

ROYAL COURT
(Samedi Division)

247.

20th December, 1996

Before: P.G. Blampied, Esq., OBE, Lieutenant Bailiff,
and Jurats Myles and Potter

The Attorney General

- v -

Andrew Paul Nixon

1 count 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 : amphetamine sulphate.

Plea: Guilty.

Age: 31.

Details of Offence:

106.82 grams (3.77 ounces) of amphetamine sulphate found at defendant's flat. Street value of £1,068 at £10 per wrap.

Details of Mitigation:

Defendant intended only to purchase one ounce. The dealer supplied too much and Nixon intended to return the balance. Defendant had been wholly co-operative and had admitted possession of the drug prior to the search. Had lost his job three weeks before the offence and was depressed. Intended only to sell some of the one ounce to his friends. He received a substantial redundancy payment and was not doing this for financial purposes. He was remorseful and regarded what he had done as being a stupid mistake. He had not touched drugs since the offence. Strong support of mitigation in the background report which recommended probation.

Previous Convictions:

One previous conviction for supplying cannabis in 1984 for which he was fined. No other convictions.

Conclusions: Nine months' imprisonment.

Sentence and Observations of the Court:

2 years' probation with 180 hours community service. Court reaffirmed general principle of custodial sentence but held that there were exceptional circumstances. The Court accepted that Nixon only expected to receive one ounce and that he was not doing this for commercial purposes but only intended to share it with close friends. The

Court was satisfied he desired to reform and took count of the support of his family and his remorse. He was to be treated as a first offender.

The Attorney General.
Advocate S.J. Crane for the accused.

JUDGMENT

5 THE LIEUTENANT BAILIFF: The policy of the Court is that those who trade in drugs for the purpose of earning money must expect to receive custodial sentences. Trafficking in drugs spreads distress and destroys young lives. However, no two cases are alike and the Court has had regard to circumstances which we think are exceptional.

10 The Court accepts that Nixon only expected to receive one ounce of amphetamine sulphate, and further accepts that because of his redundancy payment he was not seeking commercial gain; his intention was to share this Class B drug with close friends. We deplore this intention. We have, however, had particular regard to the Probation Report and Nixon's desire to abandon his former lifestyle and his wish to fulfil his potential.

15 We have listened to all that the Attorney General has said and to Mr. Crane's plea in mitigation. We have taken account of the support of Nixon's family and the letter from his former headmaster; his guilty plea; his age and his remorse. We are also prepared to treat him as a first offender. Accordingly, we are going to follow the recommendations of the Probation Service. Nixon, you are placed on two years' Probation on condition that you complete a period of 180 hours' community service within twelve months. Your Probation Officer will require you to refer yourself to the Drug Advisory Service and the Court hopes that you will take hold of the opportunity now made available to you. We order the forfeiture and destruction of the drugs.

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Authorities

Campbell, Molloy, MacKenzie -v- AG (1995) JLR 136 CofA.

AG -v- Bateman (8th May, 1996) Jersey Unreported.

AG -v- Chainey (11th October, 1996) Jersey Unreported.