

ROYAL COURT  
(Samedi)

8

11th January, 1991

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Before: The Deputy Bailiff, and  
Jurats Bonn and Le Ruez

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The Attorney General  
- v -  
James Ivor Hulme

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Importation of controlled drug, contrary to Article 23 of the Customs and Excise (General Provisions) (Jersey) Law, 1972 (1 Count);

Possession of controlled drug with intent to supply, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978 (1 Count);

Supplying controlled drug, contrary to Article 5(b) of Misuse of Drugs (Jersey) Law, 1978 (1 Count).

Guilty plea.

On the 12th October, 1990, the defendant, aged 28, imported cannabis resin into the Island. The drug had an estimated street value of £3,800.00. On or about the same day he supplied a quantity of the drug to Jacqueline Heather Bardsley.

Conclusions: 18 months (concurrent) on each count.

In mitigation, Hulme was not a professional drug dealer, but at the time of the offence was in a distressed state owing to the collapse of his business and to the breakdown of his relationship with his long-term girlfriend.

Previous convictions: Numerous road traffic offences; 1 conviction for obstructing the Police in the execution of their duty and violently resisting arrest; 1 conviction for disorderly behaviour.

Court grants conclusions.

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The Attorney General.  
Advocate R. G. Morris for the accused.

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DEPUTY BAILIFF: As has been said the policy of this Court is clear - there will be custodial sentences for all drug importations and all offences of possession with intent to supply unless there are very exceptional circumstances. There are no such circumstances here.

We do not and cannot make the distinction urged upon us by Mr. Morris, who has said everything that could have been said, because clearly this was to be a commercial transaction. Hulme paid £1,150 and, even on his figures, would have more than doubled his investment, putting young people at risk in the process.

Our discussions have revolved, not on whether the conclusions should be reduced, but quite the opposite on whether the sentence should not be one of two years' imprisonment.

Eventually the learned Jurats were divided, one being in favour of two years' imprisonment, the other in favour of granting the conclusions and imposing a sentence of eighteen months. As is customary, my casting vote has been given in favour of the more lenient sentence. But I am satisfied that the sentence takes fully into account all the mitigation. It should not be ignored either that Hulme at first suggested that the Customs Officer had put the drug in his car, i.e. that it was planted there corruptly and that he was being framed. As has been admitted he knew full well what he was doing and he must face the consequences.

Hulme, you are sentenced on each of the three Counts to eighteen months' imprisonment to be concurrent with each other, thus making a total of eighteen months' imprisonment; and the Court orders that the drugs be forfeited and destroyed.