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ROYAL COURT

1st July, 1988

Before: the Deputy Bailiff,
assisted by
Jurats Coutanche and Bonn

Her Majesty's Attorney General

- v -

Denise Marie Ellis

The accused pleaded guilty to being involved
in the importation into the Island and
possession of diamorphine hydrochloride,
a class A controlled drug. The quantity
involved was sufficient only for the
accused's personal consumption

Advocate S.C. Nicolle for the Crown
Advocate A.R. Binnington for the accused

JUDGMENT

DEPUTY BAILIFF: This Court is bound by the decisions of the Superior Number sitting as a Court of Appeal. The case of Young to which the Crown Advocate referred is an appeal case heard by the Full Court, and the Full Court said this:

"It only remains to take this opportunity on behalf of the Full Court to say once again that those in unlawful possession of class A drugs, that is to say those drugs which are normally described as hard drugs, will receive custodial sentences from this Court unless there are exceptional circumstances, even if the conduct is in the least serious category and of course importing will correspondingly attract longer sentences".

Now we are bound by that, even if we thought differently ourselves and in this case we cannot find the exceptional circumstances to which the Full Court refers. In any event this Court is not convinced that probation is the only way to help; Ellis can have counselling in the prison if she wishes, and she can have voluntary counselling on her release if the will really exists. And at least for the duration of her sentence, she cannot obtain any drugs.

We think in all the circumstances that the sentence asked for is the correct one and therefore, Ellis, you are sentenced on count 1 to nine months' imprisonment; on count 2 to six months' imprisonment concurrently, making a total of nine months and we make an Order that the drugs be forfeited and destroyed.

Authority cited

R. -v- Young 1980 J.J. 281.