

ROYAL COURT
(Samedi Division) 134.

10th July, 1995

Before: The Bailiff, and Jurats
Coutanche, Bonn, Orchard, Gruchy, Le Ruez,
Herbert, Rumfitt and Potter.

The Attorney General

- v -

Annabelle Tracey Marshman

On 6th June, 1994, the Inferior Number of the Royal Court remanded the accused to the Superior Number for sentencing, following a guilty plea to:

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 1: M.D.M.A.

Count 3: amphetamine sulphate.

1 count of supplying a controlled drug, (amphetamine sulphate) contrary to Article 5(b) of the said Law (count 2).

On 16th June, 1994, the Superior Number sentenced the accused to 2 years' Probation with 240 hours Community Service with a condition of attending the Offending Behaviour Group. See Jersey Unreported Judgment of that date.

On 16th June, 1995, the accused admitted a breach of the Probation Order before the Inferior Number and was remanded to the Superior Number.

CONCLUSIONS:

Discharge of Probation Order.

Count 1: 18 months' imprisonment.

Count 2: 6 months' imprisonment, concurrent.

Count 3: 6 months' imprisonment, concurrent.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. The Court reaffirmed that offences of this nature were so serious that, ordinarily, there was no alternative to a custodial sentence. In the case of this defendant, who is now 21, this means imprisonment rather than youth detention.

S.C.K. Pallot, Esq., Crown Advocate.
Advocate S.J. Crane for the accused.

JUDGMENT

5 THE BAILIFF: On 16th June, 1994, the Court considered this case with great anxiety and decided by a majority to impose a sentence for serious offences of dealing in Class A and Class B drugs of Probation with Community Service instead of the sentence of imprisonment which had been moved for by the Crown Advocate.

10 The defendant now appears before the Court represented for failure to comply with the Community Service Order. She has, indeed, performed only 99 hours out of the 240 hours laid down by the Court.

15 The Court has again given anxious consideration to this case and has listened very carefully to the mitigating factors which have been outlined by counsel for Miss Marshman. We have taken account of the difficulties at home; the difficulties relating, perhaps, to her own emotional development; and we have also taken account of the difficulties, again emotional, which she suffered as the result of a termination of pregnancy.

20 We have also listened, obviously with great respect, to the submission made to us by Mr. Seymour, the Community Service Organiser.

25 By a majority the Court considers that those factors do not outweigh the need for deterrence in sentencing those who traffic in drugs to prison sentences.

30 Miss Marshman, the Court gave you a chance a year ago and the Court agrees with the Crown Advocate that your attitude to the Court's Order has been casual and complacent. We therefore grant the conclusions and we revoke the Probation Orders, including the Community Service Order, and you are sentenced on count 1 of the indictment, to 18 months' imprisonment; on count 2, to 6 months' imprisonment, concurrent; on count 3, to 6 months' imprisonment, concurrent, making a total of 18 months' imprisonment.

35

No authorities.