

ROYAL COURT
(Samedi Division)

4th July, 1997 125

Before: Sir Philip Bailhache, Bailiff, and
Jurats Potter and Qu  r  e

The Attorney General

- v -

Marcus Richard Anthony Roche

1 count of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law 1978:
Count 1 : Diamorphine.

Plea: Guilty.

Age: 27.

Details of Offence:

Bought in the street. Had a 'Kinder' egg in his hand with 5.39 grams of heroin. Denied supplying. Financial investigation showed no evidence of supplying. Refused to name supplier.

Details of Mitigation:

Heroin abuser. Proposed to attend rehabilitation home - "Turning Point" - six month course.

Previous Convictions: Minor road traffic offence.

Conclusions: 2 years' imprisonment.

Sentence and Observations of the Court: Conclusions granted.

J.A. Clyde-Smith, Esq., Crown Advocate.
Advocate Mrs. S.A. Pearmain for the accused.

JUDGMENT

THE BAILIFF: Roche was caught redhanded, as the Crown Advocate submitted, in possession of a substantial quantity of heroin. We accept his explanation and sentence him on the basis that it was for personal use.

We have given anxious consideration to the recommendations of the Probation Officer and, indeed, we are grateful to her for her balanced and helpful report. However, we have reached the conclusion that this is not a case where the balance tips in favour of reform. On the contrary, we think the Court must continue to make it clear that possession of heroin and other Class A drugs is a serious offence which must be punished in order to protect society, to express society's disapproval and so far as possible to deter others from embarking upon the abuse of drugs.

The conclusions are accordingly granted and, Roche, you are sentenced to two years' imprisonment. We further order the forfeiture and destruction of the drugs.

Authorities

Whelan: Aspects of Sentencing in the Superior Courts of Jersey:
May 1995 - May 1996 Noter-up: pp.4-5.

A.G. -v- Buesnel (21st August, 1996) Jersey Unreported.

A.G. -v- McDonough (7th March, 1997) Jersey Unreported.

A.G. -v- Coutanche (11th April, 1997) Jersey Unreported.

A.G. -v- de Freitas (18th October, 1996) Jersey Unreported.

A.G. -v- de Sousa (2nd June, 1997) Jersey Unreported.

Gregory -v- A.G. (15th January, 1997) Jersey Unreported CofA.

A.G. -v- de la Haye, Kearney (15th December, 1995) Jersey
Unreported.