

ROYAL COURT
(Samedi Division) 165.

21st September, 1992.

Before: The Bailiff, assisted by
Jurats Hamon and Herbert

The Attorney General

- v -

Steven William Johnson

Trial "*en police correctionnelle*" following plea of not guilty to 2 counts of 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.

"*Ex Improviso*" application by the Attorney General, at the conclusion of the defence evidence, for leave to call further witnesses.

W.J. Bailhache, Esq., Crown Advocate.
Advocate Mrs. N. Davies for the accused.

JUDGMENT.

THE BAILIFF: In deciding whether to allow this application, the Court could not overlook the fact that in a prosecution of this nature, particularly where supplying of drugs is alleged, it would, in our view, have been reasonably foreseeable that the question of the

value of those drugs would arise and therefore it would also have been prudent for the prosecution to have obtained a valuation of their street value in advance of the trial. That information would have put the prosecution in a position to cross-examine the accused when he gave his explanation.

Under the circumstances we are not prepared to allow the additional evidence.

Authorities

Archbold (43rd Ed'n) paras. 4-408-410.

R. -v- Milliken (1969) 53 Cr.App.R. 330.

R. -v- Pilcher, Lilley, and Prichard (1975) 60 Cr.App.R. 1.

R. -v- Scott (1984) 79 Cr.App.R. 49 C.A.

Bucknell & Ghodse: Misuse of Drugs (Criminal Law Library, No. 2):
p.p. 124-5.