

24th September, 1986

COURT OF APPEAL

Her Majesty's Attorney General -v- Stephen Murphy

PRESIDENT: J.D.A. Fennell Esq., O.B.E., Q.C.,

PRESIDENT: This is an application for leave to appeal by Stephen Murphy, against the sentence passed on him on the 24th July of this year, when he pleaded guilty to five offences in an indictment, together with a co-accused called Williams.

~~Williams originally entered a Notice of Appeal but has now abandoned that, and we are, therefore, solely concerned with Stephen Murphy.~~

The facts can be really dealt with in quite a short compass. There were five counts in the indictment, the first two of which related to the failure to pay for accommodation which Mr. Murphy had had in April of this year, first of all, at the "Cornucopia" and then the "Belmont Villa". He received a sentence of one month on each counts and Mrs. Pearmain has abandoned any appeal against that.

The three remaining counts in the indictment were count 10 - the possession of methadone; count 11, the supply to his co-accused, Williams, of methadone, and finally, count 12, which was possession of amphetamine. Methadone is a Clase A drug: amphetamine is Class B drug. The background to the offences was this. After Williams and Murphy had been arrested, the drug squad interviewed both of them and, it transpired that Murphy had come to the Island to get away from the effects of drugs. He found it easier in the new environment of Jersey to be away from the old and evil influences in his life. But he had come with Mr. Williams and, between the two of them, they managed to obtain, in regrettable circumstances, from medical practitioners on this Island, methadone and amphetamine. What happened was this. Having obtained the drug methadone, a substitute for heroin, if Murphy ran out, he asked Mr. Williams to help him and if Mr. Williams ran out, he asked Mr. Murphy to help him. It was on

that basis that the plea of guilty to possession of methadone in count 10 was made and in count 11, the supply to Williams. Lastly, we are concerned with the possession of the amphetamine in count 12.

Mrs. Pearmain has invited us to look at this case on the basis that this was certainly not a case of trafficking; she accepts that there was a supplying of a Class A drug but submits it is unreal to look at it on the basis that this was anything other than the supply between two addicts. We think there is force in what she says but, at the same time, particularly in the current climate, it cannot be said that a sentence of twelve months' imprisonment for the supply of a Class A drug, albeit between those who knew each other and had, unfortunately, previously been addicts, was in any way wrong. In those circumstances, it seems to us that there is no merit in these applications and, accordingly, we propose to dismiss them.

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