by the Crown Advocate. Nevertheless we have come to the conclusion, after looking at the bench mark which the Court of Appeal laid down in Fogg, - seven and a half years- that a proper reduction of that sentence in your case would not be as great as that asked for by the Crown Advocate; you are therefore sentenced to four and a half years imprisonment. There will be an order for forfeiture of the drugs.

Authorities

- A.G. -v- Fogg (8th April, 1991) Jersey Unreported C. of A.
A.G. -v- Fogg (11th December, 1990) Jersey Unreported.
A.G. -v- Hillis (12th October, 1990) Jersey Unreported.
A.G. -v- Clohessy & Roberts (25th January, 1989) Jersey Unreported.
A.G. -v- Brown (26th April, 1985) Jersey Unreported.
A.G. -v- Brown (1st July, 1985) Jersey Unreported; (1985/86) JLR N.21.
Thomas' "Principles of Sentencing" (2nd Ed'n): Offences connected with
Drugs: pp. 182-190.
- Thomas' Current Sentencing Practice (2nd Ed'n):
- R. -v- Bott & Ors (1979) 1 Cr. App. R. (S) 218;
 - R. -v- Aramah (1982) 4 Cr. App. R. (S) 407;
 - R. -v- Martinez (1984) 6 Cr. App. R. (S) 364;
 - R. -v- Ahmad (1980) 2 Cr. App. R. (S) 19;
 - R. -v- Taylor & Ors (1980) 2 Cr. App. R. (S) 175;
 - R. -v- Bennett (1981) 3 Cr. App. R. (S) 68;
 - R. -v- Virgin (1983) 5 Cr. App. R. (S) 148;
 - R. -v- Bowman-Powell (1985) 7 Cr. App. R. (S) 85;
 - R. -v- Gerami & Haranaki (1980) 2 Cr. App. R. (S) 291;
 - A.G. -v- Young (1980) JJ 281;
 - R. -v- Singh (1988) 10 Cr. App. R. (S) 402;
 - R. -v- Ocheja (1988) 10 Cr. App. R. (S) 277.