

ROYAL COURT
(Samedi Division) 122.

16th June, 1994

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

The Attorney General

- v -

Christopher Timothy Harris

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 producing a controlled drug, contrary to Article 5(a) of the Misuse of Drugs (Jersey) Law 1978:
 - Count 1: tetrahydrocannabinol;
 - Count 4: herbal cannabis.
- 1 count of possessing a controlled drug, (M.D.M.A.) contrary to Article 6(1) of the said Law (count 3).
- 1 count of supplying a controlled drug, (herbal cannabis) contrary to Article 5(b) of the said Law (count 5).

The accused's plea of not guilty to counts 2 and 6 of the Indictment was accepted by the Crown.

AGE: 30

PLEA: Guilty

DETAILS OF OFFENCE:

The two counts of producing drugs refer to the growing of herbal cannabis (32 plants) prosecution estimated value £10,000, and a small amount of cannabis oil. The possession of drugs referred to a small Ecstasy tablet; and the supplying of controlled drugs referred to the supply by way of gift of small amounts of herbal cannabis to friends.

DETAILS OF MITIGATION:

The value of the cannabis was in dispute; accused contended the value to be approximately £3,000 as the cannabis plants were mostly female and not male; accused also contended that cannabis ought to be

legalised and would be legalised shortly. Accused had been in custody for 9 months from arrest to date of sentence, and on an application for bail two weeks before sentence Court indicated this ought to be taken into account in the conclusions.

PREVIOUS CONVICTIONS:

One for producing cannabis; several for drink related offences not relevant to instant case.

CONCLUSIONS:

Count 1: 2½ years' imprisonment.
Count 3: 12 months' imprisonment, concurrent.
Count 4: 2½ years' imprisonment, concurrent.
Count 5: 18 months' imprisonment, concurrent.

SENTENCE:

Count 1: 2 years' imprisonment.
Count 3: 12 months' imprisonment, concurrent.
Count 4: 2 years' imprisonment, concurrent.
Count 5: 18 months' imprisonment, concurrent.

The Court satisfied accused knowingly engaged in growing cannabis contrary to the law. Previous conviction taken into account. As a result of the conflict as to the quantity of drugs and lengthy time on remand, undesirable for Newton hearing and sentence on accused's figures.

W.J. Bailhache, Esq., Crown Advocate.
The accused on his own behalf.

JUDGMENT

THE DEPUTY BAILIFF: You have been engaged in the enterprise of growing cannabis plants, contrary to the Law. You have a previous conviction in 1992 for cultivating drugs. You are aged 30 and the Court is satisfied that you knew full well what you were doing.

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As to the quantity of the drug, the Court is faced with a conflict between the figures put forward by the Crown and the figures which you have put forward to the Court in the paper which you have produced. Because of the lengthy period of time which you have spent in custody on remand, we consider that it would be undesirable for you to be remanded further so that a Newton hearing could resolve this conflict. We are therefore proposing to accept the figures which you have put forward.

The Court is therefore sentencing you on the basis that you produced or were capable of producing at least 18 ozs. of cannabis. On your own admission you were producing the drug, not only for your own consumption, but also because you had it in mind to sell the surplus in Amsterdam for commercial purposes.

We have taken into account your co-operation with the police; we have taken into account your guilty plea; and taking those factors into account, the sentence of the Court is as follows:

On count 1, you are sentenced to 2 years' imprisonment; on count 3, to 12 months' imprisonment, concurrent; on count 4, to 2 years' imprisonment, concurrent; on count 5, to 18 months' imprisonment, concurrent; making a total of 2 years' imprisonment. We order the forfeiture and destruction of the drugs.

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Authorities

Aramah (1982) 4 Cr. App. R. (S.) 407.

A.G. -v- Bate (22nd November, 1993) Jersey Unreported.

A.G. -v- Cohen & Anor. (20th February, 1987) Jersey Unreported.

A.G. -v- Rawlinson (23rd November, 1992) Jersey Unreported.