

8th November, 1985.

GRAHAM PAUL DEAN

BALIFF: Well, the Court has considered the matter very carefully but it does not see justification for reducing the sentence asked for which is one of 2 years' imprisonment. I think the first thing the Court will wish to say is that to be in possession of controlled drugs with intent to supply is a very serious matter and it is no excuse that the person concerned is young or was led into becoming a distributor by reason of financial circumstances. That is rather like the excuse which is given by couriers of drugs. We all know that couriers of drugs are specially selected in the hope that they will carry out the necessary distribution of drugs and if caught will receive sympathetic treatment at the hands of the Court because they are either old ladies or young people or something of that sort. The 'Mr. Bigs' of the drugs world rely upon people who might attract sympathy from the Courts to carry out their dirty business of distributing or carrying and the Courts cannot allow themselves to be swayed by sympathy for those who, when they become involved at the persuasion or behest of 'Mr. Bigs', when they become involved - the Court cannot allow itself to become swayed as I say, by sympathy for their youth or their innocence etc. because it is the people who do the distribution who make it possible for the drug world to continue at the rate that it does continue. Therefore, whilst we obviously have sympathy for a young man as this defendant is, we have to take the wider view. We feel and say that the drug problem, although not as bad in Jersey as it is in other places nevertheless it is a problem - we must do in the Court, the best we can to defeat it. We accept that there are mitigating circumstances in this case as compared with some cases. There is the age, there is the co-operation - we are prepared to accept that the defendant was in need of money although it has to be said that he has no dependants, that he is a young man and therefore if he was short of money, it was not the case of a married man with starving children or anything of that sort. Yes, 2 years is a long sentence but we feel that this Court has to make it clear for the reasons I have given that those who become involved in the distribution of drugs for whatever reason are going to receive very substantial terms of imprisonment and if we make that clear perhaps it will make it more difficult for those at the back of it who are dealing in a big way, perhaps it will make it more difficult for them to get rid of the drugs with which they are dealing and therefore perhaps in some way will reduce the drug problem.

There remains one more question and that of course is the case to which we referred of Leneghan. Well, we have in fact, found the particulars of Leneghan, and it has to be said that Leneghan was involved with a greater quantity and it has to be said also that his record was worse in the drugs area in that he had three previous convictions for drug offences - the first two being for possession and the last one was in 1978 which was both for possession and for conspiring to import for which he received 1 months' imprisonment. However, that last conviction of his was 5 years before 1983, whereas of course in this particular case - Dean has much more recent convictions though not, admittedly for importing only for possession. On balance we would accept that the case of Leneghan was a worse case than this but we do not think that there is such a disparity between the gravity of the two offences as to justify us on the grounds of the sentence of 2 years given to Leneghan to justify us in saying that because Leneghan only got 2 years therefore Dean should get less. As I say, there was a difference in gravity but not to that extent. We think that Dean does deserve to get 2 years' imprisonment. So Dean, we are going to sentence you to 2 years' imprisonment. With your academic ability you really ought to be able, after this, to find a better way of living a life than getting involved in this sort of thing but that is a matter for you. But we must, for the reasons we have given, impose 2 years' imprisonment.