

ROYAL COURT

(Superior Number)

190

26th October, 1992

Before: The Bailiff, and Jurats
Countanche, Blampied, Myles, Hamon,
Orchard, Gruchy, Le Ruez, Vibert.

The Attorney General

- v -

Steven William Johnson.

Sentencing, following conviction before the Inferior Number *en police correctionnelle* on 2 counts of possession of a controlled drug with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978. (Counts 1 and 2 of the Indictment).

AGE: 22.

PLEA: Not Guilty.

DETAILS OF OFFENCE:

28 LSD tablets and 12 Ecstasy tablets found in Johnson's possession at the Boulevard Bar, Inn on the Park. Evidence of Police Officers who had been watching was that he had been dealing in the drugs that evening. Unco-operative with the Police, lied to the Police and gave false evidence on oath at trial.

DETAILS OF MITIGATION:

Nothing much by way of mitigation. Alleged that he was not close to the main source of supply but a retail dealer in drugs. Would have a sense of grievance if he received a sentence of the same length as Clarkin and not much less than that given to Fogg. Already had sense of grievance in relation to his friend Gaughan who was charged only with possession and given twelve months.

PREVIOUS CONVICTIONS:

Sundry traffic, petty theft and minor public order convictions. None for drugs.

CONCLUSIONS:

5½ years' Imprisonment concurrent on each count.

SENTENCE AND OBSERVATIONS OF THE COURT:

4 years' Imprisonment concurrent on each count, £200 costs, drugs forfeited and destroyed.

W.J. Bailhache, Esq., Crown Advocate.
Advocate Mrs. N. Davies for the accused.

JUDGMENT

THE BAILIFF: The difficulty in this case has been to establish a starting point. Logically, it would be possible to say that the starting point would be 6 years, following what the Court of Appeal said in Schollhammer -v- A.G.; Reissing -v- A.G. (14th July, 1992) Jersey Unreported C.of.A. And logically it would be equally possible to say that there is no mitigation in this case and that therefore a sentence of that magnitude could well be imposed, and indeed that the sentence of 5½ years requested by the Crown was right. But it is not quite as easy as that. One has to take into account the circumstances under which the accused appears before us today and the facts surrounding his arrest.

There is no doubt in the mind of the Court that he was not the only person involved at "The Boulevard" on the night in question. Although he has said in his letter, and elsewhere,

that he did obtain some drugs from a man, (whom he has not named) we are satisfied that he was clearly dealing in drugs at "The Boulevard" at the time. Indeed, his plea of not guilty was rejected by this Court at his trial.

However, we regard him as a retail supplier rather than a wholesaler, and we also think that he is not all that close to the source of supply, although he obviously knows where to get it, and where to sell the drugs. Furthermore, the point the Crown has made about youth is a valid one. Young people who themselves sell to young people are introducing and spreading dangerous drugs to and among the young population and a sentence must be sufficiently high to deter them. At the same time we accept, as we have said, that this case falls into the lower range of the offence, having regard to the amount and the circumstances, and we think the appropriate sentence is one of four years' imprisonment, and you are accordingly sentenced. There will be an order for forfeiture and costs of £200.

Authorities

Fogg -v- A.G. (8th April, 1991) Jersey Unreported C.of.A.

Clarkin & Pockett -v- A.G. (3rd July, 1991) Jersey Unreported
C.of.A.

Schollhammer -v- A.G.; Reissing -v- A.G. (14th July, 1992) Jersey
Unreported C.of.A.