

ROYAL COURT
(Samedi Division)

59.

3rd April, 1995

Before: The Deputy Bailiff, and Jurats
Coutanche, Myles, Bonn, Orchard, Hamon, Gruchy,
Herbert, Rumfitt, and Potter.

The Attorney General

- v -

Darren Andrew Hanney

Sentencing by the Superior Number, to which the accused was remanded by the Inferior Number on 10th March, 1995, following guilty pleas to:

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.

Count 1: M.D.M.A.
Count 2: amphetamine sulphate.

and following a not guilty plea to:

1 count of possession of a controlled drug (amphetamine sulphate) with intent to supply it to another, contrary to the said Article 6(2) of the said Law;

but a guilty plea to the lesser charge of simple possession, which plea the Solicitor General accepted (Count 3).

AGE: 21.

PLEA: Guilty.

DETAILS OF OFFENCE:

Arrested attempting to sell drugs in a public house - in possession of 26 ecstasy tablets (MDMA) (count 1) and 20 wraps of amphetamine (count 2). A further 19 wraps of amphetamine found at his lodging (count 3). Weight of MDMA 309 mg. Weight of count 2 amphetamine 9.67 gr. Weight of count 3 amphetamine 9.02 gr. Value of MDMA £650. Value of amphetamine £570. Would have made £190. Plea of guilty almost inevitable.

DETAILS OF MITIGATION:

(1) plea of guilty; (2) co-operation; (3) youth; (4) naivety; (5) out of character; (6) motivation - needed money to live while awaiting first week's wages; (7) remorse - 4 yr. old child in Ireland with whom he might lose contact.

PREVIOUS CONVICTIONS:

None.

CONCLUSIONS:

Count 1: 4 years' imprisonment;
Count 2: 18 months' imprisonment;
Count 3: 1 year's imprisonment, all concurrent.

SENTENCE:

Count 1: 3 years' imprisonment;
Count 2: 18 months' imprisonment;
Count 3: 1 year's imprisonment, all concurrent.

The Solicitor General,
Advocate J.C. Gollop for the accused.

JUDGMENT

5 THE DEPUTY BAILIFF: Hanney has pleaded guilty to two counts of possessing a controlled drug with intent to supply to others and to one count of possessing a drug. The drugs were ecstasy, or M.D.M.A., a class A drug, which is the first count, and the other two counts concerned amphetamine sulphate, a class B drug.

10 Hanney was caught redhanded with paper-wraps containing the drugs. He had been observed about to deal in these drugs at the 'Warehouse' public house. He was also found to have the tablets in his possession. When arrested he gave a false name.

15 Later that evening he was driven to his home address by the police, who had by now obtained a search warrant. Just as the police car arrived with him at his address he ran away but was captured some 35 minutes later. We will accept that as an act of panic.

In his flat police found 19 paper-wraps hidden in a microwave oven. On his person they had found 20 wraps and 26 cream coloured

tablets. The tablets, of course, were the class A drugs, the wraps the class B drugs. He told the police that he was going to sell the former for £25 per tablet and the latter for £15 each.

5 His story is, as usual, defeatist. He had been out of work, short of money, and had been approached by a man whom he knew by sight but could not name. Temptation was put before him; he was told the drugs were given on the basis that they cost £760 and the un-named man would come and collect that sum. Hanney hoped to
10 sell the drugs for £950 and make an overall profit of £190.

Hanney was, until these events occurred, apparently hardworking. He is, for the purposes of this trial, a first offender. Sadly, those who deal in this filthy trade, for
15 whatever reason they give, have little thought to the consequences of what they are doing, particularly to young people. This Island has done Hanney no harm; he has worked and lived here and yet he has abused any hospitality that the Island may have shown to him in what I would consider to be a most shameful way.

20 We do not wish to get involved in comparisons with other cases, but we think that Hanney has been extraordinarily foolish. His youth, his work record, the references that have been supplied, and the other matters that have been most ably raised by
25 Mr. Gollop, however, lead us to the conclusion that 4 years' imprisonment is excessive. We are not in any way motivated by the argument, which is totally spurious, that hard times justify criminal activity of such a pernicious kind.

30 Hanney, you are, therefore, sentenced to 3 years' imprisonment on count 1; 18 months' imprisonment on count 2; 1 year's imprisonment on count 3, all concurrent. There will be an order for the forfeiture and destruction of the drugs.

Authorities

- A.G. -v- Griffin (13th February, 1995) Jersey Unreported.
- A.G. -v- Holmes (10th March, 1993) Jersey Unreported.
- A.G. -v- Marshman (16th June, 1994) Jersey Unreported.
- A.G. -v- Sumner (1st March, 1995) Jersey Unreported.
- A.G. -v- Kelly (16th January, 1995) Jersey Unreported.
- A.G. -v- Rayson (13th February, 1995) Jersey Unreported.
- A.G. -v- Watson (8th March, 1995) Jersey Unreported.
- A.G. -v- Doyle (8th March, 1995) Jersey Unreported.