

COURT OF APPEAL

14th February, 1994.

29.

Before: Sir Godfray Le Quesne, Q.C., (President),
Sir Charles Frossard, K.B.E., and
R.C. Southwell, Esq., Q.C.

Mark David Duffy

-v-

Her Majesty's Attorney General

Application for leave for appeal against a total sentence of 2 years' imprisonment imposed on 9th August, 1993, by the Royal Court (Superior Number), to which the applicant was remanded to receive sentence following guilty pleas, on 6th August, 1993, before the Inferior Number, to 1 count of possession of a controlled drug (cannabis resin) contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978, (count 1 of the indictment laid against him and four co-Defendants) on which he was sentenced to 1 months' imprisonment; and to 1 count of supplying a controlled drug (cannabis resin) contrary to Article 5(b) of the said Law (count 2 of the said indictment) on which he was sentenced to 2 years' imprisonment, concurrent.

Application for extension of time within which to appeal.

On 11th January, 1994, three of the co-Defendants, Santos Costa, Lynch, and Ryan, had their sentences reduced by the Court of Appeal (See Jersey Unreported Judgment of that date).

Advocate R.G. Morris for the Applicant.
Advocate A.D. Robinson on behalf of the Attorney General.

JUDGMENT.

THE PRESIDENT: The circumstances of this case are special: three of the Applicant's co-Defendants had their sentences reduced last month by this Court. This Applicant was not appealing at that time, but it is now submitted to us by Mr. Morris that, in view of the reduction of the sentences of the other three Defendants last

month, the sentence of imprisonment passed by the Royal Court on this Applicant is no longer appropriate. It is clear from the sentence that the Royal Court regarded this Applicant as having committed a less serious offence than the other three, but as things stand at the moment, the sentence passed upon him is more severe than the sentence passed upon the Defendants Lynch and Ryan. I say nothing of the Fourth Defendant because his case presented different characteristics.

In these special circumstances we grant the application for leave to appeal out of time against sentence. We also grant the application for leave to appeal against sentence and treating this hearing as the hearing of the appeal, we reduce the sentence of imprisonment on this Applicant from two years to one year.

AUTHORITIES.

Lynch, Ryan & Santos Costa -v- A.G. (11th January, 1994) Jersey
Unreported C.of.A.