

ROYAL COURT
(Samedi Division)

8th March, 1995

46.

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

The Attorney General

- v -

Anthony John Doyle

Sentencing by the Superior Number, to which the accused was remanded by the Inferior Number on 24th February, 1995, following change of pleas to guilty, after not guilty pleas had been entered on 13th January, 1995, to:

3 counts of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972.

Count 1: L.S.D. (600 tablets in two separate importations).
Count 2: L.S.D. (600 tablets in two separate importations).
Count 3: cannabis resin (small amount for personal use).

3 counts of supplying a controlled drug, contrary to Article 5 of the Misuse of Drugs (Jersey) Law, 1978.

Count 4: L.S.D. (314 tablets to persons unknown).
Count 5: M.D.M.A. (10 tablets to persons unknown).
Count 6: cannabis resin (comparatively small quantity to persons unknown).

1 count of selling a poison, whilst not an authorized seller, contrary to Article 16(1)(a) of the Pharmacy, Poisons, and Medicines (Jersey) Law, 1952. (Count 7: Ephedrine Hydrochloride). (140 tablets to persons unknown).

3 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

Count 8: L.S.D. (36 tablets, some with intent to supply; some for personal use).
Count 9: L.S.D. (36 tablets, some with intent to supply; some for personal use).
Count 10: M.D.M.A. (10 tablets for personal use).

AGE: 25.

PLEA: Guilty.

DETAILS OF MITIGATION:

Exceptionally co-operative with the Police. Many of the offences would not have come to light but for Defendant's admissions. Guilty plea. First offences of this type.

PREVIOUS CONVICTIONS:

Two, very minor. Nothing relevant.

CONCLUSIONS:

- Count 1: 4 years' imprisonment.
- Count 2: 5 years' imprisonment.
- Count 3: 12 months' imprisonment.
- Count 4: 5 years' imprisonment.
- Count 5: 4 years' imprisonment.
- Count 6: 12 months' imprisonment.
- Count 7: £50 fine or 1 month's imprisonment, in default.
- Count 8: 3 years' imprisonment.
- Count 9: 12 months' imprisonment.
- Count 10: 12 months' imprisonment, all concurrent.

SENTENCE AND OBSERVATIONS OF THE COURT:

- Count 1: 4 years' imprisonment.
- Count 2: 4 years' imprisonment.
- Count 3: 12 months' imprisonment.
- Count 4: 4 years' imprisonment.
- Count 5: 4 years' imprisonment.
- Count 6: 12 months' imprisonment.
- Count 7: £50 fine or 1 month's imprisonment, in default.
- Count 8: 3 years' imprisonment.
- Count 9: 12 months' imprisonment.
- Count 10: 12 months' imprisonment, all concurrent.

Correct starting-point in this case was eight years. The discount of one-third would reduce this to five years four months in any event. This was a case of a very unusual nature, which called for a sentence below the five years moved for by the Crown. In the particular circumstances of the case, the appropriate sentence was one of four years' imprisonment.

A.J. Olsen, Esq., Crown Advocate.
Advocate D.F. Le Quesne for the accused.

JUDGMENT

THE BAILIFF: This is, as counsel for Doyle has submitted, an unusual case for reasons to which we shall come. The bare facts of the offending can be summarised as follows: Doyle was involved in the importation of some 600 tabs of L.S.D. and in the supply of some 5 350 ecstasy tablets. The unusual circumstances of this case are that, but for the co-operation of the accused in making admissions to the police, none of the serious charges on the indictment could have been laid against him.

10 Doyle was found by the police to be in possession of one ecstasy tablet and 36 squares of L.S.D. But for the admissions which, as counsel has said, he started to make immediately after his arrest, he would not be facing these serious charges today.

15 Nothing which we have said, of course, detracts in any way from the fact that the supply of Class A drugs is a very serious matter and the offences attract inevitably, as they almost always do, a substantial sentence of imprisonment.

20 In mitigation it was put to us by counsel that Doyle was a first offender and that there were matters in relation to his character which told in his favour. He has pleaded guilty to the indictment and he was, as we have said, co-operative with the police. There was placed before us, unusually, a reference from 25 one of the prison chaplains which indicated that Doyle is genuinely remorseful for the offences which he has committed.

We agree with counsel that the starting point in a case of this gravity is one of 8 years' imprisonment. We further agree 30 that he is entitled to the full reduction of one-third in relation to his guilty plea. But, in addition, he is entitled, in the judgment of this Court, to a further allowance for the co-operation which he gave in the sense of admissions made in relation to his conduct entirely voluntarily to the police.

35 Having regard to those matters, Doyle, the Court sentences you as follows: on count 1, you will be sentenced to 4 years' imprisonment; on count 2, to 4 years' imprisonment, concurrent; on count 3, to 12 months' imprisonment, concurrent; on count 4, to 4 40 years' imprisonment, concurrent; on count 5, to 4 years' imprisonment, concurrent; on count 6, to 12 months' imprisonment, concurrent; on count 7, to a fine of £50 or 1 month's imprisonment, concurrent; on count 8, to 3 years' imprisonment, concurrent; on count 9, to 12 months' imprisonment, concurrent; on 45 count 10, to 12 months' imprisonment, concurrent; making a total of 4 years' imprisonment. We order the forfeiture and destruction of the drugs seized by the police.

Authorities

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.