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ROYAL COURT
(Samedi Division) 151.

26th July, 1995

Before: The Deputy Bailiff, and
Jurats Vibert and Herbert.

The Attorney General

- v -

Nicolette Tegan Melville

On 13th January, 1995, the accused entered guilty pleas to:

2 counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972.

Count 1: M.D.M.A.; and
Count 2: L.S.D.;

and not guilty pleas to:

3 counts of supplying a controlled drug, contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978:

Count 3: M.D.M.A.;
Count 4: L.S.D.; and
Count 5: M.D.M.A.

1 count of selling a poison, whilst not an authorized seller, contrary to Article 16(1)(a) of the Pharmacy, Poisons, and Medicine (Jersey) Law, 1952 (Count 6: Ephedrine):

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 7: L.S.D.; and
Count 8: M.D.M.A.;

4 counts of possessing a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978:

Count 9: L.S.D.;
Count 10: M.D.M.A.;
Count 11: Amphetamine Sulphate; and
Count 12: Cannabis Resin.

The accused was remanded on bail to be tried on Counts 3-12, and thereafter to receive sentence on Counts 1 and 2.

On 9th March, 1995, (*See Jersey Unreported Judgment of that date*), the Court granted the Accused's application to change her guilty pleas to not guilty pleas on Counts 1 and 2; and not guilty pleas to guilty pleas on Counts 6 and 12. The accused was remanded in custody for trial before the Inferior Number on 4th April, 1995.

On 4th April, 1995, the Accused informed the Court that she wished to plead to all counts; and was remanded in custody for sentencing before the Superior Number on 2nd May, 1995.

On 2nd May, 1995, the Accused made a written submission in mitigation to the effect that she was not guilty of the offences with which she was charged, but was pleading guilty "for practical and pragmatic reasons". The Court adjourned the Sitting to 13th-14th June, 1995, for a 'Newton' Hearing.

On 31st May, 1995, (*See Jersey Unreported Judgment of that date*) on the representation of the Attorney General, the Court directed that, at the 'Newton' hearing on 13th-14th June, 1995, the *onus probandi* would be on the Accused to satisfy the Court that her version of events is true.

On 13th June, 1995, the Court, after directing that the Accused must withdraw her written submission that she was not guilty of the offences with which she was charged but was pleading guilty "for practical and pragmatic reasons", and must instead enter an unambiguous plea, ruled that it was unable to accept the pleas then entered by the Accused and remanded her in custody to stand trial before the Inferior Number on 26th and 27th July, 1995, on not guilty pleas to all counts in the Indictment.

A.J. Olsen, Esq., Crown Advocate.
Advocate A.D. Hoy for the Accused.

JUDGMENT
(announcing the Court's finding.)

THE DEPUTY BAILIFF: This case has taken its course over a very long period. It is of chameleon complexity. We have had to remind ourselves of one thing: we are here only to consider the guilt or innocence of the accused, Mrs. Nicolette Tegan Melville, née Forde.

There were discovered in the flat that she shared with her husband, Mark Melville, what can be described as a large commercial quantity of Class A drugs. Both Mr. and Mrs. Melville were arrested. Their top flat at 4 Commercial Buildings was obviously used for drug dealing on a serious scale. The drugs included Ecstasy, LSD and Ephedrine.

Mrs. Melville was charged essentially with supplying and dealing in these drugs which have a value of over £34,000.

The learned Jurats have carefully considered all the evidence and, of course, Mrs. Melville's defence, which was that she gave to the police, after a series of sterile answers in a question and answer session, a confession, that she made that after she had spoken with her parents and after she had spoken with her husband in emotional circumstances. She now says, quite unequivocally, that she lied.

Her husband was convicted in the Police Court of possessing cannabis and bound over for six months. It now appears, according to Mrs. Melville, that he was the prime mover.

Two other accused, drug dealers Anthony John Doyle and Paul John Watson, also implicated her most seriously. They have been tried and sentenced. Mr. Doyle - according to Crown Advocate Olsen - was said at trial to have co-operated fully by naming her. Both their statements are now said by them to be false

The learned Jurats have taken great care over the facts of this trial and I have to say that they have excluded the hearsay evidence that was put before them. But they have reached a conclusion that Mrs. Melville is guilty of all the charges brought against her. They have no doubt whatsoever that she was the prime mover in a very dangerous and filthy trade which, but for the attentions of Drugs Squad Officers, could have caused untold misery in this Island.

Before we leave this case we are going to ask Mr. Olsen that the sworn evidence of Mr. Doyle given in this court today and the basis on which he was sentenced on 8th March shall be delivered to the Attorney General for his further consideration.

No Authorities.