

ROYAL COURT

3rd October, 1988

Before: The Deputy Bailiff and  
Jurats Vint and Hamon

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Her Majesty's Attorney General

- v -

Derek Walter McNulty

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Appeal against sentence in respect  
of 2 counts of Article 23 of the  
Customs and Excise (General  
Provisions) (Jersey) Law, 1972,  
and 2 counts of Article 6(2) of the  
Misuse of Drugs (Jersey) Law, 1978.

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Advocate S.C. Nicolle for the Crown  
Advocate G.R. Boxall for the appellant

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**JUDGMENT**

DEPUTY BAILIFF: We have decided that we cannot take into account the forfeiture proceedings provided by the legislature in Customs matters which is an entirely separate subject. This Court wishes to make absolutely clear its attitude towards drug offences. The importation of drugs is much more serious than simple possession. Possession with intent to supply is equally more serious than simple possession.

Therefore, whilst a fine may well be the proper sentence for simple possession of a Class 2 drug, a custodial sentence is correct in principle for importation and for possession with intent to supply, even in respect of a first offender. Having said that, the sentence of only two weeks' imprisonment was a lenient one and the sentence fully reflects the fact that the appellant was not a commercial supplier. The appeal is dismissed and Mr Boxall will have his legal aid costs.

n.b. No authorities.