

ROYAL COURT

14th February, 1992 21.

Before: The Deputy Bailiff, and
Jurats Bonn and Gruchy

The Attorney General

- v -

Lloyd Anton Sambor

The Present Indictment

- Count 1: 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.
- Count 2: Supplying a controlled drug, contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978.

Plea:

Guilty.

Details of Offence:

- (1) Sambor had at his home 229.715 gr. (approximately 8 oz.) of cannabis cut into deal sized pieces (street value £1,296). He admitted intention of selling it.
- (2) During the previous week he sold approximately 4 oz. cannabis for £736.13.

Details of Mitigation:

Very difficult childhood. In care, also racial abuse at school. Trying to establish himself in business (working hard) and with girlfriend (five months' pregnant). Longest time spent out of trouble.

Previous Convictions:

Many, mainly dishonesty, one previous for drugs (not trafficking). In breach of Probation Order imposed on the 12th January, 1990, for larceny, assault, malicious damage, and possession of cannabis. (See below).

Conclusions:

12 months on each concurrent; conclusions on breach offences (3 months) to follow consecutively. (See below).

Sentence and Observations of the Court:

Court had sympathy with defendant, but drugs dealers face imprisonment. Twelve months raised to fifteen months on each concurrent to mark disapproval of drugs offences, but the "breach" sentences to run concurrently as well, (see below) so total of fifteen months not disturbed. Drugs forfeited, £736.13 confiscated.

12th January, 1990, Indictment

Offence:

Count 1: Larceny.
Count 2: Assault.
Count 3: Malicious Damage.
Count 4: Grave and Criminal Assault.
Count 5: Possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

Details of Offence:

Sambor was detected stealing from a shop and followed by a store detective whom he assaulted. He also fell against and shattered a glass display cabinet. After running through the streets he was cornered by members of the public and arrested by an off-duty police officer. Shortly after Sambor became agitated and head-butted the officer, breaking his nose and then a finger in the subsequent struggle. During subsequent search of his room a small quantity of cannabis (174 mgs.) was found.

Conclusions:

Count 1: three months;
Count 2: three months;
Count 3: three months;
Count 4: twelve months;
Count 5: three months.

Counts 1, 2, 3 and 5 concurrent with each other, but consecutive to Count 4.

Sentence of Court:

Counts 1, 2, 3 and 5: three years' Probation.
Count 4: one year's Probation plus 210 hours Community Service.

Notes:

Court stated that normal sanction for striking police officer was prison but in circumstances of this case Probation would be imposed. Sambor could expect sentence in region of nine months if he failed to comply.

**Breach of three year Probation Order imposed on 12th
January, 1990.**

Plea:

Breach admitted.

**Details of Offences for which 3 year Probation Order was
imposed:**

See above.

Conclusions on Breach:

Count 1: one month; Count 2: three months; Count 3: one month;
Count 5: one week concurrent with one another but consecutive to
twelve months for the new (drug) offences. (See above).

Sentence and Observations of the Court on the Breach:

Conclusions granted, save that twelve months for the new (drug)
offences raised to fifteen months, (see above) and the three
months for these offences made concurrent with that, not
consecutive (i.e. total of fifteen months left undisturbed).

Miss S.C. Nicolle, Crown Advocate.

Advocate Mrs. N. Davies for the accused.

JUDGMENT

THE DEPUTY BAILIFF: The Court cannot accept cash flow problems as a mitigating factor in relation to the supply of drugs. We must reiterate the policy of the Court that in cases of supply of drugs, even Class B drugs, there will be a custodial sentence and that sentence will be severe.

Mrs. Davies has said everything that could be said for Sambor and in some respects this is a sad case; but there really is very little weight to the mitigation in a case of supply. Indeed the Court would have been minded to impose a sentence of eighteen months' imprisonment for the supply of cannabis, even after taking into account the whole of the mitigation; but has finally decided not to increase the conclusions overall.

Therefore we are going to increase the sentence asked for on the present indictment to fifteen months' imprisonment to demonstrate our determination to maintain our policy as to the supply of drugs, but having regard to the totality principle, we make all the other sentences concurrent in order to arrive at the same total.

The fact that the second count in the present indictment arises from admissions is marked by the fact that the sentence is concurrent.

Whilst the Court accepts the authority of Thomas in the two extracts referred to by counsel, these are already reflected in the sentence. And Thomas elsewhere advises that hardship on family, or in this case girlfriend, is not a matter to be taken into account by a sentencing Court. It is a matter which Sambor should have reflected upon before he embarked on his offences.

Therefore, Sambor, on the present indictment you are sentenced on Count 1 to fifteen months' imprisonment; on Count 2 to fifteen months' imprisonment concurrent; and the Court makes an Order for the forfeiture and destruction of the drugs. On the indictment of the 12th January, 1990, you are sentenced on Count 1 to one month's imprisonment; on Count 2 to three months' imprisonment; on Count 3 to one month's imprisonment; and on Count 5 to one week's imprisonment. All those sentences are to be concurrent with each other and concurrent with the sentences imposed on the present indictment making a total of fifteen months' imprisonment.

Authorities

Thomas: Principles of Sentencing (2nd Ed.) pp.200-201: Effect of
Gap in Offender's Record.
pp. 207-208: Financial Difficulties.