

ROYAL COURT

20th March, 1992

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Before: The Bailiff, and  
Jurats Myles and Rumfitt

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H.M. Attorney General

- v -

Simon John Taylor

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2 Counts of supplying controlled drug, contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978 (Counts 1, 2 of indictment).

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

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**PLEA:**

Guilty.

**DETAILS OF OFFENCE:**

The case involved 1 kilo (i.e. 35 oz) of cannabis with a street value of £5,000. Taylor had been supplied with it on the understanding that having sold it, he would pay his supplier £4,000 and retain £1,000 as personal profit. At the time of his arrest Taylor had sold 1/2 a kilo to one man, and one-eighth kilo (about 4 1/2 oz) to another man. The balance of the cannabis, together with the proceeds of sale thus far (£3,000), were found in his room when the room was searched under warrant.

**DETAILS OF MITIGATION:**

Loss of employment, so tempted to make quick and easy money;

Youth;  
Good character;  
Co-operation (although did not name his supplier or customers);  
Plea of guilty.

**PREVIOUS CONVICTIONS:**

English: one offence of taking and driving away; one of having no insurance.

**CONCLUSIONS:**

15 months' imprisonment; £3,000 Confiscation Order under Drug Trafficking Offences (Jersey) Law, 1988; cannabis to be forfeited and destroyed.

**SENTENCE AND OBSERVATIONS OF THE COURT:**

No exceptional circumstances - unable to accede to defence request for mercy in a case of this sort. Conclusions granted.

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C.E. Whelan, Esq., Crown Advocate.

Advocate Mrs. S.A. Pearmain for the accused.

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**JUDGMENT**

**BAILIFF:** We cannot find any exceptional circumstances. Indeed, your counsel has been perfectly honest in this matter and agreed that there are none. We have been asked, as an act of mercy, not to follow the usual policy of this Court of sentencing people who deal in drugs to a term of imprisonment.

We have looked very carefully at the facts and we cannot find anything which would entitle us to exercise that discretion. You were out of work for only a very short time; we understand that you had commitments, but many other people also have commitments, but they do not take to crime. Certainly,

within a very short time of becoming unemployed, you started dealing in considerable quantities of illegal drugs.

We understand that you tried to find work, but it is not an excuse that we can accept; if we did, everyone who was unemployed would be entitled to take to crime; we would never stop.

Looking at the circumstances of this case, you supplied two large amounts of cannabis although not directly for use by young people, but obviously they were going to young people eventually, through the other dealers. We have looked at the mitigating circumstances, such as your youth and your comparatively good record and all the other matters which counsel have mentioned by way of mitigation, but we cannot find that they are sufficient to enable us to exercise our discretion as suggested and therefore you are sentenced to 15 months' imprisonment. The drugs to be the forfeited and destroyed.

Authorities

AG -v- Bartley (26th July, 1991) Jersey Unreported.

R -v- Morris "The Times" Law Report (16th December, 1987) .

AG -v- Vibert (25th April, 1991) Jersey Unreported.

AG v- Kramer (16th March, 1992) Jersey Unreported.