

ROYAL COURT
(Samedi Division)

8th March, 1996.

47.

Before: The Deputy Bailiff, and Jurats
Orchard and Vibert

The Attorney General

- v -

David Thomas

- 1 count of supplying a controlled drug, (cannabis resin) contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978 (count 1);
- 4 counts of possession of a controlled drug, contrary to Article 6(1) of the said Law (count 2: cannabis resin; count 3: MDMA; count 4: cannabis resin; count 5: amphetamine sulphate);
- 1 count of possession of utensils for the purpose of committing an offence, contrary to Article 8 of the said Law (count 6).

Age: 36.

Plea: Guilty.

Details of Offence:

Count 1: 3 ounces [as admitted in Q & A]; count 2: 6 ounces (160g.); count 3: Two tabs [personal amount]; count 4: Personal amount (0.3 ounces); count 5: Two wraps [personal amount]; count 6: Bong pipe. Refused to name supplier and suppliers.

Details of Mitigation:

No previous drugs convictions. Use of MDMA infrequent and some financial hardship. Not strong mitigation. Blunt admission to supply of cannabis [count 1] in Q & A. Did not attempt to attribute finding of cannabis in communal area of house to other persons. * [Not instantaneous but pretty quick to admit cannabis was his]. Only sold to friends and acquaintances.

Previous Convictions:

24.7.73: burglary [2 offences]. 14.12.73: Robbery. 3.2.88: Breaking and entry and larceny. 31.3.94: Urinating in public.

Conclusions:

Count 1 : 15 months' imprisonment.
Count 2 : 15 months' imprisonment, concurrent.

Count 3 : 5 months' imprisonment, concurrent.
Count 4 : 1 month's imprisonment, concurrent.
Count 5 : 1 month's imprisonment, concurrent.
Count 6 : 1 month's imprisonment, concurrent.

Sentence and Observations of the Court:

Count 1 : 12 months' imprisonment.
Count 2 : 12 months' imprisonment, concurrent.
Count 3 : 5 months' imprisonment, concurrent.
Count 4 : 1 month's imprisonment, concurrent.
Count 5 : 1 month's imprisonment, concurrent.
Count 6 : 1 month's imprisonment, concurrent.

Acknowledged following mitigating circumstances: only supplied friends or relatives. Relatively small profit. Guilty admissions on counts 1 and 2.

J.A. Clyde-Smith, Esq., Crown Advocate.
Advocate S.J. Crane for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: Thomas was arrested by Drugs Squad officers at his lodgings on Saturday, 4th November, 1995, following the execution of a drugs search warrant. A commercial quantity of cannabis resin was found together with small quantities of ecstasy and amphetamine sulphate and other paraphernalia.

10 Thomas admitted to having purchased 9 ounces of cannabis resin locally for £1,100 of which he had sold approximately 3 ounces at £160 an ounce. He stated that if he had sold all the cannabis he would have grossed £1,440 making a profit of £340.

15 Mr. Crane has said everything that can be said on his behalf. In fact, Thomas readily admits that having been out of work for five years in Liverpool he came to Jersey and has found gainful employment here for nine years. It is to us somewhat disturbing that he was prepared to abuse the hospitality that this Island has shown to him by taking a voluntary part in this dreadful drug scene which can only help to destroy the fabric of society. Any supplier of drugs who comes before this Court will receive -
20 unless there are the most exceptional circumstances - condign punishment.

25 We have carefully considered the cases cited to us; with respect to counsel they really do not help us in any material way.

5 Thomas is 36. He has not of course named his supplier which is more than an indication of how dangerous this sub-culture is. He has, however, been frank with the authorities and he has accepted that he must receive a term of imprisonment. The amounts discovered are not large and he says - and we will accept it - that he would only have supplied his friends and acquaintances.

10 His tragedy is a personal one and the tragedy is that for such a relatively small profit a mature man has earned himself his first substantial custodial sentence. However, we feel that his plea of guilty - bearing in mind that the drugs were found in a communal cupboard at the lodging house - does deserve credit and we therefore sentence him as follows. Stand up, please, Thomas.
15 On counts 1 and 2, you are sentenced to 12 months' imprisonment, concurrent; on count 3, you are sentenced to 5 months' imprisonment, concurrent; on count 4, you are sentenced to 1 month's imprisonment, concurrent; on count 5, you are sentenced to 1 month's imprisonment, concurrent; on count 6, you are sentenced to 1 month's imprisonment, concurrent, making a total sentence of
20 12 months' imprisonment. We also order the forfeiture and destruction of the drugs and of the paraphernalia related to them.

Authorities

A.G. -v- Sambor (14th February, 1992) Jersey Unreported.

A.G. -v- Stratton & Ors. (22nd November, 1991) Jersey Unreported.

A.G. -v- Molloy (19th October, 1995) Jersey Unreported.

A.G. -v- Le Guellec (18th October, 1991) Jersey Unreported.