

19th January, 1988

Before V.A. Tomes, Deputy Bailiff of Jersey,
assisted by Jurats Vint and Gruchy.

Her Majesty's Attorney General -v- Jamie Lee Warn

Advocate C.E. Whelan for the Crown
Advocate T.J. Le Cocq for the defendant

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Three counts of possession of a controlled drug contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978, and one count of possession of a controlled drug with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978.

Deputy Bailiff -

Mr. Le Cocq we would like to thank you for the way in which you put the mitigation before us, and indeed for the way in which you conducted the defence. You said everything that could possibly have been said for Warn, and you said it very concisely. Nevertheless, the Court rejects, without hesitation, the alternative of community service. The Court supports and upholds the declared policy of this Court with regard to the possession of Class A drugs and the supply of even Class B drugs. If Warn is sincere about any wish to obtain counselling, that can be obtained through the good offices of the Prison Welfare Officer. We agree that fines are correct in principle for Counts 1 and 2, but we have given serious consideration to making the imprisonment in lieu consecutive, because we consider that fines should have some real impact. However, because Warn had been laid off work and will need rehabilitation at the end of his sentence, we have accepted the conclusions in this respect.

Because on Count three there was a plea of 'not guilty', the Court agrees that the twelve month sentence asked for is appropriate.

As far as Count four is concerned - the intent to supply- we regard the amount of drugs involved as significant. We are not too concerned with what happens in other places, we are determined that Jersey will show resolve in these matters and we cannot ignore a resale value of three hundred pounds. Basing ourselves on the case of Sallah at Thomas, page 187, it could be argued

that two years would be appropriate because Sallah pleaded guilty and therefore was entitled to a discount for that, and the amount was only fifteen grams. However, we have had regard to Warn's age and the acceptance by the prosecution that this was his first conviction involving drugs. Nevertheless, we consider eighteen months' imprisonment not a day too long. We therefore grant the conclusions and Warn you are sentenced on Count one to a fine of one hundred pounds or in default of payment to one months' imprisonment. On Count 2 to a fine of one hundred and fifty pounds or in default of payment, two months' imprisonment, concurrent. On Count 3 to twelve months' imprisonment, concurrent. On Count 4 to eighteen months' imprisonment, concurrent, and we make an order that the drugs will be forfeited and destroyed. As far as the outstanding contempt is concerned, we have taken it into account in our general consideration. It has not influenced our decision, because we think it is misguided loyalty and we do not propose to impose a separate sanction. Therefore the total sentence is eighteen months' imprisonment.

Authority referred to in the judgment:

Crown -v- Sallah (20.10.77 2534/C/77) extract from D.A. Thomas (2nd edition) p.187

Other authorities referred to:

Attorney General -v- Young 1980 JJ 281

Attorney General -v- Dorgan JJ 24.8.84 as yet unreported

Attorney General -v- Kenny JJ 29.9.86 as yet unreported

Attorney General -v- Evans JJ 29.6.84 as yet unreported

Attorney General -v- D.L. Williams JJ 24.7.86 as yet unreported

D.A. Thomas (2nd edition) p.186 et seq and p. 189 et seq., re "The Substance of the Tariff"

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