

ROYAL COURT  
(Samedi Division)

1st August, 1997

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Before: F.C. Hamon, Esq., Deputy Bailiff, and  
Jurats Rumfitt and Qu er e

The Attorney General

- v -

Leonard John Cousins

2 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978:  
count 2 : lysergide.  
count 3 : amphetamine sulphate.

*[On 4th July, 1997, the accused pleaded not guilty to 1 count of possession of a controlled drug (MDMA) with intent to supply (count 1), contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978, which plea the Crown accepted].*

Plea: Guilty.

Age: 33.

Details of Offence:

Accused was seen acting suspiciously in 'Caf  de Paris'. After a search he was found to be in possession of 31½ squares of LSD and 3 wraps of Amphetamine Sulphate. The street value of the LSD was £220. The Amphetamine Sulphate was worth approximately £20. Accused said that he had found the drugs, picked them up, put them in his pocket and had forgotten about it. He put the same pair of trousers on the next day and did not realise the drugs were there until he was searched. He had said that he had not given any thought to what he was going to do with the drugs.

Details of Mitigation:

Very little. He claimed that he was not a user nor a trafficker but could not explain why he did not dispose of the drugs. He claimed to have been drunk on the evening in question and offered this by way of explanation.

Previous Convictions: Four previous convictions but none drugs related.

Conclusions:

Count 2 : 18 months' imprisonment.  
Count 3 : 2 months' imprisonment, concurrent.

Sentence and Observations of the Court:

Conclusions granted. The Deputy Bailiff found it difficult to understand how the Crown had accepted the accused's explanation. He told the accused that as a former head doorman he should have been aware of the dangers and consequences of possessing drugs.

Mrs. S. Sharpe, Crown Advocate.  
Advocate P.S. Landick for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: Cousins, you were a former head doorman of a nearby nightclub and we have read all of your references. Someone, according to the police report, warned you of the police presence whilst you were standing at the bar. As the Crown accepts your story of an innocent possession, what they were warning you about is beyond us.

10 However you came to be in possession of the drugs, having served as a doorman you would have known your duty, the dangers of these mind-altering drugs and the consequences that they cause.

15 Despite the issues raised by Mr. Landick, we cannot find any reason to depart from the Crown's conclusions. Accordingly on count 2, you are sentenced to 18 months' imprisonment, and on count 3, you are sentenced to 2 months' imprisonment, concurrent. We also order the forfeiture and destruction of the drugs.

Authorities

- A.G. -v- Neild (26th May, 1994) Jersey Unreported.  
A.G. -v- Bevis (17th May, 1993) Jersey Unreported.  
A.G. -v- Coyle (29th May, 1993) Jersey Unreported.  
A.G. -v- Bull (26th April, 1991) Jersey Unreported.  
A.G. -v- Buesnel (22nd July, 1996) Jersey Unreported.