

ROYAL COURT
(Superior Number)

41.

15th March, 1993

Before: The Bailiff, and Jurats
Blampied, Orchard, Hamon, Le Ruez,
Vibert, Herbert, Rumfitt.

The Attorney General

- v -

Nicholas John Russell-Biggie
and
Rowan Claire Gooch

Sentencing, following guilty plea before the Inferior Number, on 26th February, 1993, to the following charges:

Nicholas John Russell-Biggie

- 3 counts of supplying a controlled drug contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978, (Counts 1, 2 & 3 of the indictment).
- 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, (Counts 4 & 5).

Nicholas John Russell-Biggie and Rowan Claire Gooch

- 4 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978, (Counts 6, 7, 8 & 9).

Russell-Biggie

AGE: 23

PLEA: Guilty.

DETAILS OF OFFENCE:

Dealt in cannabis over 21 month period. Sold amphetamine on one previous occasion. Gave LSD tabs to a friend. Profits modest. Dealt to finance own habit.

DETAILS OF MITIGATION:

Unhappy childhood. Mother ill. Father's expectations too high. Probation recommended Ley Community (rehabilitation centre). Co-operative. Gave details to police of offences they would not have known about.

PREVIOUS CONVICTIONS:

Two for drugs. No previous term of imprisonment.

CONCLUSIONS:

Count 1: 3 years;
Count 2: 18 months;
Count 3: 21 months;
Count 4: 18 months;
Count 5: 18 months;
Count 6: 6 months;
Count 7: 6 months;
Count 8: 2 months;
Count 9: 2 months; all concurrent. Confiscation Order £479. Drugs forfeited and destroyed.

SENTENCE AND OBSERVATIONS OF THE COURT:

Count 1: 2½ years; Count 3: 18 months. Other conclusions granted. Might have followed probation recommendation, but Russell-Biggie ran flat "like a shop": runners of drug shops will go to prison.

Gooch

AGE: 21.

PLEA: Guilty.

DETAILS OF OFFENCE:

Lived with Russell-Biggie who used and dealt in drugs. Drawn in by his involvement. Charges were joint possession. Drugs bought by him not her.

DETAILS OF MITIGATION:

Unhappy childhood. Mother died, did not get on with stepmother.

PREVIOUS CONVICTIONS:

None.

CONCLUSIONS:

Counts 6 and 7: 2 years' probation with usual condition on each concurrent. Counts 8 and 9: six months binding over, condition of attending Drug and Alcohol Centre on each concurrent.

SENTENCE AND OBSERVATIONS OF THE COURT:

Conclusions granted.

Miss S.C. Nicolle, Crown Advocate.
Advocate C.J. Scholefield for the accused.

JUDGMENT

THE BAILIFF: Gooch, we hope you have learned your lesson about the misuse of drugs. You are therefore sentenced on Counts 6 and 7 to two years' probation on the usual terms, which are these: you will live and work as directed by your Probation Officer and you will be of good behaviour and will come up for sentence if you are not of good behaviour. So far as Counts 8 and 9 are concerned, you will bound over for 6 months on condition that you attend the Drug and Alcohol Centre as required.

Russell-Biggie, had it not been for a passage in the background report which is relevant to our decision, the Court might have felt it possible to have acceded to your counsel's request that you should go to the Ley Community Rehabilitation Centre instead of to prison.

However, in paragraph 7 of the report, the Probation Officer says that you operated almost "like a shop", with people calling round to see you and to purchase the drugs. It is not possible for it to go out from this Court that people who operate drug shops of this nature will be dealt with otherwise than by a prison sentence.

Therefore, we are unable to agree with the very able plea of your counsel, who said everything he could on your behalf, that we should find exceptional circumstances in respect of the commission of the offence, nor in respect of your family background, distressing though it is.

We have, however, felt able to take into account the family background as regards sentencing and have felt able to make a

slight reduction in the conclusions asked for in respect of two of the counts. You are sentenced accordingly therefore as follows: Count 1: 2¹/₂ years; Count 2: 18 months; Count 3: 18 months; Count 4: 18 months; Count 5: 18 months; Count 6: 6 months; Count 7: 6 months; Count 8: 2 months; Count 9: 2 months; all concurrent, making a total of 30 months' imprisonment in all. There will be a confiscation order for £479, and the drugs will be forfeited and destroyed.

No authorities.