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ROYAL COURT
(Samedi Division)

13th June, 1997

Sir Philip Bailhache, Bailiff, and
Jurats Herbert and Potter

The Attorney General

- v -

David Spencer

2 counts of supplying a controlled drug, contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978:
Count 1 : MDMA
Count 2 : Amphetamine sulphate.

3 counts of possession of a controlled drug, contrary to Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978:
Count 3 : MDMA
Count 4 : Amphetamine sulphate.
Count 5 : cannabis resin.

Plea: Guilty.

Age: 37.

Details of Offence:

Spencer was arrested at a local nightclub and found to be in possession of one tablet of Ecstasy, two wraps of Amphetamine Sulphate and a small nugget of Cannabis Resin. He was also in possession of £632 in cash. On being taken to Police Headquarters he readily agreed to a search of his home address and drew the attention of the officers to items at his home address confirming his involvement in the supply of drugs. He admitted selling a total of 45 Ecstasy tablets and 40 wraps of Amphetamine Sulphate and retaining five tablets of Ecstasy and 15 wraps of Amphetamine Sulphate for his own use. But for his admissions it would not have been possible to prosecute him for the supply of Class A and Class B drugs

Details of Mitigation:

Considerable mitigation in respect of his circumstances. He had suffered more misfortunes than most in the break-up of his marriage, turning to alcohol and being declared en-désastre following a previously good employment history. At the time of sentence he was making strenuous efforts to improve his ability to work by retraining. Fully co-operative with the police, to the extent of "writing his own indictment"

Conclusions:

Count 1 : 3½ years' imprisonment.
Count 2 : 15 months' imprisonment, concurrent.
Count 3 : 6 months' imprisonment, concurrent.
Count 4 : 1 month's imprisonment, concurrent.

Count 5 : 1 week's imprisonment, concurrent.

Sentence and Observations of the Court:

Conclusions granted. Court had given the matter very anxious consideration but at the end of the day the Defendant consciously and in the knowledge of the policy of the Court and the Island embarked on a course of selling drugs in order to make money.

A.R. Binnington, Esq., Crown Advocate.
Advocate A. Messervy for the accused.

JUDGMENT

THE BAILIFF: The Court has given very anxious consideration to the submissions of counsel and to the matters set out in the background report prepared by the Probation Officer.

5 There is a great deal to be said for the defendant in the sense that he has in many ways suffered more than most so far as the slings and arrows of fortune are concerned.

10 At the end of the day however we have a defendant who quite consciously and in the knowledge of the policy of the Court so far as trafficking in Class A drugs is concerned embarked upon a course of selling drugs in order to make money. Having regard to that indisputable fact the Court cannot fault the approach of the Crown Advocate in his conclusions. The conclusions are
15 accordingly granted. Spencer, on count 1, you are sentenced to 3½ years' imprisonment; on count 2, you are sentenced to 15 months' imprisonment, concurrent; on count 3, you are sentenced to 6 months' imprisonment, concurrent; on count 4, you are sentenced to 1 month's imprisonment, concurrent; on count 5, you are
20 sentenced to 1 week's imprisonment, concurrent, making a total of 3½ years' imprisonment. We order the forfeiture and destruction of the drugs.

Authorities

Campbell, Molloy and MacKenzie (1995) JLR 136 CofA.

AG -v- Wood (15th February, 1994) Jersey Unreported.