

25th July, 1985.

Police -v- Körner

Appeal to the Royal Court (Inferior Number) by Wolfgang Gerhard Paul Körner against a total sentence of six weeks' imprisonment imposed on him by the Magistrates' Court on the 19th July, 1985 for the importation and possession of 4.16 grams of cannabis resin and 116 micrograms of lysergide (L.S.D.).

DEPUTY BAILIFF: "This appeal concerns the importation and the use of a Class 'A' Drug. We do not think the Magistrate erred in any way, in principle, in imposing a sentence of imprisonment. However, for the reasons that have been advanced by Counsel, we are satisfied that the explanation, given was not challenged by the Prosecution and we are therefore going to reduce the actual term of imprisonment to one of three weeks. So far as the importation and use of Cannabis is concerned, the learned Magistrate does not appear to have addressed his mind fully to whether there was an alternative to imprisonment in respect of that offence; his mind was fixed, and understandably so, on the L.S.D., and we think that the case can be met by the imposition of a fine; therefore we will substitute the sentence of imprisonment as regards the importation and use of Cannabis; on the charge of importing, Körner will be fined £200 and on the charge of use, he will be fined £100. In default, he will serve two weeks in respect of the £200, and one week in respect of the £100; both sentences will be consecutive to each other, if served, and consecutive to the sentence for Class 'A'. Therefore, it comes to this, Mrs. Pearmain: if he wants to go before the 9th August, he has to behave himself in prison, and he has to pay his fine.