

ROYAL COURT  
(Samedi Division)

218.

3rd November, 1994

Before: The Bailiff, and Jurats  
Myles, Orchard, Hamon, Gruchy,  
Vibert, Herbert, Potter.

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The Attorney General

- v -

John James Molloy

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Sentencing by the Superior Number, to which the accused was remanded by the Inferior Number, on 28th October, 1994, following guilty pleas to:

3 counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, contrary to Article 77(b) of the Customs & Excise (General Provisions) (Jersey) Law, 1972:

Count 1: diamorphine hydrochloride (heroin).

Count 2: M.D.M.A.

Count 3: cannabis resin.

1 count of possessing a controlled drug (M.D.M.A.) with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978.

AGE: 40 years.

PLEA: Guilty.

DETAILS OF OFFENCE:

Accused came with his mistress and their four children on a flight from Manchester. Accused was courier of 665 tablets of ecstasy. He was also a heroin addict. Charges relating to heroin and cannabis did not involve intent to supply. Accused expected to receive between £500 and £1,000 for the drug run. Ecstasy had approximate value of £16,500. Heroin had approximate value of £500. Cannabis 112 milligrams.

DETAILS OF MITIGATION:

Accused was addicted to heroin. Remorseful. Acutely aware of consequences upon his partner and their young children. Victim of inner city environment; difficult to escape from drug culture. Not necessarily close to source of supply.

PREVIOUS CONVICTIONS:

Many - but unrelated to drugs. One previous for possession of controlled drug [1989 - conditional discharge].

CONCLUSIONS:

Count 1: 2 years' imprisonment.  
Count 2: 5½ years' imprisonment, concurrent.  
Count 3: 6 months' imprisonment, concurrent.  
count 4: 5½ years' imprisonment, concurrent.

SENTENCE:

Conclusions granted (unanimous).

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S.C.K. Pallot, Esq., Crown Advocate.  
Advocate R.G. Morris for the accused.

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JUDGMENT

5 THE BAILIFF: Molloy, your counsel has said everything he can on your behalf, but the fact remains that you were prepared - for whatever reason - to increase the amount of drugs in this Island by importing a number, in particular two very dangerous ones. You were oblivious of the fact - or chose to ignore it - that you were thereby adding to the stock of illegal drugs in this Island, making it easier for persons, particularly young persons, to obtain drugs in the way in which, we are told from your counsel, it is possible to do on the estate where you used to live.

10 We cannot find that the conclusions of the Crown are wrong, either in principle or in total, and you are accordingly sentenced in accordance with the conclusions, which are as follows: count 1: 2 years' imprisonment; count 2: 5½ years' imprisonment, concurrent; count 3: 6 months' imprisonment, concurrent; count 4: 15 5½ years' imprisonment, concurrent, making a total of 5½ years' imprisonment. There will be an order for the forfeiture and destruction of the drugs.

Authorities

Clarkin, Pockett -v- A.G. (1991) JLR 232 C.of.A.

A.G. -v- Campbell (15th September, 1994) Jersey Unreported.

A.G. -v- Lawlor (25th April, 1994) Jersey Unreported.