

ROYAL COURT

9th July, 1990

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Before: F.C. Hamon, Esq., Commissioner, and
Jurats Myles and Orchard

Police Court Appeal: Gerald Edward Coll

Appeal against a total sentence of eight
weeks' imprisonment imposed for drug
related offences.

Miss S.C. Nicolle, Crown Advocate
Advocate S.A. Pearmain for the appellant.

JUDGMENT

COMMISSIONER HAMON: The appellant was charged with four drug related offences all concerning cannabis resin. He had cannabis in his possession; he supplied the drug to two persons and being the occupier of premises, he permitted persons to smoke cannabis on the premises.

The facts are not denied. On the 27th May, police officers saw the appellant and one of his co-accused, Maria Johnson, hand rolling a cigarette which later proved to be made with cannabis resin. Entry to the premises was gained under warrant. Small amounts of cannabis resin were found with numerous roach ends.

At an interview the appellant admitted that the cannabis found on the premises at Belmont Road belonged to himself and he admitted making cannabis cigarettes and supplying cannabis to his co-accused Walker and Johnson.

Because he is a co-occupier of the premises with Alexander McLeese he admitted that he allowed another of the accused to smoke cannabis in his home.

Mrs. Pearmain made the point strongly to us and she had made the point strongly to the learned Magistrate that Miss Johnson had a previous drug connection and not one of those who smoked cannabis was a new user, so there was no question of anyone being led into smoking cannabis and no money changed hands, this was purely a social event.

Finally she made the point here and she made the point in the Court below that everyone had been fully co-operative and that her client had no previous drug offences, although he did have a serious record.

There is an anomaly because one of the co-accused, if I can put it that way, Maria Johnson, for the possession charge was fined £200 and another of the co-accused was fined £250, that is Walker.

And in effect, on the first Count of possession the appellant was sentenced to a term of imprisonment of two weeks.

Miss Nicolle for the Crown freely admits that that in fact should not be allowed to stand and we agree with her. We will therefore substitute for Count 1, a fine of £200.

This then leaves us with some difficulty because it seems to us that it would be quite wrong to impose a fine of £200 on the first count and then allow the sentences of four weeks, four weeks and eight weeks concurrent to stand, because all that Mrs. Pearmain will have achieved then is increasing the penalty on the appellant. Therefore in the circumstances and in no way to give encouragement to anybody, because this is an offence which this Court frowns upon most seriously,

we are going to reduce the concurrent sentences to a total of six weeks' imprisonment. Coll, you will be fined £200 on the first Count with an alternative of two weeks' imprisonment and we will reduce the eight week sentence on Count 4 to one of six weeks and we will make it four weeks, four weeks and six weeks concurrent.

No authorities.