

ROYAL COURT
(Samedi Division)

49.

10th March, 1995

Before: The Bailiff, and
Jurats Orchard and Gruchy

The Attorney General

- v -

Nicolette Tegan Melville

On 13th January, 1995, the accused entered guilty pleas to:

2 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 and Excise (General Provisions) (Jersey) Law, 1972.

- Count 1: M.D.M.A.; and
- Count 2: L.S.D.;

and not guilty pleas to:

3 counts of supplying a controlled drug, contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978:

- Count 3: M.D.M.A.;
- Count 4: L.S.D.; and
- Count 5: M.D.M.A.

1 count of selling a poison, whilst not an authorized seller, contrary to Article 16(f)(a) of the Pharmacy, Poisons, and Medicine (Jersey) Law, 1952 (Count 6: Ephedrine):

2 counts of possessing a controlled drug, with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:

- Count 7: L.S.D.; and
- Count 8: M.D.M.A.;

4 counts of possessing a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978:

- Count 9: L.S.D.;
- Count 10: M.D.M.A.;
- Count 11: Amphetamine Sulphate; and
- Count 12: Cannabis Resin.

The accused was remanded on bail to be tried on Counts 3-12, and thereafter to receive sentence on Counts 1 and 2.

Applications by the accused:

- (1) to change guilty pleas to not guilty pleas on Counts 1 and 2; and not guilty pleas to guilty pleas on Counts 6 and 12.
- (2) for renewal of bail.

A.J. Olsen, Esq., Crown Advocate.
Advocate N.M.C. Santos Costa for the accused.

JUDGMENT

5 THE BAILIFF: This defendant was indicted before this Court on 13th January, 1995, on 12 different counts alleging various infractions of Misuse of Drugs legislation. She pleaded guilty to Counts 1 and 2 on the indictment and not guilty to Counts 3 to 12 inclusive and was sent for trial before the Inferior Number on those counts to which she had pleaded not guilty.

10 The trial was due to commence in this Court today. Yesterday the Court was informed by counsel that an application was to be made for a change of plea and it was understood that the defendant was to apply to change her plea on those counts to which she had pleaded not guilty to a plea of guilty.

15 This morning Mr. Costa, who appeared for the defendant, informed us that his instructions had changed and that he was now instructed to apply for leave to change the plea on Counts 1 and 2 of the indictment to a plea of not guilty and on Counts 6 and 12 of the indictment to change the plea of not guilty to one of guilty. The Court states straightaway that it grants those applications and those revised pleas are entered accordingly.

20 Crown Advocate Olsen now applies for the defendant to be sent for trial before the Inferior Number on Counts 1-5 and 7-11 of the indictment and in the meantime applies that the remand should be in custody. Mr. Olsen relies, in relation to that application, on the gravity of the offences with which the defendant is charged.

30 It is not necessary for us to describe in any detail the offences charged against the defendant; it is sufficient to say that the indictment includes counts of being concerned in the importation of substantial quantities of Class A drugs and of supplying them and the alleged offences are certainly of some gravity.

Mr. Costa has applied, on behalf of the defendant, for bail and has pointed out, cogently, that this Court granted the defendant bail on 13th January, 1995, at a time when she was pleading guilty to Counts 1 and 2 of the indictment which are offences alleging being concerned in the importation of Ecstasy and L.S.D. respectively. Mr. Costa reminds us that the only substantial circumstance which has changed since 13th January is that the defendant is now pleading not guilty to those serious charges. In support of his application he reminds the Court that the defendant is a local woman, born in the Island, and that her family also live here.

We have looked up the notes of the proceedings on 13th January because, as it happens, both I and one of the learned Jurats were sitting on that day. It is clear that the application for a remand on bail was made by the Crown Advocate and not opposed, obviously, by the defendant and that no consideration was given to the circumstances of the offences to which the defendant had pleaded guilty.

We have now heard, in some detail, the nature of those allegations and the outline of the evidence to be tendered by the prosecution in support of its allegations. We obviously make no observations upon that evidence other than to say that we have taken it into account in arriving at our decision.

Our decision is that the defendant will be remanded in custody and the application for bail is therefore refused.

Mr. Olsen we have, however, in discussion with you and with Mr. Costa in Chambers, considered whether an earlier date for the trial can be obtained and it appears that both 4th and 5th April are available for the hearing of this case. Mrs. Melville, you will be remanded in custody to stand your trial now on Counts 1-5; and 7-11 of the indictment and that trial will take place in this Court on 4th and 5th April. Sentence on Counts 6 and 12, to which you have now pleaded guilty, will be left over until the conclusion of that trial.

No Authorities.