

ROYAL COURT  
(Samedi Division)

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8th March, 1995

Before: The Bailiff, and Jurats  
Blampied, Orchard, Hamon, Gruchy, Le Ruez,  
Rumfitt and Potter.

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The Attorney General

- v -

Paul John Watson

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Sentencing by the Superior Number of the Royal Court, to which the accused was remanded by the Inferior Number on 13th January, 1995, following guilty pleas to:

- 2 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:
- Count 1: M.D.M.A. (15 tablets to persons unknown).  
Count 2: amphetamine sulphate (28 grams to persons unknown).
- 1 count of selling a poison, whilst not an authorized dealer, contrary to Article 16(1)(a) of the Pharmacy, Poisons, and Medicines (Jersey) Law, 1952 (count 3: Ephedrine). (15 tablets to persons unknown).
- 2 counts of possessing a controlled drug, with intent to supply it to another, contrary to Article 6(2) of the Misuse of Drugs (Jersey) Law, 1978:
- Count 4: M.D.M.A. (150 tablets: street value £3,750; defendant indicated some were for personal use).  
Count 5: amphetamine sulphate (83 grams: street value £2,460).
- 5 counts of possessing a controlled drug, contrary to Article 6(1) of the said Law:
- Count 6: M.D.M.A. (1 crushed tablet).  
Count 7: M.D.M.A. (150 tablets).  
Count 8: amphetamine sulphate (2 packets each containing 53 & 83 grams of amphetamine respectively).  
Count 9: amphetamine sulphate (2 packets each containing 53 & 83 grams of amphetamine respectively).  
Count 10: amphetamine sulphate and dihydrocodeine (mixture weighing 576 mg).
- 1 count of possessing utensils for the purposes of committing an offence, contrary to Article 8 of the said Law. (Count 11). (Set of Scales).

AGE: 24.

PLEA: Guilty.

DETAILS OF MITIGATION:

Co-operative with the Police. Some of the offences would not have come to light but for Defendant's admissions. Guilty plea throughout. Some previous convictions but current indictment was the first for offences of this type. Excellent references and psychological report which was helpful to the Defendant.

PREVIOUS CONVICTIONS:

Five: No insurance, motoring, drunk and disorderly, speeding (two convictions).

CONCLUSIONS:

Count 1: 4 years' imprisonment.  
Count 2: 18 months' imprisonment.  
Count 3: £50 fine or 1 month's imprisonment, in default.  
Count 4: 5 years' imprisonment.  
Count 5: 18 months' imprisonment.  
Count 6: 9 months' imprisonment.  
Count 7: 2 years' imprisonment.  
Count 8: 9 months' imprisonment.  
Count 9: 6 months' imprisonment.  
Count 10: 1 month's imprisonment.  
Count 11: 1 year's imprisonment, all concurrent.

SENTENCE AND OBSERVATIONS OF THE COURT:

Count 1: 4 years' imprisonment.  
Count 2: 18 months' imprisonment.  
Count 3: £50 fine or 1 month's imprisonment, in default.  
Count 4: 4½ years' imprisonment.  
Count 5: 18 months' imprisonment.  
Count 6: 9 months' imprisonment.  
Count 7: 2 years' imprisonment.  
Count 8: 9 months' imprisonment.  
Count 9: 6 months' imprisonment.  
Count 10: 1 month's imprisonment.  
Count 11: 1 year's imprisonment, all concurrent.

There were unusually strong mitigating features in this case which the Court had taken fully into account and which allowed the Court to reduce the sentence moved for by the Crown. The appropriate sentence was one of 4½ years' imprisonment.

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A.J. Olsen, Esq., Crown Advocate.  
Advocate Mrs. S.A. Pearmain for the accused.

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JUDGMENT

THE BAILIFF: Watson has pleaded guilty to a number of counts involving the supply and possession with intent to supply of amphetamine sulphate and M.D.M.A., commonly known as ecstasy. The former is a Class B drug, and the latter is a Class A drug.

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It is clear from the papers which we have seen that Watson started taking drugs in 1992 and that as his desire for drugs increased so he began to deal in order to finance his habit.

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He was, at the time of his arrest, as conceded by his counsel, a wholesale supplier, supplying other dealers, admittedly in not very large quantities. He was found in possession of 150 M.D.M.A. tablets which have a street value, we were told, of approximately £3,750. The amount of amphetamine sulphate found in different places was 164 grams which, it is said, has a street value of some £2,460. A set of scales and what appeared to be a dealing list were also found in his possession.

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The Court has already made a Confiscation Order depriving Watson of the profits which he made from drug trafficking in the sum of £531.

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In mitigation it was put to us by his counsel that a significant proportion of the drugs passing through his hands were for his own use and in order to feed his own addiction. It was put to us that he was co-operative with the police; that he has youth on his side (he is only 24); and that he had pleaded guilty to the indictment. He had appreciated his drugs problem and had sought advice, although that had not prevented him from continuing to deal in dangerous drugs.

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There were also placed before us a number of references and testimonials which testified to the sad effect of dangerous drugs upon this young man. On the other hand the Court has to take into account the fact that by dealing in dangerous drugs, and particularly in Class A drugs, Watson was enabling other young people, perhaps for the first time, to become corrupted by the evil of drugs.

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Both counsel agree that, having regard to the guidelines laid down by the Court of Appeal in the case of Clarkin and Pockett, (1991) JLR 213 C.of.A. the appropriate starting point is a figure of 7 years' imprisonment. The Court agrees that that starting point is correct, having regard to the amount of drugs involved and to the nature and scale of the defendant's activities.

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Having regard to the mitigating factors which the Court has outlined, we think it is possible to make a slightly greater

allowance than has been made by the Crown in moving conclusions and, in our judgment, the appropriate total sentence is one of 4<sup>1</sup>/<sub>2</sub> years' imprisonment.

5           Watson, I therefore sentence you formally on count 1, to 4  
years' imprisonment; on count 2, to 18 months' imprisonment; on  
count 3, to a fine of £50 or 1 month's imprisonment; on count 4,  
10   to 4<sup>1</sup>/<sub>4</sub> years' imprisonment; on count 5, to 18 months'  
imprisonment; on count 6, to 9 months' imprisonment; on count 7,  
to 2 years' imprisonment; on count 8, to 9 months' imprisonment;  
on count 9, to 6 months' imprisonment; on count 10, to 1 month's  
imprisonment; on count 11, to 12 months' imprisonment; all those  
15   sentences to run concurrently, and making a total of 4<sup>1</sup>/<sub>2</sub> years'  
imprisonment. We also order the forfeiture and destruction of the  
drugs and implements used in connection with this offence.

Authorities

Clarkin, Pockett -v- A.G. (1991) JLR 213 C.of.A.

Whelan: "Aspects of Sentencing in the Superior Courts of Jersey":  
p.p.21, 23, 25, 27, 29-34, 36.

A.G. -v- Hunter (5th January, 1995) Jersey Unreported.

A.G. -v- Martin (15th December, 1994) Jersey Unreported.

A.G. -v- Molloy (3rd November, 1994) Jersey Unreported.

Wood -v- A.G. (15th February, 1994) Jersey Unreported C.of.A.

A.G. -v- Carter (15th June, 1994) Jersey Unreported.

Carter -v- A.G. (28th September, 1994) Jersey Unreported C.of.A.

Neild -v- A.G. (28th September, 1994) Jersey Unreported C.of.A.