

ROYAL COURT

23rd October, 1992. 189.

Before: The Bailiff, and
Jurats Coutanche and Herbert

The Attorney General

- v -

Alexander McLees

Sentencing, following conviction by the Royal Court (Inferior Number), en police correctionnelle on 1 count of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

AGE: 38.

PLEA: Not Guilty.

DETAILS OF OFFENCE:

McLees was seen by two police officers walking along Bath Street at 11.00 p.m.; when he saw the officers he put his hand in his pocket and dropped a plastic bank bag containing 3 Ecstasy tablets. Immediately arrested but denied knowledge of the bag.

DETAILS OF MITIGATION:

Since break-up of marriage in 1988 took to alcohol. Occasionally homeless.

PREVIOUS CONVICTIONS:

Many, although there was a gap between 1980 and 1988 when his marriage was subsisting. One previous for possession of MDMA.

CONCLUSIONS:

9 months' imprisonment.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted. No exceptional circumstances.

The Attorney General.

Advocate R.J.F. Pirie for the accused.

JUDGMENT

THE BAILIFF: McLees, your counsel has said all that he can for you and we have no doubt that you are determined to give up your drinking problem. But the fact is we cannot overlook two matters: the first is that this is your second drug offence; and secondly, you were placed on probation 3¹/₂ years' ago and you failed to complete it. There was clear evidence upon which this Court convicted you. Any mitigation that might have been available to you by pleading guilty is no longer available to you.

Under the circumstances we cannot find that there are exceptional circumstances which would entitle us to depart from this Court's policy of sentencing people to prison for these sort of drug offences. You are, therefore, sentenced to 9 months' imprisonment.

No authorities.