

ROYAL COURT
(Samedi Division)

121.

16th June, 1994

Before: The Deputy Bailiff, and Jurats
Coutanche, Vint, Blampied, Myles, Bonn,
Hamon, Gruchy, Le Ruez, Vibert, Rumfitt.

The Attorney General

- v -

Annabelle Tracy Marshman

Sentencing by the Superior Number, to which the accused was remanded by the Inferior Number on 6th June, 1994, following guilty pleas to:

- 2 counts of possessing a controlled drug with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law 1978:
 - Count 1: M.D.M.A.
 - Count 3: amphetamine sulphate.

- 1 count of supplying a controlled drug, (amphetamine sulphate) contrary to Article 5(b) of the said Law (count 2).

AGE: 20

PLEA: Guilty

DETAILS OF OFFENCE:

Possession of 10 wraps of amphetamine sulphate and 27 Ecstasy tablets with intent to supply; supply of 28 grams of amphetamine sulphate.

DETAILS OF MITIGATION:

Accused reported to Police by her family, and made ready admissions. Unemployed at the date of the offences, and committed the offences with a view to making money to supply her own drug habit; had only taken one consignment previously of amphetamine sulphate for supply, and that about three weeks before arrest. Not close to the main supplier. Very repentant. In six months between arrest and trial had taken no drugs, had found alternative employment and with support from family intended to avoid any re-offending.

Probation report strongly recommended Probation Order coupled with attendance at the Offending Behaviour Group.

PREVIOUS CONVICTIONS:

None for drugs, but petty larceny and parking offences.

CONCLUSIONS:

Count 1: 3 years' youth detention.
Count 2: 12 months' youth detention; concurrent.
Count 3: 12 months' youth detention; concurrent.

SENTENCE:

2 years' probation; 240 hours community service, to be completed within 12 months; to attend Offending Behaviour Group.

Court emphasised that dealing in Class A drugs regarded as so serious that a non-custodial sentence generally could not be justified; but in the circumstances of this case the Court applauded the courageous decision of the family in reporting the accused to Police, and took note of the fact that the accused had dealt for only three weeks in small scale amounts and that since her arrest had done her best to avoid drugs. By majority as an act of mercy, detention order not made.

**W.J. Bailhache, Esq., Crown Advocate.
Advocate S.J. Crane for the accused.**

JUDGMENT

THE DEPUTY BAILIFF: The Court has given anxious consideration to this difficult case. It is a fact that there is a tendency for drug dealers to target young people to ply their evil trade, both because the use of young people as suppliers might receive sympathy from the Court and because they have readier access to potential young customers.

We have given careful consideration to the Criminal Justice (Young Offenders) (Jersey) Law, 1994, and in particular to the provisions of Article 4 which provide that a Court shall not pass a sentence of youth detention unless it considers that no other method of dealing with the offender is appropriate.

We wish to emphasise that we do regard trafficking or dealing in Class A drugs as being an offence which is so serious that a non-custodial sentence cannot be justified and therefore in general the Court will continue to impose, in this type of case, custodial sentences notwithstanding that the offender is under the age of 21.

We applaud the courageous decision of your family to report your offending to the Police and we hope that you understand that their motives were, in the view of the Court, to help you from falling into even more destructive behaviour than you have already shown. That factor alone - that is to say the reporting of your offending by your family - would not by itself have persuaded the Court to impose a non-custodial sentence. We have, however, taken into consideration the fact that your dealing went on for only three weeks; that it was on a small scale; and that you have since your arrest done your best to reconstruct your life and to sever your contacts with people engaged in drug taking.

The decision of the Court is a majority decision. Some members of the Court considered that those factors which I have outlined ought not to prevent the imposition of a custodial sentence. However the decision of the majority of the Court is that as an act of mercy we should not impose a sentence of youth detention. We hope that you will take advantage of the decision of the Court to rebuild your relationship with your family.

You are therefore, Marshman, sentenced on count 1 and indeed on each of the three counts on the indictment concurrently to be placed on probation for two years, subject to the usual conditions that you both live and work as directed by the Probation Officer; that you be of good behaviour during that time; and that if you fail to be of good behaviour that you will be liable to be brought back before this Court and sentenced again for these offences; and subject to further conditions that you will attend the Offending Behaviour Group organised by the Probation Service; and further that you will carry out 240 hours of community service to the satisfaction of the community service organiser and that community service must be completed within 12 months. We also make an order for the forfeiture and destruction of the drugs.

Authorities

Criminal Justice (Young Offenders) (Jersey) Law 1994: Articles
3, 4.

A.G. -v- Rowe (6th May, 1986) Jersey Unreported; (1985-86) JLR
N.26.

A.G. -v- Bouhsine (10th February, 1992) Jersey Unreported.